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TEXAS
State Affordable Housing Corporation

2026 Multifamily Tax-Exempt Bond Programs Policies and Request for Proposals

Approved by TSAHC Board: August 19, 2025

Texas State Affordable Housing Corporation
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The Texas State Affordable Housing Corporation (the "Corporation") has approved these policies and request for proposals ("RFP") for its multifamily tax-exempt bond programs for calendar year 2026. These policies and RFP are updated annually to inform the public of the Corporation's process and guidelines for selecting residential rental properties to be financed with tax-exempt bonds, or similar obligations (the "bonds") issued by the Corporation. All project applications must be submitted for review of threshold and scoring criteria at least 35 days prior to any presentation to the Corporation's Board of Directors (the "Board" or "Directors") for an Inducement Resolution.

1. Introduction

A. The Corporation is a public nonprofit corporation that primarily serves the housing needs of low, very low and extremely low-income Texans and other underserved populations who do not have comparable housing options through conventional financial channels. The Corporation accepts applications from developers ("Developers") to acquire and rehabilitate, or construct new affordable residential rental developments ("Developments"). Pursuant to §§2306.554, 564 and 565 of the Texas Government Code, the Corporation is authorized to issue qualified 501(c)(3) bonds and to direct the Texas Bond Review Board (the "TBRB") on the issuance of the portion of the State of Texas' ("State") private activity bonds ceiling set aside for the Corporation under §1372.0231(a) of the Texas Government Code. The Corporation's available volume cap for private activity bonds is 10% of the State's available volume cap for residential rental private activity bonds. For 2026, the amount is estimated to be approximately $98 million. This volume cap is available for reservation until August 14, 2026. Thereafter, the Corporation will be able to apply to reserve any additional available volume cap through the TBRB. There are no deadlines or sizing limitations on the amount of qualified 501(c)(3) bonds that the Corporation may issue.

B. These policies and RFP have been adopted by the Corporation's Board based on a review of the state's strategic housing needs, the demonstration of local community support, and solicitation from local and regional housing organizations, pursuant to §2306.565 of the Texas Government Code. This RFP defines the methodology that staff will use to review applications and creates the criteria for scoring and ranking applications.

C. This RFP will be extended month-to-month until such time as the Corporation chooses to close the RFP to further submissions, based on the amount of funds awarded or induced by the Board. A notice that the RFP has closed will be posted to the Corporation's website, and written notice will be provided to any Developers who submit an application prior to the release of the closing notice. The Corporation reserves the right to re-open the RFP at any time.

D. Contact Information. All questions about the RFP and application process can be directed in writing to:

Development Finance Program
Texas State Affordable Housing Corporation
6701 Shirley Avenue
Austin, Texas 78752
Tel. 512-477-3555
Email: MFBonds@tsahc.org

2. Targeted Housing Needs. Pursuant to §2306.565(b) of the Texas Government Code, the Board has identified target areas of housing need within the State ("Targeted Housing Needs") for the issuance of qualified residential rental project bonds. The Targeted Housing Needs are based on research conducted by the Corporation, including a review of the State's strategic housing needs, relevant housing needs assessments and information from local and regional stakeholders. To this end, the Board has adopted the following Targeted Housing Needs. The Corporation will only accept applications in response to this RFP that fulfill at least one of the Targeted Housing Needs.

A. *At-Risk Preservation and Rehabilitation*. The preservation and rehabilitation of existing affordable rental housing is defined as existing housing in need of significant structural repairs and mechanical systems updates. The housing currently has a recorded regulatory agreement or land use restriction agreement (the "LURA") placed on it by a public body, or currently has rental rates below market value which make it feasible to convert and preserve as affordable housing. Rehabilitation activities must result in the housing units being brought up to current energy efficiency, housing quality, local building code and accessibility standards. Developments may include temporary tenant relocation expenses but may not cause the permanent relocation of existing low-income tenants. Public housing developments participating in the U.S. Department of Housing and Urban Development's Rental Assistance Demonstration program are eligible under this section;

B. *Rural and Smaller Urban Markets*. The Corporation is dedicated to expanding access to rental housing in rural and smaller urban markets that are not generally targeted for housing expansion. Rural rental housing developments must be located within an area that is: (a) outside the boundaries of a primary metropolitan statistical area (PMSA) or metropolitan statistical area (MSA); or (b) within the boundaries of a PMSA or MSA, if the area has a population of 20,000 or less and does not share a boundary with an urban area based on USDA census tract designations. Smaller Urban Markets rental housing developments must be located within a city of less than 150,000 persons; but not within a County of more than 500,000 persons, and not adjacent to an urban area based on USDA census tract designations;

C. *Senior or Service Enriched Housing*. Senior or Service Enriched Housing must meet at least one of the following definitions in order to qualify under this Targeted Housing Need category.

i. A proposed Development that meets the requirements of the federal Fair Housing Act and: a) is intended for, and solely occupied by, individuals 62 years of age or older; or b) is intended and operated for occupancy by at least one individual 55 years of age or older per unit, where at least 80% of the total housing units are occupied by at least one individual who is 55 years of age or older; and where the owner publishes and adheres to policies and procedures which demonstrate an intent by the owner and manager to provide housing for individuals 55 years of age or older. (See 42 U.S.C. Section 3607(b));

ii. A proposed Development that provides for integrated, affordable and accessible housing that offers the opportunity to link residents with on-site or off-site services and supports that foster independence for individuals with disabilities and households facing homelessness. Such Developments will a) reserve at least 10% or more of their units for households earning 30% or less than the area median income; and b) provide free access to four monthly onsite or off-site services focused on households at risk of homelessness, persons with disabilities or other resident services approved by TSAHC; or

iii. A Development financed in accordance with limitations set by the Internal Revenue Service on Assisted Living Developments, and a) is affordable rental housing combined with minimal on-site medical or supportive services; b) is targeted to persons with disabilities, but with at least 75% of units open to any qualified renter; and c) has at least 10% of its units affordable to persons earning less than 30% of the area median income.

D. Disaster Relief Housing. The Corporation will consider any eligible multifamily residential rental housing Development, including rehabilitation and new construction, located in any one or more Texas counties identified in a Federal Emergency Management Agency disaster declaration where the declared disaster resulted in the loss or destruction of housing units to be eligible for financing under this RFP. TSAHC will only consider the time period 18-months after the initial declaration for eligibility.

3. Housing Needs Set-Aside. To ensure that bonds will be available for specific housing needs, the Corporation has determined that until March 1, 2026, 20% of its annual available volume cap will be reserved for developments that:

A. Include at least 50% of housing units located in a qualified Rural or Smaller Urban Market, as described by this policy; or

B. Include at least 10% of housing units built to be accessible for persons with mobility impairments or persons earning less than 30% of the area median income.

4. Application Submission. The Corporation will publish an application package to its website. Developers should download and complete the application pursuant to the guidelines for completion included in the application instructions. The Corporation requires a nonrefundable application submission fee of $2,000 for Private Activity Bonds or $2,500 for 501(c)(3) bonds.

5. Application Review and Management.

A. The Corporation will accept applications on an ongoing basis starting on October 6, 2025 and until either 1) all of the anticipated private activity bond volume cap for 2026 has been allocated to applications with approved inducement allocations, or 2) until May 1, 2026. After May 1, 2026, the Corporation may reopen the acceptance window in order to either 1) accept applications for the State of Texas' annual private activity bond volume collapse or 2) to utilize volume cap freed up from previous applications that were not able to close.

B. Each application will be provided a submission date (Submission Date) based on the date the complete application and all fees were received by the Corporation.

C. The Corporation requires at least 35 days to review an application for threshold and scoring criteria, before any presentation to the Board for approval. All applications that have completed the review process and fulfill the Corporation's threshold and scoring criteria will be presented to the Board for consideration of the approval of an inducement resolution ("Inducement Resolution").

D. The Corporation may delay the presentation of an application to the Board if there are errors, omissions or insufficient documentation that the Corporation deems necessary to complete its review. Once all errors, omissions or insufficient documentation have been corrected, the application will receive a new Submission Date. If an application fails to fulfill the minimum threshold and scoring criteria, the application will be terminated and will not be considered for further review.

E. Once an Inducement Resolution is approved, Developments must be able to move forward with an application for a reservation of private activity bond volume cap within 90-days. If a Development cannot proceed within this timeline, the Corporation may assign the project a new submission date and place the application at the end of our application pipeline, behind applications submitted after the original submission date.

F. The Corporation may require a Developer to withdraw and resubmit an application for reservation of private activity bond volume cap, if the Developer is unable to submit their application for 4% housing tax credits within 30-days of the date of issuance of the docket number for their reservation from the Texas Bond Review Board. This requirement allows for better management of the Corporation's pipeline and reduces the need to obtain new docket numbers later

in the review and approval process.

G. The application and all materials submitted to the Corporation constitute public records subject to Tex. Gov't Code, Chapter 552. The application includes a certification acknowledging that the signatory has the authority to release all materials for publication on the Corporation's website and release them in response to a request for public information and make other use of the information as authorized by law. This includes all third-party reports, which may be posted in their entirety on the Corporation's website, as they constitute a part of the Application.

6. Threshold Criteria. All applications submitted to the Corporation must meet the following minimum Threshold Criteria ("Threshold Criteria") to be considered for an issuance of bonds by the Corporation. Applications that do not meet the criteria listed below will be subject to termination by the Corporation.

A. Affordability Threshold.

i. The Corporation seeks to provide housing to a mix of eligible households, including low, very-low and extremely-low income persons. Developers who are successful at receiving an award of private activity bonds shall agree to the following minimum terms and conditions through a regulatory agreement associated with the Development ("Regulatory Agreement"). At a minimum, all Developments will be required to meet the following income and rent restrictions:

a. A minimum of twenty percent (20%) of the units in a qualified residential rental development must have gross rents that are restricted to households with incomes no greater than fifty percent (50%) of the area median income ("AMI"), adjusted for family size, or at least forty percent (40%) of the units in the Development must be affordable to persons and families with incomes at or below sixty percent (60%) of the AMI, adjusted for family size.

b. Rent Restrictions. Gross monthly rent charged on an income restricted unit will not exceed 30% of the applicable AMI.

ii. Affordability Requirements shall be maintained for of the greater of 15 years or as long as the Qualified Project Period, as defined in the Regulatory Agreement, for the bonds is in effect.

B. Experience Threshold. Developers must demonstrate sufficient experience in the development and ownership of affordable housing. Developers must submit evidence that they have been involved in the development and ownership of at least 50 units of affordable housing using housing tax credits. The Corporation may only give credit for projects that are determined to be successful examples

of affordable housing development, which includes properties in continuing operation and currently in compliance, and any other factors that the Corporation determines to be relevant.

C. *Construction Threshold*. All Developments, new construction and rehabilitation, must adhere to local building codes and standards. If a Development is planned in an area or community that does not have local building codes, then the most recent and approved version of the International Building Code or International Residential Building Standards must be used. A certification from the Developer's architect, engineer or other third-party construction supervisor must be submitted prior to closing of the bonds or other obligations to be issued by the Corporation in connection with the financing. For Developments requiring rehabilitation of existing housing units, the Corporation will require the submission of a physical conditions inspection report and may conduct an onsite inspection of the property in order to complete its underwriting process. The Corporation may also suggest reasonable changes to the rehabilitation scope of work based on its inspection.

D. *Compliance Threshold*. All Developments must adhere to the Corporation's Compliance Policies, which can be viewed on the Corporation's website at: www.tsahc.org. Developers and their affiliates will also be evaluated on prior compliance history with the Corporation's and any other state or federal affordable housing program. The Corporation will require through its application process the submission of compliance information and references in order to evaluate a Developer's compliance history.

E. *Resident Services Threshold*. The Corporation strives to maintain excellent resident services programs in the properties it finances. To meet this goal and better serve low-income tenants, Developers must maintain a sustained resident services program that provides at least six (6) approved services to tenants per quarter. Developers must ensure a dedicated budget for services, free transportation to services if off-site, and preferably on-site staff to direct services. The six (6) services may be taken from the Corporation's Resident Services Program Guidelines, available on our website at: https://www.tsahc.org/property-managers/compliance.

F. *Energy Efficiency Threshold*. All Developments must adhere to the most recently adopted energy and water conservation design standards published by the Texas Comptroller's State Energy Conservation Office. As of January 1st, 2021 the most recently adopted codes include ASHRAE 90.1-2016 or 2018 IECC. Applications must include a certification from the project's architect, engineer or third party inspector confirming the building plans adhere to this requirement. Additional incentives for Green Building methods and energy efficiency are included as scoring items.

G. *Environmental Review Threshold*. Prior to closing, the Developer is required to

conduct a Phase I Environmental Site Assessment. At or prior to the closing of the financing, the Developer will be required to provide an environmental indemnity in the form satisfactory to the Corporation. For properties located in a Flood Plain with 1-percent annual chance of flooding, as identified by the Federal Emergency Management Agency (FEMA), Developers must provide a mitigation plan drafted by the Development's project engineer. The mitigation plan drafted by the project engineer must be submitted with the initial application and either 1) demonstrate that the Development will be built so that all residential and common use buildings are 18 inches or more above the stated flood plain, or 2) that flood risks can be mitigated through automated systems.

H. *Relocation Threshold*. All Developments involving the rehabilitation, reconstruction or demolition of existing housing must provide evidence that all tenants, lease holders, property owners and/or residents have been notified at least 30 days prior to the submission of the bond reservation application to the TBRB, that:

   i. The Developer intends to rehabilitate, reconstruct or demolish existing housing units; and

   ii. The Developer must ensure that tenants' rights under all federal, state and local housing laws are upheld, including but not limited to extended lease agreements, rental assistance, and relocation assistance.

I. *Accessibility Threshold*. All Developments must be designed, built and rehabilitated to adhere with the Fair Housing Accessibility Standards, Title II and III of the Americans with Disabilities Act, and §2306.514 of the Texas Government Code. Developers are encouraged to review these guidelines with their architects and/or construction teams prior to application submission. All applications must include a letter from the project architect, engineer or contractor certifying that the final construction plans and/or rehab plan will meet or exceed the above listed federal and state accessibility standards.

J. *Community Support Threshold*. Developers are required to collect and submit at least two letters of support with their application. The letters must state that the author is in support of the project, its use as affordable housing and, if applicable, their recognition that the Development may be subject to a property tax exemption. All letters of support or opposition must be provided to the Corporation, as they are received, even after the application has been submitted. Developers must submit with their response to the RFP two (2) of the following documents in order to demonstrate community support for the proposed Development:

   i. A letter of support from one or more of the following: Mayor; City Manager; City Administrator; Local Housing Finance Agency; Local Public Housing Agency; School District Superintendent; or County Judge, in the jurisdiction in which the Development is located;

ii. An approved resolution of support from the City Council, Local School Board or County Commissioner's Court. An approved resolution fulfilling the requirements for housing tax credits pursuant to section 2306.67021 of the Texas Government Code (aka Resolution of No Objection) will be acceptable for this item;

iii. A letter of support from an affected neighborhood association, Chamber of Commerce or tenant council of a Development to be acquired;

iv. Evidence that a local government (city or county) entity is providing funding for the Development in the form of a signed award letter or loan commitment; and/or

v. A letter of support from the State Representative or Senator representing the district in which the proposed Development is located.

K. Underwriting Threshold. The Corporation generally applies the same underwriting standards as required by the Texas Department of Housing and Community Affairs ("TDHCA"), to ensure consistency with the low-income housing tax credit underwriting process. The Corporation must receive all third party reports, including but not limited to property condition assessments, environmental reports, market analysis and appraisals, that are required to be submitted to TDHCA. Additional minimum underwriting standards include:

i. All Developments, and each property within a pooled transaction, must maintain a minimum Debt Coverage Ratio ("DCR") of 1.15 for a period of no less than 15 years as underwritten by the Corporation;

ii. The Corporation generally does not permit amortization periods of more than 40 years. The Corporation may consider longer amortization schedules for service enriched and extremely low-income housing developments;

iii. The Corporation will include a reserve for replacement expense of not less than $250 per unit annually for new construction developments and $300 per unit annually for rehabilitation developments in the operating expenses for each Development. The Corporation may require a higher reserve amount based on information provided in the Property Condition Assessment (the "PCA");

iv. Compliance fees will be included in the estimate of operating expenses and will include, at a minimum, the Corporation's Asset Oversight and Compliance Fee, as well as any fees required by TDHCA or other financial sources; and

v. The Corporation will include other reasonable and documented expenses, including, but not limited to, depreciation, interest expense, lender or syndicator's asset management fees, or other ongoing partnership fees in its underwriting analysis. Lender or syndicator's asset management fees

or other ongoing partnership fees will not be considered in the calculation of debt coverage.

L. *Property Tax Exemption*. Developers must certify that they will, or will not, apply for a property tax exemption or payment in lieu of taxes ("PILOT") agreement to reduce the property taxes due to local taxing entities. If a Developer agrees not to apply for a tax exemption or PILOT agreement, the Corporation will require a restriction to be added to the financing documents that prohibits any future application for exemption. If a Developer states that they will or may apply for a tax exemption or PILOT agreement, the Corporation will require a notification to the local tax appraisal district, school district superintendent and the County Judge where the Development is located that such an exemption or agreement will be requested. Developers will also be required to submit confirmation of any exemptions or final agreements to the Corporation.

M. *Readiness to Proceed*. Developers must be able to demonstrate that the proposed Development is ready and able to move forward with the proposed financing. To do so the following documents are required to be submitted with the application.

   i. A letter from the Developer's counsel stating that there are no known lawsuits or other legal actions against the Developer, Developer's affiliates or involving the proposed Development site; and

   ii. A copy of the application, letter of intent or term sheet from the proposed bond purchaser, underwriter, or originator. Letters of intent or term sheets from the proposed tax credit equity purchaser must be submitted prior to submission of an application for reservation of private activity bond volume cap; and

   iii. An itemized list of each planned funding source, with application submission dates, approval dates and earliest possible closing dates. All closing dates must be withing the anticipated closing date of the bonds or a capital source has been identified to bridge those funds until available.

N. *Public Benefit Threshold for 501(c)(3) Bonds Only.* Pursuant to §2306.563 of the Texas Government Code and this Policy, the Corporation requires that all nonprofit organizations that receive an issuance of qualified 501(c)(3) bonds must invest at least one dollar in projects and services that benefit income-eligible persons for each dollar of property taxes that is not imposed on the Development as a result of a property tax exemption received under §§11.182 and 11.1825 of the Texas Tax Code. Projects and services must benefit income-eligible persons in the county in which the Development supported with the tax exemption is located and must consist of: (1) rent reduction; (2) capital improvement projects; or (3) social, educational, or economic development services, referred to hereafter as qualified public benefits ("QPB"). The Corporation has determined that the following guidelines are reasonable for the calculation and accounting of QPB:

i. The Corporation shall require the value of any property tax exemption to be included in the operating budget of the Development and escrowed with the Trustee in an account (the "QPB Account") prior to the repayment of any debt, management fees, performance fee, or any other fees that the Corporation determines relevant. The QPB account may be funded in advance with funds withdrawn for repayment of QPB activities, or may be included on the operating ledger as an account payable with QPB expenditures credited against the balance. On or before January 1st of each calendar year starting after the closing of the bonds, the Developer shall provide to the Corporation an estimate of the value of property tax exemption for that calendar year based on the appraised value provided to the Development by the county tax appraiser where the Development is located. The balance of funds to be escrowed or credited in the QPB Account may be reduced each month in an amount equal to the value of QPB expended by the Development each month. In the event that the QPB Account has a balance of funds existing, or owed as an account payable, if applicable, at the end of the calendar year the Developer or its guarantors shall advance the balance to the appropriate taxing entities on a pro rata basis. The QPB Account imposed by this section will be reduced by an amount equal to each dollar that, in lieu of taxes, a Developer pays to a taxing unit for which the Development receives an exemption prior to the end of the calendar year.

ii. The Corporation has determined that the value of QPBs will be calculated in the following manner:

    a. The value of rent reductions will be calculated using the difference between the most recent fair market rent (the "FMR") published by the U.S. Department of Housing and Urban Development (the "HUD") and the actual rent collected in each lease agreement. This includes rent concessions granted to households upon move-in, but not the absence or forgiveness of deposits. Rent reductions must be accounted for on a monthly basis, documented in each individual lease agreement that receives the benefit, and a notice given to each resident of the annual value of their rent reduction. Units that receive rental assistance payments of any kind are excluded from rent reduction calculations.

    b. The value of capital improvements will be determined on a case-by-case basis for each Development and be specific to each Development or property within a pooled transaction. Capital improvement costs will not include regular maintenance, general repairs, or make ready costs associated with the daily operations of the Development. The Development may include the cost of rehabilitation to be completed as part of the issuance of new

501(c)(3) bonds or approved capital improvements paid for with proceeds from grants, tax credit equity, bond proceeds, loans or other forms of taxable debt, and may amortize the cost of those capital improvements over a five (5) year period. The repayment of taxable debt for capital improvements pursuant to this section B that actually reduces the equivalent amount of such taxable debt payable will be paid out of escrowed funds or credited against the QPB Account. Capital improvements may not account for more than 75% of the total annual QPB requirement.

c. The value of social, educational, or economic development services may be based on (1) the actual dollar amount expended by the Development towards such services at the time such services are provided to residents; (2) the value of volunteer services provided and coordinated by the Developer or its affiliates; and (3) the cost saving provided to tenants through services such as free on-site day care, free after school care and free lunch programs. The Development may only include the cost of services approved by the Corporation and must not include the value or cost of services provided to residents free of cost by third party entities.

iii. The Corporation will require each Developer to certify that the Public Benefit Threshold has been met in accordance with this policy, and any future revisions of this policy, in their annual audit, to be filed with the Corporation within 120 days of the beginning of each fiscal year of the Development.

7. Scoring. Pursuant to §2306.565(e) of the Texas Government Code, the Corporation's Board has adopted the following criteria to score and rank applications to the PAB program. The first three scoring criteria are required by state statute. The remaining criteria support the Corporation's goals to target specific housing needs and underserved areas in the state. Applicants must achieve a minimum score of 50 points.

A. Cost Per Unit of Housing. Applications may receive up to 15 points for proposing housing developments with total residential costs within the following ranges:

i. 15 points for:

a. Acquisition and rehabilitation costs equal to or less than $200,000 per unit

b. New construction costs equal to or less than $230,000 per unit; or

ii. 8 points for:

a. Acquisition and rehabilitation costs equal to or less than $225,000 per unit

b. New construction costs equal to or less than $250,000 per unit: or

iii. 15 Points for rehabilitation costs that exceed $40,000 per unit in projects that meet the At-Risk Preservation and Rehabilitation Targeted Housing Need.

B. Proposed Rents. Applications may receive up to 15 points for proposing Developments that ensure a percentage of rents are affordable to very low and extremely low-income households.:

i. 15 points – at least 10% of units will be reserved for families who earn 30% or less of the area median income; or

ii. 10 points – at least 40% of units will be reserved for families who earn 50% or less of the area median income.

C. Income Range for Residents. The Corporation is interested in promoting mixed income housing as a means to improve the lives of residents and build stronger communities. Applications that propose to ensure the following mixed income guidelines will receive 15 points:

i. At least 20% of the total number of housing units will be available to person earning more than 60% of the area median income; or

ii. At least 15% of the total number of housing units will be reserved for persons earning between 80% and 120% of the area median income.

D. Small and Mid-sized Cities. Applications will receive 10 points for Developments located in communities with populations less than 150,000 but not located adjacent to a PMSA or MSA with a total population of more than 500,000; or within the boundaries of a PMSA or MSA, if the area has a population of 20,000 or less and does not share a boundary with an urban area.

E. At-Risk Preservation. Applications will receive 10 points for the acquisition and rehabilitation of Developments with current affordable housing rental contracts or land use restrictions. Applicants must demonstrate that the current rental voucher contract or land use restriction agreement ("LURA") will be extended for at least 15 years from the date of closing.

F. Green Building Features. Applications will receive 10 points for obtaining a certification from a qualified third party that the Development meets either:

i. The minimum certification requirement of the U.S. Green Building Council's LEED ("LEED") program: or

ii. The Development achieves an Energy Star score for multifamily developments of 70 or higher; or

iii. Receives certification from an alternative local or statewide energy efficiency program, that has been approved by the Corporation. Applicants

must submit information regarding the program to be used for scoring along with their application, and the Corporation will determine eligibility, in its sole discretion.

Applications will receive an additional 5 points (maximum of 15 points for this criterion) for meeting the Gold or Platinum certification standards for the LEED program, or an Energy Star score for multifamily development of 80 or higher. Certification may be based on the proposed construction plans, and the Development must obtain an official certification after completion of construction or rehabilitation.

G. *Increased Accessible Housing*. Applications, including those involving the rehabilitation of existing housing units, can receive 10 points for certifying that the Development will provide a higher percentage of units that are accessible for persons with disabilities. Applications must include a letter from the project architect, engineer or contractor certifying that the final construction plans and/or rehab plan will provide twice the minimum federally required accessible units. This equates to at least 10% of units designed for persons with mobility impairments and 4% of units with features for persons with hearing or visual impairments.

H. *Local Public Funding.* Applications will receive 10 points for providing evidence that a commitment or award of financial support of at least $1,000 per unit has been made by a unit of government to the proposed development. The only qualifying units of government will be Counties, Cities, Municipal Utility Districts, School Districts and Councils of Government. The Corporation considers fee waivers, grants and loans as financial support.

I. *Letters of Local Support*. Applications will receive 15 points for submitting at least four letters of support from any combination of persons or entities listed in Section 6(j), *Community Support Threshold*.

J. *Developer Experience*. Applications will receive 5 points for providing evidence that the Developer currently owns, and maintains in compliance, a number of multifamily housing units at least twice the amount proposed in the Application.

K. *Resident Services*. Applications will receive 10 points for agreeing to provide at least four (4) approved services to tenants on a monthly basis. This scoring criterion is a higher standard than the Corporation's threshold criteria for resident services.

L. *Competitive Cycles and Tie Breakers*. Applications are accepted on a daily basis and may be scored and ranked with all other applications received by 5pm on the same day. In the event several applications are received on the same day and total requests for volume cap exceed the estimated amount available to the Corporation in 2026, Applications will be prioritized and ranked in the following manner:

i. First, Applications that meet the Housing Needs Set-Asides of Section 3 of this document will be considered priority 1 projects. All other projects will be labeled as priority 2 projects: then

ii. Priority 1 applications will be ranked by score and allocated volume cap based on their ranking. If two or more applications have the same score then the following tie breakers will be used.

   a. The application with the highest percentage of units serving households at or below 50% of area median income will be given priority, if tied then

   b. The application with the highest total unit count, if tied then

   c. The application with the lowest total development costs per unit will be given priority.

iii. Priority 2 applications will be ranked by score and will only be allocated volume cap if there is enough available. In the event of a tie among Priority 2 applications, the same tie breaker criteria will be used as for Priority 1 applications. Staff may recommend applications be induced to receive a forward commitment of volume cap in the following allocation year (i.e. an application applying for 2026 volume cap would receive 2027 volume cap) only if such reservation will not commit more than 25% of the next year's estimated allocation.

8. Subsequent Filing Requirements. Prior to final approval of the bonds of other obligations by the Board or the TBRB, Developers may be required to file such additional documents or statements in support of their Development as may be considered relevant and appropriate by the Corporation, which may include but are not limited to:

A. Such additional information as requested by the Corporation's Municipal Advisor, Bond Counsel, or Issuer's Counsel;

B. A draft of any term sheet, official statement, prospectus, or other offering memoranda through the use of which the proposed obligations are to be offered, sold or placed with a lender, purchaser, or investor, which offering, sale or placement materials must contain prominent disclosure substantially to the effect that:

   i. Neither the Corporation nor the State has undertaken to review or has assumed any responsibility for the matters contained therein except solely as to matters relating to the Corporation and to a description of the obligations being offered thereby;

ii. All findings and determinations by the Corporation and the State, respectively, are and have been made by each for its own internal uses and purposes in performing its duties under the legislation enabling the Corporation and this RFP;

iii. Notwithstanding its approval of the obligations and the Development, neither the State nor the Corporation endorses or in any manner, directly or indirectly, guarantees or promises to pay such obligations from any source of funds of either entity or guarantees, warrants, or endorses the creditworthiness or credit standing of the Developer or of any Guarantor of such obligations, or in any manner guarantees, warrants, or endorses the investment quality or value of such obligations; and

iv. Such obligations are payable solely from funds and secured solely by property furnished and to be furnished and provided by the Developer and any Guarantor and are not in any manner payable wholly or partially from any funds or properties otherwise belonging to the Corporation or the State.

9. Public Hearings and Meetings.

A. The Corporation's Board, at its own discretion, may require any Developer to attend a meeting to review the Developer's experience, qualifications, and/or the characteristics of a Development.

B. The Corporation requires the Developer or a representative of the Developer, to attend public hearings where a Development is proposed. If the Development includes multiple sites in several cities, the Corporation will conduct the hearing at a location central to all development sites. All public hearings must be held prior to the final approval of the resolution authorizing the issuance of the requested debt by the Corporation's Board.

C. With respect to public hearings required by Section 147(f) of the Internal Revenue Code and the related regulation ("TEFRA"), the Corporation will plan and post notice, at the expense of the Developer, of the hearing in the Texas Register and on the Corporation's website at least seven (7) days prior to the planned TEFRA hearing. The Corporation will schedule an appropriate date, time and location for TEFRA hearings based on the schedule of publication.

D. The TEFRA Hearing may not be held (and notice of such Hearing may not be published) prior to the date the Corporation approves the Inducement Resolution; provided, however, that such hearings may be scheduled and posting of the hearing notice may be prepared prior to selection as long as (a) the Corporation's staff determines that such action is appropriate, (b) the hearing and publication of notice do not actually occur until after selection by the Corporation, and (c) the Borrower provides the deposit to the Corporation set

forth herein.

10. Awards and Reservation of Volume Cap.

A. Once the Corporation has approved an Inducement Resolution for a Development, the Corporation and its Bond Counsel will work with the Developer to prepare and time the submission of the application to reserve volume cap (Reservation Application) to the TBRB;

B. Applications approved for Inducement for the Corporation's 2026 allocation of private activity bonds will have until May 1, 2026 to notify the Corporation and its Bond Counsel they are prepared to move forward with a Reservation Application. Those not prepared to move forward, will be placed to the back of the list of Inducement Resolutions, and must be prepared to submit a Reservation Application within one year from the date of Inducement or the Corporation, in its sole determination, may terminate the award.

C. In the event the Corporation has approved Inducement Resolutions in excess of its annual allocation, a Developer may choose to submit their Reservation Application to the TBRB to be considered for allocation on or after August 15, 2025, pursuant to Section 1372.022 of Texas Government Code. The Corporation cannot ensure the availability of private activity bond volume cap on or after August 15, 2025.

D. The Corporation reserves the right in its sole discretion to modify, suspend or amend this program at any time, with or without further notice to any interested party. All costs incurred in the response or application process are the sole responsibility of the Developer. All decisions of the Corporation are subject to such additional conditions, restrictions and requirements as determined by the Corporation in its sole discretion. In addition, the Corporation's selection of proposed Developments for possible issuance of private activity bond cap is subject to final approval by the TBRB.

11. Bond Review Board Approval.

A. Bonds, notes or similar obligations issued by the Corporation are subject to approval by the TBRB. TBRB rules provide an optional exemption from the formal approval process for the Corporation's multifamily conduit transactions unless such transactions involve an ad valorem tax reduction or exemption. If no ad valorem tax exemption or reduction is requested with respect to the Development, the formal TBRB approval process may not be required. However, if one or more TBRB members request it, the formal TBRB approval process must be followed. If so, representatives of the Developer are expected to attend the TBRB planning session and the TBRB meeting at which the Development will be considered for approval. Additional information may be requested by TBRB members, and the Developer's cooperation in providing this information is required.

B. If the formal TBRB approval process is required, the Corporation, with the assistance of its Bond Counsel, will prepare and file the notice of intent and the TBRB Application for the Development. The Corporation will file the notice of intent and the TBRB Application with the TBRB only if it has timely received all required information and documentation for the completion of the TBRB Application from the Developer and/or its consultants.

12. Fees. Developers shall be responsible for fees and expenses incurred as a result of bonds or other obligations issued on their behalf (the "Cost of Issuance"). Up to two percent (2%) of the Cost of Issuance may be financed through tax-exempt obligation proceeds and will be considered part of the obligations authorized for issuance by the Corporation, where eligible under the federal tax code. Developers shall commit to pay from other sources any Costs of Issuance not payable from tax-exempt obligation proceeds. The following fees are payable at the times and in the amounts as described below. ALL FEES ARE NONREFUNDABLE, EXCEPT AS OTHERWISE PROVIDED HEREIN.

A. *Application Fee.* Developers shall submit a nonrefundable fee of $2,000 for Private Activity Bonds or $2,500 for 501(c)(3) bonds, made payable to the Corporation, upon submission of the Application. Applications for refunding or restructuring require an application fee of **$5,000** plus deposit for professional fees of **$7,500**.

B. *Inducement Fee*. Developers shall pay a fee of $8,000, and an additional $1,000 for each property for Developments involving more than one (1) site, to cover expenses related to public hearings and the Reservation Application to the TBRB, within five (5) business days of the date the Inducement Resolution is approved by the Corporation's Board. Additional reimbursements for expenses related to public hearings and application for private activity bonds may be requested by the Corporation.

C. *Professional Fee Deposit*. Following the issuance of a reservation certificate for volume cap from the Texas Bond Review Board, Developers shall make a deposit with the Corporation which will be credited against fees and expenses incurred by the Corporation for the services of Bond Counsel, and Issuer's Counsel in connection with the proposed financing. Such deposit shall be $30,000, which represents a $20,000 deposit for Bond Counsel fees, and a $10,000 deposit for Issuer's Counsel fees (collectively, the "Professional Fee Deposit"). If the accrued fees and expenses of Bond Counsel and/or Issuer's Counsel exceed the amount of such Professional Fee Deposit, the Corporation may require the Developer to submit an additional deposit payment. The balance of any Professional Fee Deposit remaining after a transaction has failed to close and has been withdrawn from consideration, less a processing fee of $500.00, will be refunded to the Developer.

D. *Corporation Expenses.* Developers shall reimburse the Corporation for all costs and expenditures incurred by the Corporation that exceed the Corporation's

application and inducement fees paid to the Corporation by the Developer during the review, issuance and closing of a Development. Such expenditures include but are not limited to (i) on-site visitation of multifamily residential developments to be financed (or the site[s] therefore), (ii) any reports deemed necessary or appropriate by the Corporation and not otherwise provided by the Developer, (iii) all costs and expenses (including travel and related expenses) of conducting public hearings and related meetings [described herein] and (iv) such other activities, inspections and investigations as are deemed necessary or appropriate by the Corporation in connection with its determination of the suitability of the proposed Development for financing assistance to be offered by the Corporation. The Corporation will include any of the above expenditures in its closing fees estimate prior to the closing date.

E. *Municipal Advisor Fees*. The fee to be paid to the Corporation's Municipal Advisor, acting as a financial advisor to the Corporation for its issuance of debt transactions issued for the multifamily bond program, will be equal to 10 basis points (0.10%) on the principal amount of the municipal securities issued, subject to a maximum fee of $40,000 and a minimum fee of $15,000 per transaction. In addition, for an additional fee the Corporation's Municipal Adviser may also serve as the bidding agent with respect to all investment contracts to be entered into in connection with the investment of bond proceeds and revenues of the Developments. If the financing structure proposed by the Developer requires non-standard services to be performed by the Municipal Advisor or involves unique financing features including, but not limited to, multiple sites or complexes in a project, extreme credit quality concerns, hedge agreements, swap agreements, or trust structures, the fees to be charged by the Municipal Advisor will be subject to adjustment. Any such adjustment must be agreed to in writing by the Developer before the submission of the Reservation Application to the TBRB.

F. *Bond Counsel Fees*. Developer shall pay the fees of Bond Counsel, which will be determined based on the structure of the transaction but which will generally range from .75% to 1.5% of the par amount approved in the resolution authorizing the issuance of obligations as provided for in Section 16 of this document with a minimum fee of $50,000, All expenses incurred by Bond Counsel in connection with the Development will also be paid by the Developer. Bond Counsel shall receive an initial payment of $20,000 in advance upon submission of the Development's Reservation Application to the TBRB, which will be credited towards the final amount due Bond Counsel. Bond Counsel may request additional reimbursement of actual hourly costs or expenses from time to time directly from the Developer. Expenses include TEFRA notice publication, print or document publication, public hearing notices, Attorney General filing fees, and the preparation and filing of the TBRB Applications, printing and supplements thereto.

G. *Issuer's Counsel Fees*. The fee to be paid to Issuer's Counsel will be be based upon

the hourly rate in effect for the applicable period with the Corporation. In some instances the fees due to Issuer's counsel can be based on a fixed fee approved by the Corporation.

H. Closing Fees. Concurrently with the closing of the financing, the Developer shall pay or cause to be paid all fees and expenses in connection with the issuance of the obligations including Bond Counsel Fees, Municipal Advisor Fees, Issuer's Counsel Fees, TBRB Fees, and the actual amount of any closing or acceptance fees of any trustee for the obligations, any fees and premiums for casualty and title insurance, any security filing costs, any fees for placing the obligations, any fees and expenses of any compliance agent appointed in connection with the review of any property, any out-of-pocket expenses incurred by professionals acting on behalf of the Corporation, and any other costs and expenses, including issuance expenses, relating to the obligations, their security, and the Development. Additionally, the Corporation will receive a Closing Fee of fifteen basis points (0.15%) of the principal amount of obligations, based upon the maximum par amount approved in the resolution authorizing the issuance of obligations as provided for in Section 16 of this document, with a minimum closing fee of $20,000.

I. Administrative Fee. Until the final maturity of the obligations, or 15-years from the closing date, whichever is later, the Developer will pay an annual Administrative Fee, remitted through the respective bond trustee to the Corporation as designated by the Corporation, equal to ten (10) basis points (.10%) of the aggregate principal amount of the obligations outstanding, with a minimum annual fee of $5,000. The first annual payment of the Administrative Fee will be based upon the maximum par amount approved in the resolution authorizing the issuance of obligations as provided for in Section 16 of this document and must be paid at closing. The Administrative Fee is exclusive of the trustee's fee, compliance agent fee, rebate analysts' fee, asset-oversight management fee, audit fee, independent analyst fee, and any other costs or extraordinary costs as permitted under the respective bond documents. Payment of the Administrative Fee is to be covered by the bond credit enhancement and/or secured under the first mortgage on the property assigned to the bond trustee. The Corporation may require the payment of the Administrative Fee to be guaranteed by the Development owner and/or general partner(s).

J. Asset Oversight and Compliance Fee. Until the end of the Qualified Project Period, as defined in the Regulatory Agreement, an annual fee in an amount equal to the greater of $45 per unit or $2,500 for each property included in the Development shall be paid, remitted through the respective bond trustee, or other designee, to the Corporation in advance each calendar year. The first calendar year's fee shall be paid at closing. The second calendar year's fee, and all subsequent year's fees, shall be paid on or before March 10 of the applicable year. Beginning with the third annual payment the fee shall increase by 2% per annum, with a

maximum increase of 20% or ten annual increases. The Corporation may require the payment of the Asset Oversight and Compliance Fee to be guaranteed by the Development owner and/or general partner(s).

K. *Trustee's Fees.* The Developer shall select a bond trustee from a list of bond trustees approved by the Corporation to administer the funds and accounts pursuant to the trust indenture between the Corporation and the trustee bank. All trustee fees and expenses, including fees of trustee's counsel, will be approved by the Corporation and must be paid by the Developer.

L. *Auditor's Fees.* The Corporation may, at any time, over the life of the Development appoint an auditor to review the financial transactions under the bond documents, a compliance agent, and a rebate analyst to perform an analysis of rebate requirements with respect to the issue. Such fees and costs must be paid by the Developer.

M. *Continuing Costs.* Developers shall pay to the Corporation, in the manner described in the Development documents, the following amounts:

   i. Any amounts payable pursuant to any indemnity contract or agreement executed in connection with any financing by the Corporation completed as herein contemplated, and

   ii. The amount allocable to each Developer (whose financing has been completed) of costs and expenses incurred by the Corporation in the administration of the indemnity contract or agreement, any program established in connection with the financing of a Development, and any obligations of the Corporation, including an annual accounting and/or audit of the financial records and affairs of the Corporation. The amount of costs or expenses paid or incurred by the Corporation under this clause will be divided and allocated equally among all Developers whose financings have been completed.

N. *Changes in Fees.* The Corporation reserves the right at any time to change, increase or reduce the fees payable under this RFP. All fees imposed subsequent to closing by the Corporation under this RFP will be imposed in such amounts as will provide funds, as nearly as may be practical, equal to that amount necessary to pay the administrative costs of conducting the business and affairs of the Corporation, plus reasonable reserves therefore.

O. *Failure to Timely Pay Fees and Costs.* The Corporation will not consider submissions for future transactions proposed by Developers who are delinquent in the payment of any fees described herein.

13. Document Preparation. Bond Counsel will have the primary responsibility for the preparation of the legal instruments and documents to be utilized in connection with the financing of the Development by the Corporation. No bonds or other obligations

will be sold or delivered unless the legality and validity thereof have been approved by Bond Counsel and the Attorney General of the State of Texas. The Developer and its legal counsel shall cooperate fully with Bond Counsel, the Municipal Advisor, the Issuer's Counsel and the Corporation's agents in the preparation of such materials.

14. Material Changes to Financing Structure. Any and all material proposed changes to the financing structure, ownership of the Development, or scope or materials of or for the Proposed Development, from that set forth in the application must be disclosed to the Corporation immediately in writing and approved by the Corporation.

15. Time Limits. In the event that the Development does not close within the time frame established by the Corporation, the Corporation reserves the right to terminate its participation in the financing.

16. Final Approval by the Corporation. The Corporation's Board will consider final action on the Bonds after the completion of the public hearings and upon recommendation by the Corporation's staff. If approved, the Board will adopt a resolution, in such form as is recommended by Bond Counsel, authorizing the issuance of obligations to provide financing for the Development. Final approval will be granted only upon:

A. Receipt by the Board of evidence satisfactory to it that the Developer has complied in all material respects with this RFP not otherwise waived by the Board; and

B. An affirmative determination of the Board that:

   i. All requirements for and prerequisites to final approval under this RFP have either been satisfied or waived and are in form and substance satisfactory to the Board; and

   ii. The operation of the Development(s) will constitute a lawful activity, is qualified for approval by the State, complies with and promotes the purposes of the Corporation and satisfies the requirements of the Corporation.

17. Closing of the Financing. Following the public hearing(s) and final approval by the Corporation and the TBRB the Corporation will proceed to close the financing in accordance with the documents approved by the Corporation and when finally approved by the Texas Attorney General and Bond Counsel in accordance with the terms of the sale or placement.

A. Structure of Bond Sale. Developers shall be responsible for determining the structures of the sale of bonds but are encouraged to consult with the Corporation's Municipal Advisor and Bond Counsel for information regarding the structure of contemplated bond transactions in Texas. Developers are required to execute an agreement in connection with awarding the sale of the Corporation's

obligations to an underwriter or to an institutional purchaser through a private placement that obligates the Developer to the payment of the costs of issuing such obligations as more fully described herein.

B. Public and Limited Offering Requirements.

i. All bonds to be sold publicly, whether by competitive bid or negotiated sale, must have a debt rating the equivalent of at least an "A-/A3" rating assigned to long-term obligations by a nationally recognized rating agency acceptable to the Corporation. Bonds with an investment grade of "A-/A3" or higher may be sold in minimum denominations of $5,000,

ii. The Corporation will consider any bonds with rating lower than "A-/A3" to be non-rated obligations. Non-rated obligations must be sold in minimum denominations of at least $25,000 and in integrated multiples of any amounts in excess of $25,000.

iii. All non-rated obligations must be privately placed or offered on a limited basis with transfer and other restrictions. In order for a non-rated transaction to be considered by the Corporation, the placement must comply with the following minimum requirements: (i) the sale must be made to a "qualified institutional buyer" as defined in Rule 144A of the Securities Act of 1933 (a "QIB") or an "institutional accredited investor" as defined in Rule 501(a)(1), (2), or (3) of Regulation D under such act (an "Institutional Accredited Investor") and cannot be an underwriting or purchase with an intent to resell any portion of the obligations, (ii) the obligations must be issued in minimum denominations of not less than $25,000 and integral multiples of any amount in excess thereof, and (iii) at such time as the bond financing is presented to the Corporation for final approval, (a) the Developer (or placement agent, if applicable) must identify the Purchaser of the obligations, (b) the Developer (or placement agent, if applicable) must provide a written commitment from the Purchaser in form and content customarily used by real estate lending institutions outlining the terms and conditions of such commitment to purchase the obligations, (c) the Purchaser must represent that it is in the business of originating, or acquiring and owning for its account, tax-exempt bonds or mortgage loans on multifamily rental housing properties, (d) when a placement agent is involved in the sale of the obligations, there may be a placement memorandum prepared by the agent for the Purchaser, but there will be no offering statement by the Corporation, and (e) the Corporation may require that one physical obligation be issued with a legend stating that the initial and any subsequent purchaser(s) of such bond shall be a QIB or an Institutional Accredited Investor, as applicable. In the case of a private placement transaction, the Developer or placement agent, upon delivery of the obligations, shall provide the Corporation with an executed investment letter from the investor purchasing the obligations substantially to the

effect that: (1) it is engaged in the business, among others, of investing in tax-exempt securities and is a QIB or an Institutional Accredited Investor, as applicable; (2) it has made an independent investigation into the financial position and business condition of the Developer and therefore waives any right to receive such information; (3) it has received copies of the financing documents pursuant to which such obligations are issued, and (4) that it has purchased the obligations for its own account and not with the intent to sell them. A complete form of such investment letter will be provided by the Corporation.

C. Any variation to the requirements sets forth above must be requested in writing by the Developer and must be approved by the Corporation and be acceptable to the Bond Counsel, Municipal Advisor, and Issuer's Counsel.

D. Required Approvals. No Developer, or any representative of any Developer or the Corporation, shall represent, directly or indirectly, to any lender (interim or otherwise) supplier, contractor, or other person, firm, or entity that the Corporation has agreed or is firmly committed to issue any obligations in relation to any Development or Response or Reservation Detail until the Board has given final approvals for the issuance thereof under this RFP, and then subject to the governmental approvals required by this RFP and the approval of the Attorney General of the State of Texas, the approval of Bond Counsel and subject to any requirements imposed by the Corporation's Articles of Incorporation.

E. Offering Statement. No Developer, or any representative of the Developer or the Corporation, shall make any representation, directly or indirectly, express or implied, of any fact contrary to the disclosures required to be made by this RFP.

F. Registration. Neither the Developer nor any securities firm, underwriter, broker, dealer, salesman, or other person, firm, or entity shall offer, sell, distribute, or place any obligations authorized by the Corporation by any process, method, or technique or in any manner, transaction, or circumstances or to any person or persons, the effect of which would be to require such obligations to be registered or would require filings to be made with regard thereto under the laws of the state or jurisdiction where such offer, sale, distribution, or placement is made without first registering the same or making the filings regarding the same required by such laws.

G. The Developer will provide and be responsible for filing so long as it is obligated to make payment to the Corporation in support of the bonds, notes or other obligations issued by the Corporation for a Development being financed for the Developer, all information required to satisfy the requirements of Rule 15c(2-12) of the United States Securities and Exchange Commission as that rule is applicable to the financing.

18. Termination for Cause. The Corporation may terminate an application, or deny the

acceptance of any application, if one or more of the following conditions has occurred or is occurring:

A. *Failure to Comply with previous RFPs*. The Corporation will not consider submissions from Developers for a potential Development if the Developer is a borrower (or a related party thereto) in connection with obligations previously issued by the Corporation and such borrower (or related party) is not in compliance with the requirements set forth in the Corporation's policies and procedures with respect to such previously issued obligations or is delinquent in the payment of any fees or costs with respect to such previously issued obligations of the Corporation; or

B. *Ex Parte Communications*. The Corporation may terminate an application or refuse to consider submissions from a Developer, if the Developer or any related party thereto, attempts to communicate either verbally or through written means with a member of the Corporation's Board after the submission of an application, while the application is being reviewed, or prior to any decision about the application by the Board. This excludes communications during any Board meeting or public hearing held with respect to the application, but not during a recess or other nonrecorded portion of the meeting or hearing. For any application involving the allocation of low-income housing tax credits, any violation of Section 2306.1113 of the Texas Government Code will also be cause for termination.

19. OTHER REQUIREMENTS. THE CORPORATION MAY IMPOSE ADDITIONAL OR DIFFERENT REQUIREMENTS ON A DEVELOPER THAN THOSE PROVIDED IN THESE GUIDELINES IF ADDITIONAL OR DIFFERENT REQUIREMENTS BECOME NECESSARY (AS DETERMINED BY THE CORPORATION IN ITS SOLE DISCRETION) TO PROVIDE THE BEST OPPORTUNITY FOR APPROVAL BY THE CORPORATION'S BOARD AND/OR THE TEXAS BOND REVIEW BOARD.