

# PROGRAM BULLETIN

PROGRAM BULLETIN.....SECTION 9

## Developer Fee Policy:

The maximum Developer's Fee and overhead is calculated either (i) per unit or (ii) as a percentage of total development cost minus the value of any capitalized reserves and the Developer's Fee (the "Fee Based Development Cost"). Development consultant fees must be paid out of the approved Developer Fee. Developers should note that the percentages below represent the maximum fee that may be earned. Lower fees or deferred fees may be required depending on the amount and/or source of subordinate financing used by a Developer in a transaction.

### I. **New Production with tax-exempt financing and 4% LIHTC only**

- Up to 15% of the Fee Based Development Costs

### II. **New Production with Additional Subsidy (9% LIHTC and/or state or federal subsidies (other than 4% LIHTC))**

- Scattered Sites: 0 to 2-bedroom units – \$21,500 per unit  
3 bedroom or greater – \$23,000 per unit
- Single Site: 0 to 2-bedroom units – \$18,900 per unit  
3 bedroom or greater – \$21,000 per unit

**Incentive Developer Fee:** Developers of New Production projects using 9% LIHTC are eligible for an Incentive Fee of up to 50% of any cost savings realized for projects that (i) are completed under budget, or (ii) are eligible for upward adjusters. The balance of the cost savings will be recaptured by RIHousing.

### III. **Preservation with tax-exempt financing and 4% LIHTC only.**

- 5% of acquisition and 10% of construction and soft costs not including new reserves and Developer's Fee (the "Base Fee"). Developers may increase the developer fee to 15% of the Fee Based Development Cost (as defined above) as long as any amount above the Base Fee is deferred.

### IV. **Preservation without LIHTC and including Rollover RIHousing Debt**

- For non-LIHTC transactions with existing RIHousing debt that will be "rolled over" rather than be repaid, the maximum developer fee will be equal to 5% of the construction cost.
- A minimum fee of \$500 per unit will be provided to a sponsor of a preservation transaction if substantial rehabilitation of units is involved.

Developer Fees for development of commercial space as part of a RIHousing financed residential project will be negotiated on a case-by-case basis.

<b>Application Fee</b>
All LIHTC proposals will be assessed a \$1,000 non-refundable application fee, payable upon application submission.

<b>RIHousing Legal Fees</b>
RIHousing reserves the right to require a legal fee be incorporated in the proforma to offset the cost of RIHousing's legal fees.

<b>Overall Total Development Cost Limits by Building Type</b>	
<b>RIHousing has determined a maximum total development cost (the "Overall TDC") for the building types listed below. The building types and Overall TDC are as follows:</b>	
<b>Building Type</b>	<b>Maximum per unit Overall TDC</b>
Urban (includes scattered site and urban in-fill)	\$294,000
Historic Mill Conversion	\$356,000
Suburban/Rural Cluster Subdivision (buildings contain less than 8 units per building)	\$305,000
Garden style apartment up to 4 stories	\$295,000
1-5 story wood frame podium building	\$362,000

<b>Management Fee Guidelines</b>			
<b>Project Size</b>	<b>Base Fee</b>	<b>Bookkeeping</b>	<b>Total</b>
1 – 40 Units	6.5%	.5%	7.0%
41 – 60 Units	5.5%	.5%	6.0%
61+ Units	5.0%	.5%	5.5%

<b>Financing Fees</b>	
<b>1st Mortgage</b>	
2% of the first \$5,000,000; 1% thereafter	Upon closing
<b>A minimum combined origination/underrating fee of \$20,000 will be paid if the first mortgage amount is less than \$1,000,000 or there is no first mortgage</b>	
<b>Tax Credit Allocation</b>	
4% Tax Credits:	1.0% of 10-yr allocation Upon closing
9% Tax Credits:	0.5% of 10-yr allocation Upon closing

<b>Underwriting Fees</b>	
RIHousing will charge an underwriting fee for the review of all 4% and 9% LIHTC proposals as follows:	
Combined Loan Amount	Fee
Up To \$1,000,000	\$20,000
Up To \$3,000,000	\$25,000
Greater than \$3,000,000	\$35,000
If RIHousing provides the first mortgage financing, these underwriting fees will be applied toward RIHousing's origination fees. However, the underwriting fee will be charged if RIHousing is not the permanent senior lender.	

<b>Construction Fees</b>			
<b>General Contractor Fees</b>			
Construction Value	General Requirements (%)	Builder's Overhead (%)	Builder's Profit (%)
up to \$1 mil	8	2	9
\$1 to \$2 mil	7	2	8
\$2 to \$3 mil	7	2	8
\$3 to \$4 mil	6	2	6
\$4 to \$5 mil	6	2	5 1/2
Over \$5 mil	6	2	5
Identity of Interest: For those developers where there is an identity of interest between the owner and general contractor, the maximum amount of builder's profit allowed is 50% of the amounts referenced above. Note that for projects subject to Section 911 Subsidy Layering reviews, alternative general contractor fee limits may apply.			
<b>Estimated Bond Premiums (a factor of construction cost)</b>			
Buildings, Minimum bond cost		.60%	
Buildings, Maximum bond cost		2.5%	
There is typically a 1% surcharge on the total bond premium for each month exceeding one year.			

<b>Architect</b>	
<b>Architectural Fees (including engineering fees)</b>	
High Rise	7 1/2% of the total allowable construction cost including fees: 80% design and 20% construction administration
Low Rise Repetitive Design	6% of the total allowable construction cost including fees: 80% design and 20% construction administration
Rehab	7 1/2% of the total allowable construction cost including fees: 80% design and 20% construction administration

<b>Underwriting Rates</b>	
<b>Rates</b>	
Call lender for current Taxable and Tax-Exempt rates. For the 2020 LIHTC RFP, use 6% for taxable underwriting.	
<b>Operating Expense Ranges</b>	
Industry standards for 2019-2020	\$6,000 - \$7,000 Per Unit Per Annum <b>(Net of Utilities and Real Estate Taxes)</b>
Developers will be required to justify higher or lower costs by identifying and quantifying specific cost factors.	

<b>Square Foot Construction Calculations</b>
Square foot costs are to be based on building gross square footage calculated to the outside face of exterior wall surfaces for all finished spaces. The following percentage of partial areas will be used: Garage = 2/3 of area; Unenclosed Porch = 1/2 of area; Enclosed Porch = 2/3 of area; Unfinished Basement = 1/2 of area; Canopies = 1/4 of area; and Two-story room = 1 1/2 of area

<b>Real Estate Tax Set-up Assessment</b>	
Real Estate Tax Assessment per Development	<b>\$95.00</b>
<b>Additional Set-up Fees</b>	
<ul style="list-style-type: none"> <li>An additional fee of \$10.00 will be added for each \$100,000, or portion thereof, of loan balance in excess of \$500,000.</li> <li>For Commercial/Multifamily loans, the fee includes up to five (5) contiguous parcels. There will be an additional fee of \$10.00 per parcel above five (5) contiguous parcels OR, \$10 per parcel for non-contiguous parcels.</li> </ul>	

### **Compliance Monitoring Updates**

#### **TAX CREDIT COMPLIANCE MANUAL:**

Available on our website at <https://www.rihousing.com/Compliance Manual>. It is also available in Section 8 of the Developer's Handbook without the samples of the required forms.

#### **LEAD SAFE HOUSING RULE:**

U.S. Department of Housing and Urban Development  
Office of Health Homes and Lead Hazard Control  
Washington DC 20410

[https://www.hud.gov/program\\_offices/healthy\\_homes/healthyhomes/lead](https://www.hud.gov/program_offices/healthy_homes/healthyhomes/lead)). The Lead Safe Housing Rule applies to the Low-Income Housing Credit Program, when the HUD Uniform Physical Conditions Standards (UPCS) are used by the state housing agency for monitoring purposes.

#### **MANAGEMENT COMPLIANCE CERTIFICATION:**

- Owners of tax credit developments must certify that at least one member of the on-site management staff attends training for compliance in managing a tax credit project at least once annually. Proof of training and/or Certifications of training must be submitted to

RIHousing by January 31st of each year along with the Annual Owner's Certification of Continuing Program Compliance.

**WAIVER 8877:**

Revenue Procedure 2004 – 38: Effective July 6, 2004, new form and procedures for Waiver 8877 have been issued by the IRS.

**GUIDE FOR COMPLETING FORM 8823:**

The IRS has issued the Guide for Completing Form 8823 Low-Income Housing Credit Agencies Report of Non-compliance or Building Disposition. Revised as of January 2011. The scope of this guide is limited to guidelines for preparing Form 8823 for submission to the IRS. Taxpayers are responsible for evaluating the tax consequences of noncompliance with IRC Section 42. The Guide is available on the IRS website. Please contact Kathy Millerick at (401) 457-1241 if you have any questions.