



DOWNTOWN DEVELOPMENT DISTRICTS (DDD)

Agreed-Upon Procedures for Attestation of Actual Costs *Guidelines for District Investors and Certified Public Accountants*

Program Administered by

THE DELAWARE STATE HOUSING AUTHORITY

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DOWNTOWN DEVELOPMENT DISTRICTS (DDD)

Agreed-Upon Procedures for Attestation of Actual Costs

Guidelines for District Investors and Certified Public Accountants

About this Publication

This document provides instructions for Certified Public Accountants (CPA) performing the Agreed-Upon Procedures for Attestation of Actual Costs (“Attestation of Actual Costs”). These procedures test and report on the assertion of a qualified District Investor as to their qualification to receive a DDD Large Project Rebate (“DDD Rebate”). The findings from these procedures are compiled in the CPA Attestation Report with Agreed-Upon Procedures and Findings (“CPA Attestation Report”). This report is a required application component for the DDD Rebate.

Comprehensive guidelines for the DDD Rebate Program outlining Investor eligibility-requirements, program-related definitions, eligible-cost definitions by line item and general program information are attached to this publication ([Appendix A](#)). It is very important for both the District Investor and the CPA preparing the Attestation of Actual Costs to review this information thoroughly.

This publication is intended to be used as a guide and reference for District Investors and CPAs and includes requirements implemented by this agency to facilitate compliance with State regulations. These publications are not a substitute for Federal and State laws and regulations.

This publication, along with DDD Rebate Program-related documentation, applications, and forms can be accessed at http://www.destatehousing.com/Developers/dv_ddd.php.

Attestation Purpose

The purpose of the Attestation of Actual Costs is to establish the total qualified costs incurred by the Investor so that DSHA may determine the final DDD Rebate and that the DDD Rebate Program requirements are fulfilled.

This guide is not intended, and shall not be construed, to benefit or protect any person or entity other than the parties expressly made subject to the terms of this guide and their successors and assigns, or to provide any such other person or entity with any rights or remedies against the parties subject hereto, or to otherwise entitle any such other person or entity to rely on the implementation or enforcement of any term or provision of this guide. Nothing contained herein shall be construed to create any contractual or other legal relationship that does not otherwise exist under contract or by operation of law.

Adequate records must be maintained for three (3) years for the purpose of verifying actual costs, and all books and records, contracts, invoices, receiving reports, particulars of material, labor and equipment entering into the construction of the project, and other records appropriate to such accounts, must be made available to DSHA for inspection and copying upon request.

Once the Attestation of Actual Costs is submitted to DSHA for approval, DSHA will not accept additional or increased costs. It is the CPA’s and Investor’s responsibility to submit and collect all information during the cost process. However, documentation to clarify any costs can be submitted at DSHA’s request.

In the event of any reductions in cost, DSHA shall have the right to re-determine the DDD total actual cost as may be necessary as a result of such reductions. Such reductions of cost may arise from refunds, rebates, or discounts; for incomplete construction items; adjustments of payables and any receipts from the settlement of claims against bonding companies or others which might arise in connection with the completion of the project.

CPA Selection

District Investors are required to choose an independent CPA.

- Independent CPA for the purposes of the DDD Rebate Program is defined as a public accountant certified and licensed by the State of Delaware who is not an employee of the business firm seeking to qualify for State tax incentives and rebates under this program.
- The CPA must not have a business relationship with the Investor, contractor or any other Identity of Interest entity. A CPA who performs manual or automated bookkeeping and/or accounting services or maintains the accounting records for the Investor or any other Identity of Interest entity is prohibited from performing the Attestation of Actual Costs.
- Where Government Auditing Standards apply, the CPA must meet the auditor qualifications of Auditing Standards, including the qualifications of Independence and continuing professional education. Additionally, the audit organization must meet the quality control standards of Government Auditing Standards.

DSHA Required Forms

DSHA provides the following forms for CPAs to use when conducting the Attestation of Actual Costs.

These forms can be accessed from DSHA's website at

http://www.destatehousing.com/Developers/dv_ddd.php.

- DSHA's Attestation of Actual Costs Forms (Excel Workbook);
 - AC101 - Investor Certification;
 - AC102A - General Conditions;
 - AC102B - Appliances;
 - AC103 - Building/Project Information;
 - AC104 - Rebate Calculation and Disbursement Request;
- CPA Attestation Report (Word);
- Agreed-Upon Procedures Engagement Letter (Sample letter provided); and
- Final Release of Liens (Sample provided).

Agreed-Upon Procedures for Attestation of Actual Costs

A. Agreed-Upon Procedures Engagement Letter

The Agreed-Upon Procedures Engagement Letter outlines specific procedures to be performed by the CPA that is engaged by the Investor to verify costs and issue a report of findings, if any. Distribution of the report based on such an engagement is limited to specific, identified users (in this case, the Investor and DSHA). Guidance for the performance of such engagements can be found in AT Section 201 of the American Institute of Certified Public Accountants (AICPA) Professional Standards.

Under DSHA's DDD Rebate requirements, Investors must hire an independent CPA currently licensed in Delaware to perform the Attestation of Actual Costs with Agreed-Upon Procedures established by DSHA. **DSHA highly suggests that Investors engage with a CPA as early as possible.** This will give Investors a chance ask the CPA about what types of support documentation and level of invoice itemization will be needed in order for the CPA to successfully perform the Attestation of Actual Costs.

The agreed-upon Engagement Letter (**Appendix B**) between the CPA and the Investor must allow duly-authorized agents of DSHA, at its request, to examine the CPA's working papers supporting the required cost certifications. For this purpose, the CPA should retain the working papers for at least three (3) years.

The CPA Attestation Report must be submitted to DSHA with the DDD Rebate request application materials as required within **sixty (60) days** of the placed-in-service date.

B. Investor's Responsibilities

DSHA may, at any time, review an Investor's records related to qualification to ensure that information provided in the DDD Rebate request application process is accurate. Investors shall maintain all documentation regarding qualification for the DDD Rebate for a minimum of three (3) years following the receipt of the Rebate. DDD Rebate requests that do not have adequate documentation regarding the calculated Qualified Real Property Investment (QRPI) may be subject to repayment.

The Investor is responsible for providing the CPA with the following:

- Attestation of Actual Costs forms (AC101-104) (**Appendix C**);
- A copy of DSHA's original Rebate Reservation letter, Conditions of Funding, and signed Reservation;
- Proof of **DDD Rebate-Eligible Investments**. Copies of itemized invoices and receipts for Rebate-eligible costs. Permission for the CPA to work directly with the General Contractor and/or subcontractors that performed the actual work;

Note: It is the responsibility of the Investor to inform the General Contractor and/or subcontractors performing the actual work that they will be required to have their actual costs certified, which will include assuring that proper accounting procedures and methods are followed and to cooperate fully with the CPA.

- Proof of payment. Copies of canceled checks demonstrating all costs included in the QRPI have been paid in full;
- Evidence that all costs included in the calculated QRPI are capitalized-eligible costs;
- The final placed-in-service documentation issued by the locality for the completed real property investment;
- For Investors applying as owners of space within a building, the closing documents or deed of trust indicating the building's square footage;
- For Investors applying as tenants, the current lease agreement indicating the building's square footage; and
- Any additional information requested by the CPA for the purpose of performing the Attestation of Actual Costs.

C. CPA's Responsibilities

The CPA is responsible for ensuring the information provided in the DDD Rebate request for disbursement is accurate, which encompasses the following responsibilities:

- Accuracy and completeness of DSHA's Attestation of Actual Costs forms (AC101-104) and all required attachments;
- Compilation and reporting of all findings from the application of the Agreed-Upon Procedures in the CPA Attestation Report (**Appendix D**).
- Verify that only DDD Rebate-eligible costs as outlined in DSHA's DDD Rebate Program guidelines have been included in the calculation of the QRPI and costs included in the QRPI have been capitalized by the Qualified Investor;
- Confirmation that the real property Investment for which the QRPI was placed-in-service properly and within the time frame established in the Conditions of Funding at time of the DDD Rebate Reservation;
- In the case of Investors owning a space within a building or Investors applying as tenants, the square footage information is accurately indicated on the supplemental form(s) and the grant application, and if required, has been coordinated with all other owners/tenants within the building. For more information regarding the required steps of coordination, please review the supplemental forms "Multiple Owners" and "Tenant/Owner Consent"; and
- CPAs should contact DSHA prior to the start of the Attestation of Actual Costs to determine if there are any abnormalities in the costs being certified that may not be disclosed by standard audit procedures.

Final Rebate Disbursement Process

Large Project Investors **must** apply for a Reservation in order to receive a Rebate. Once a project **with** a Reservation is fully completed, placed-in-service and all costs associated with the QRPI have been paid in full and the Attestation of Actual Costs has been completed, an Investor may submit a Rebate Disbursement Request.

The final Rebate may be less than the Reservation amount, but **not** greater. Costs associated with project changes not included in the original Large Project Rebate Reservation Application, will not be considered for a Rebate.

A. Request for Rebate Disbursement

Investors **with** a Reservation must submit the following information to DSHA within **sixty (60) days** of the building or facility being Placed-In-Service to receive the final Rebate:

- Copy of Original Rebate Reservation;
- Placed-in-Service Documentation;
- CPA Attestation Report;
- DSHA Attestation forms AC101-104 completed and signed (includes Rebate Disbursement Request);
- Description of Final Scope of Work;
- Proof of Site Control;
- Demonstration that Project Priority Considerations have been met, if applicable;

- Digital Photographs of completed building or facility; and
- Completed and signed W-9 Form.

B. Compliance Review and Inspection

DSHA will review all documentation for compliance with the program, and as part of this review, will conduct a physical inspection of the property to confirm the project conforms to the project scope outlined in the original Large Project Rebate Reservation Application.

The inspection will include, but is not limited to, verifying the following:

- Completion of municipal or governmental agency inspections;
- Project completeness. Depending on nature of project, evidence that business activity is taking place or about to begin;
- Parcel location;
- Building or facility use;
- Number of stories;
- Square footage of use types, if residential, number of units;
- Conformity with Scope of Work submitted in the original Large Project Rebate Reservation Application;
- Verification that work performed supports documentation of submitted QRPI; and
- Project Priority Considerations have been met, if applicable.

During the review process, DSHA reserves the right to request additional support documentation as needed.

C. Final Rebate

- Investors can expect to receive a Rebate within **sixty (60) days** from the date DSHA receives **all** required documentation. DSHA reserves the right to request additional documentation as needed.
- Final Rebate may be less than the Reservation amount, but **not** greater.
- DSHA, at its sole discretion, will determine the final Rebate.

Appendix A: DDD Rebate Program Guidelines

The remainder of this page is intentionally left blank.

DDD Rebate Program Guidelines begin on the next page.

These guidelines may also be accessed at

http://www.destatehousing.com/Developers/dv_ddd.php



DOWNTOWN DEVELOPMENT DISTRICTS (DDD)
Rebate Program Guidelines
Spring 2018

Program Administered by

THE DELAWARE STATE HOUSING AUTHORITY

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If you need language assistance to understand this document and/or any other DSHA housing assistance program, please call 302-739-4263 ext. 215.

Si usted necesita asistencia en español para entender este documento, o algún otro programa de asistencia de vivienda de DSHA, por favor llame al 302-739-4263 ext. 215.



DOWNTOWN DEVELOPMENT DISTRICTS (DDD)

Spring 2018 Funding Round

DDD Rebate Program Guidelines

Introduction

A. Downtown Development Districts Act

The Downtown Development Districts Act (Act) was created to leverage state resources in a limited number of designated areas in Delaware's cities and towns to:

- spur private capital investment;
- stimulate job growth and improve the commercial vitality of our cities and towns; and
- help build a stable community of long-term residents in our downtowns and other neighborhoods.

1. DSHA's Role

Under this Act, funding was allocated through the General Assembly to DSHA for the purpose of establishing and administering the DDD Rebate Program.

General Limitations

- DSHA is authorized to establish additional qualifying criteria with respect to uses (residential, commercial, industrial, etc.) or types of projects (rehabilitation, new construction, etc.).
- DSHA is authorized to amend the required Minimum Qualified Investment Threshold (MQIT) established initially by the Act.
- DSHA is authorized to prioritize particular types of uses or projects in one or more Districts.
- DSHA is authorized to establish such other limitations in one or more Districts as DSHA shall determine from time to time, but no more often than once per year.

2. Designated Districts

Applications for District designations are evaluated by members of the Cabinet Committee on State Planning Issues. The committee then provides its recommendations to the Governor. The Governor designates the Districts.

The Governor has designated the following areas as DDD Districts:

- **January 11, 2015** Dover, Seaford and Wilmington
- **August 10, 2016** Georgetown, Harrington, Laurel, Milford and Smyrna

Additional information including the corresponding District Plans and maps for each District may be accessed at the following link: <http://www.stateplanning.delaware.gov/ddd/>.

3. State and Local Incentives

State and local incentives are available to investors who invest in real property within a designated DDD District. Information for most DDD incentives may be accessed at <http://www.stateplanning.delaware.gov/ddd/incentives/incentives.shtml>.

- **DDD Rebate:** A rebate is available to Qualified District Investors (Investors) who make a Qualified Real Property Investment (QRPI) to a commercial, industrial, residential, and/or mixed-use building or facility located within the boundary of a designated District.
- **Historic Preservation Tax Credits:** The Act allocates 30 percent of the State’s yearly allocation of Historic Preservation Tax Credits to be reserved for projects within a designated District.
- **State and County Incentives:** Incentives to facilitate the revitalization of a designated District.
- **Municipal Incentives:** Each municipality must implement incentives specific to the designated District within its jurisdiction and to the identified projects in the District Plan. Investors should contact the administrator of the designated District in which they are investing for guidance regarding incentives other than the DDD rebate.

Examples of municipal incentives may include, but are not limited to:

- Reduction or waiver in fees or taxes;
- Permit process reform;
- Special zoning districts or exemptions from local ordinances; and
- Façade improvement grants.

Spring 2018 Application Round

A. Important Dates

- **March 21, 2018:** Funding Round officially opens. All finalized program documentation and application forms may be accessed from DSHA’s website at http://www.destatehousing.com/Developers/dv_ddd.php.
- **May 21, 2018:** Large Project Reservation applications are due to DSHA by **4:00 p.m.** *Applications received after the posted deadline may be considered for funding only if funding remains after all applications received by the deadline are reviewed and ranked.*

Small Project Lite-Reservation and Small Project DDD Rebate applications are accepted for funding on a rolling basis, *as long as funding is available*. Please contact DSHA regarding funding

B. Available Funding and Award Limits

- DSHA has established two funding set-asides for DDD rebates, the **Small Project Set-Aside** and the **Large Project Set-Aside**, to ensure a variety of projects have ample access to the DDD funding.

- The Large Project Set-Aside is divided into a General Pool and a District Pool to ensure all Districts have reasonable access to the DDD funding. As with the initial round of funding for the first three designated Districts, DSHA has allocated 50% of the Large Project Set-Aside to each of the pools.
- The District Pool is allocated based on the populations of each District.

FUNDING SET-ASIDE	AVAILABLE	MQIT ⁽¹⁾	MAXIMUM REBATE
SMALL Project Set-Aside *	\$ 2,000,000	\$ 15,000	\$50,000 per building or facility ⁽²⁾
LARGE Project Set-Aside **	\$ 5,900,000	\$ 25,000	\$1,500,000 per building or facility ⁽³⁾

* Approximate balance. Applications processed daily.

**BREAKDOWN OF LARGE PROJECT SET-ASIDE		
General Pool		\$ 2,950,000
District Pool		\$ 2,950,000
Dover	\$ 407,100	
Seaford	\$ 103,250	
Wilmington	\$ 1,339,300	
Georgetown	\$ 339,250	
Harrington	\$ 112,100	
Laurel	\$ 103,250	
Milford	\$ 289,100	
Smyrna	\$ 256,650	
TOTAL LARGE PROJECT		\$ 5,900,000

⁽¹⁾ The Minimum Qualified Investment Threshold (MQIT) for Large Projects is the minimum amount of Qualified Real Property Investment (QRPI) required to be made by an Investor to qualify for a Large Project DDD Rebate. The MQIT for Large Projects is treated similarly to a deductible and is **not** eligible for a rebate. The MQIT for Small Projects is the required minimum investment *only* and is eligible for a rebate.

⁽²⁾ A building or facility may be eligible for multiple small project rebates with approval from DSHA. An Investor may be eligible to apply for two small project rebates, if DSHA can determine that there are clearly two eligible investments with QRPIs greater than \$15,000 each.

⁽³⁾ DDD rebates are limited to \$1,500,000 per building or facility within a five-consecutive-year period, starting with the year in which a rebate is first issued or reserved. A \$1,500,000 rebate requires a QRPI greater than \$41,000,000.

General Program Requirements and Guidelines

A. Eligible Applicants

- Investors that make a Qualified Real Property Investment (QRPI) that meets minimum threshold requirements are eligible to apply for a DDD rebate.
 - *The QRPI is defined as the amount that is properly chargeable to a capital account for improvements to rehabilitate, expand or construct depreciable real property placed in service within a District. (Refer to Appendix A for the full definition of a QRPI.)*
- Eligible applicants include: property owners (occupant or non-occupant), tenants, for-profit developers, nonprofit organizations, businesses, and homeowners.

Please note: When applying as a tenant or an owner of space within a building, supplemental forms verifying coordination with the owner of the property, other tenants and/or other owners are required.
- Federal, state and local governments are **not** eligible for a DDD rebate.

B. Minimum Threshold Requirements

- The QRPI must be made within the boundary of a designated DDD.
- The QRPI must be made **after** the date the real property is officially incorporated within the boundary of a designated District.
- The QRPI must be made in conformance with the approved District plan.
- The QRPI must be in excess of the required MQIT. For Large Projects the MQIT is treated similar to a deductible and is not eligible for a rebate.
- The Investor must meet site control requirements (e.g. legal title, sales agreement*, or owner’s consent).

** Must be a valid sales agreement and signed by all parties with a planned settlement date within 120 days of the DDD application deadline date.*

C. Eligible Expenses

- Capital investments **necessary** for the **rehabilitation, expansion, or new construction** of commercial, industrial, residential (including multi-family), or mixed-use buildings or facilities located within the boundary of a District.
- Only expenses that are properly chargeable to a capital account and incurred **after** the date the real property is officially incorporated within the boundary of a designated District are eligible for rebate consideration.
- Eligible costs are generally referred to as “hard costs” and are associated with the **building structure**. This includes labor and materials required to construct the building envelope and the building interior.
- Examples of **eligible** expenses include:
 - Exterior, interior, structural, mechanical, electrical and accessibility improvements to the building or facility;
 - Excavations*;
 - Grading and paving*;
 - Installing driveways*;
 - Landscaping or land improvements*;
 - Investor-owned Solar Panels **; and
 - Demolition of a building (**only** when replaced with a new building).

Please refer to **Appendix B** for detailed definitions of eligible costs.

**Must be in conjunction with the new construction or rehabilitation of a building or facility and meet requirements as defined in Appendix B.*

*** Must be in conjunction with the new construction or rehabilitation of a building or facility; investor must own solar panels and be the eligible recipient of the Renewable Energy Tax Credit; panels must be attached to the building (rooftop); free standing solar panel systems and solar farms are considered **ineligible** for this program.*

D. Ineligible Activities and Expenses

DSHA reserves the right to determine an activity or expense ineligible, as deemed necessary.

1. Ineligible Activities

- 'Adult Entertainment Establishments' as defined in 24 Del. C. 16, check cashing facilities, gambling facilities, liquor stores *, pawn or gun shops, tanning salons, tattoo parlors, vape shops, tobacco-only retailers or recreation-only marijuana retailers.
** DSHA has elected to consider, as eligible, businesses that sell alcohol, as long as food is also sold and alcohol is available for purchase by the glass, as well as by the bottle. Businesses where alcohol is manufactured on premises are eligible under the industrial qualification.*
- Federal, state and local government owned buildings or operated businesses, including but not limited to, the following:
 - Libraries, post offices, and public safety services such as police.
- General maintenance type repairs, examples include:
 - Replacement or substantial replacement of a roof is eligible; however, a minor roof repair is not eligible. For the purpose of this program substantial replacement is defined as at least 60% of the entire roofing system. DSHA will determine eligibility upon inspection of the roof at time of completion;
 - Replacement of an existing HVAC is eligible; however, a repair to an existing system is not eligible. Replacement of an existing faucet is eligible; however, a repair to the existing faucet is not eligible; and
 - Service calls.

2. Ineligible Expenses

- Costs generally referred to as "soft costs".
- Costs generally chargeable to furniture, fixtures and equipment (FF&E) unless defined as eligible in Appendix B.
 - For the purposes of this program, FF&E are defined as movable furniture, fixtures, or other equipment that have no permanent connection to the structure of a building or utilities. Such as, but not limited to:
 - Restaurant and bar equipment; barber/salon equipment; office equipment; merchandise and point of sale equipment; audio/video systems, computers, monitors or televisions; and removable shelving.
- Examples of **ineligible** expenses include, but are not limited to:
 - Appraisal, architectural, engineering, bids or interior designs;
 - Land or building acquisition and all associated costs;
 - Temporary facilities;
 - Legal, accounting, realtor, sales, marketing, consultant or other professional fees;
 - Loan fees, capitalized interest;
 - Computer and network setup service calls and associated fees;
 - Machinery, tools or other equipment;
 - Permits, user fees, zoning fees, impact fees, inspection fees, environmental testing, audit fees and fees similar in nature;
 - Bonding, closing costs, insurance;

Please contact DSHA for questions regarding eligibility of an activity or expense.

- Rent loss;
- Site utility work (gas, sewer and water lines), utility hookups, water and gas meters, utility disconnection or access fees;
- Outbuildings (if ancillary to function of the main building);
- Signage;
- Roads; and
- Blinds or other window treatments.

E. Use of a General Contractor (GC)

For the purposes of this program, a General Contractor is defined as an entity that contracts for and assumes responsibility for completing a construction project, and hires, supervises and pays all subcontractors. A valid contract must be in place between the Investor and the GC and made available to DSHA, as needed.

1. GC Overhead and Profit

- Limitations
 - Investors who serve as their own GC are **not** eligible to include overhead and profit.
 - Investors who contract with a GC as defined above may include GC Overhead and Profit; however, for the purposes of this program overhead and profit **cannot** exceed **10%** of the DDD eligible costs (QRPI) including general conditions.

2. GC General Conditions

General Conditions for purposes of this program **cannot exceed 10% of the construction hard costs excluding overhead and profit and must be documented by invoices, canceled checks, time sheets, logs, etc.**

- Costs associated with general trade items (i.e. carpentry, plumbing, HVAC, etc.), particularly employees of the General Contractor, are **not** eligible under General Conditions.
- All of the costs items listed below must be incurred for labor or materials supplied at the job site except as otherwise noted herein. The items will vary due to project type, location and site conditions. ***All charges for material or labor must be at cost, with no mark-up and no indirect costs.***

Eligible General Conditions Costs include: Cleanup, cleanup labor, rubbish disposal, dumpsters for construction debris only, Project Construction Site Manager and Project Superintendent salaries, general labor, labor for material movement on site, watchmen's or other security wages, large equipment rental (if equipment is owned by General Contractor, costs charged must be at the local rental rates), truck or car expense of site supervisor, field office expense and minor field office supplies, small tools and supplies, theft and vandalism (if supported by a police report and not covered by insurance).

F. Third-Party Contractor Requirements

The State's Division of Revenue requires all contractors working in Delaware to be licensed in Delaware. Work **not** performed by a Delaware licensed third-party contractor will have the following limitations:

- Labor costs associated with work performed are considered ineligible (i.e., work performed by owner or unlicensed individuals); and
- Cost of miscellaneous materials and supplies necessary to perform the work may be accumulated and included in the QRPI as “General Supplies” up to a maximum of \$500 per application.

G. Federal and State ADA Regulations

Depending on building use, some projects may be required to include accessibility improvements. Please contact your state and local municipality’s inspection and planning department for accessibility requirement information. Projects that do not adhere to accessibility requirements may not be eligible for a DDD rebate.

H. Cash Expenditures

Cash transactions are **highly discouraged** and require confirmation of transaction from both parties. The inclusion of such costs in the final QRPI will be determined solely by DSHA.

I. Placed-in-Service Date

1. Placed-in-Service Date Defined

Placed-in-Service Date is generally defined as the date the final **Certificate of Occupancy (CO)** is issued or the **Final Building Inspection** is issued for the work completed to a building or facility by the appropriate municipality. If a CO or a Final Building Inspection is not required by the municipality, the Investor must obtain a letter from the municipality stating such, and DSHA will determine the Placed in Service Date based on invoice documentation.

Placed-in-service documentation may vary depending on the nature of a project and the municipality’s requirements. **It is important for the investor to contact the municipality prior to start of construction to discuss placed-in-service requirements.**

- For example, a restaurant may be issued a Place of Public Assembly Certificate of Inspection and Approval for Annual License Permit.

2. Importance of Placed-in-Service Date Documentation

The final placed-in-service document required * by the jurisdiction must be submitted to DSHA by the Investor in order to qualify for a rebate. The Investor has **60 days** from the placed in service date to apply to DSHA for a rebate. Rebate applications received **after this date** will be considered ineligible for funding, unless otherwise approved by DSHA.

Investors must comply with all state and local municipality permit and inspection processes to be eligible for a DDD rebate.

**If the nature of the project requires a Certificate of Occupancy, an Investor cannot apply with a final building inspection even if a final building inspection was issued prior to a Certificate of Occupancy.*

J. Taxability of Rebate

Under Internal Revenue Service regulations, a rebate may be considered taxable income. An IRS 1099 Form will be issued to all Investors that receive a rebate. For tax-related questions, please contact your tax professional for guidance.

K. The Delaware Freedom of Information Act

By submitting a Small or Large Project Application, the applicant acknowledges and agrees that the Application shall be deemed a “public record” for the purposes of the Delaware Freedom of Information Act (“FOIA”), codified at 29 Del. C. §§ 10001 - 10005.

If information included in an Application is exempt from disclosure as trade secrets or commercial or financial information of a privileged or confidential nature, DSHA will protect such information from disclosure to the extent permitted by § 10002(g)(2) of FOIA. DSHA shall determine in its discretion whether Application material is exempt from disclosure as a trade secret or confidential or proprietary information. Applicant acknowledges and agrees that any portion of the Application which is determined by DSHA to **not** constitute confidential financial or trade secret information exempt from disclosure under FOIA shall be subject to public examination and copying.

It is the policy of DSHA not to release to any third party any Application materials until after the ranking of projects, and allocation of Reservations or Rebate funds have been announced. DSHA expressly reserves its authority to withhold all such information from third party requests pending the completion of the ranking process, to the extent permitted by FOIA. DSHA will endeavor to respond to FOIA requests for application materials as promptly as possible, and absent unusual circumstances, will release to any requesting party public documents related to application materials within **fifteen (15) business days** of a written request.

Small Project Set-Aside and Application Information

A. Small Project Set-Aside

Regulations required for larger, more complex projects can be cost prohibitive to smaller Investors. As a result, DSHA established a Small Project set-aside to ensure that small Investors have ample access to DDD **rebate** funds.

- The Small Project set-aside is for program eligible Investors that make a **QRPI between \$15,000 and \$250,000**. In addition, Investors that make a QRPI above this limit may also apply; however, the rebate will be based on a capped QRPI of \$250,000 with a **maximum rebate of \$50,000**.
- Program eligible Investors that make a **\$15,000 or greater QRPI** are eligible for a rebate in an amount equivalent to **20% of the QRPI up to \$50,000 per building or facility**.*

** A building or facility may be eligible for multiple small project rebates with approval from DSHA. An Investor may be eligible to apply for two small project rebates if DSHA can determine that there are clearly two eligible investments with QRPIs greater than \$15,000 each.*

1. Calculation of Small Project Rebate

Calculation	Example 1	Example 2
Eligible QRPI	\$ 200,000	\$ 300,000
Maximum QRPI Allowed	\$ 250,000	\$ 250,000
Final QRPI (lower of the two)	\$ 200,000	\$ 250,000
Multiplier	.20	.20
DDD Rebate	\$ 40,000	\$ 50,000

B. Small Project Application Process

Small Project Investors have the option to apply for a Lite-Reservation **or** wait and apply for a rebate after the project is fully completed and placed in service. Small Project Lite-Reservations and DDD Rebate applications are accepted by DSHA on a rolling basis, as long as funding is available.

1. Lite-Reservation

The Lite-Reservation is designed to provide the Investor with the assurance that funding will be available upon completion of the project.

- Only applications that meet eligibility and minimum threshold requirements and successfully satisfy all application requirements will be considered qualified for a Lite-Reservation award.
- Based on eligible project costs, DSHA will reserve **up to \$50,000** for **up to six months**.

a. Applying for a Lite-Reservation

To apply for a Lite-Reservation, an Investor must meet eligibility and minimum threshold requirements and submit the following documentation to DSHA:

- Small Project Lite-Reservation Application;
- Project Description (planned scope of work);
- Project Conformity to the District Plan:
 - Must use form provided by DSHA;
- Proof of Site Control (e.g. legal deed, signed agreement of sale, owner’s consent);
- Proof of Property Condition (digital photos);
- Copy of approved Building Permit:
 - If **no** building permit is required by the municipality then a letter from the municipality is required; and
- Estimate/bid for the planned scope of work from a Delaware licensed contractor(s). Estimate(s) must provide enough detail to allow for a reasonably-accurate estimate of eligible costs (QRPI). Proof of contract between Investor and GC, if applicable.

Application materials can be accessed at www.destatehousing.com/DDD

b. Lite-Reservation

- DSHA will process Reservation applications upon receipt of **all** required documentation.
- Lite-Reservations **expire six (6) months from the date of issue**. Investors may request a Reservation extension if construction of the Investment is well underway prior to the expiration date of the original Reservation. Expired Reservations will be

reallocated to either the Small Project or Large Project set-aside, at DSHA's sole discretion.

- Small Project Investors with an expired Reservation will still have the opportunity to apply within **60 days** of the building or facility being placed in service, *as long as funding is available*.
- **A Lite-Reservation may be rescinded if:**
 - Project is not complete within six months of Reservation;
 - Nature of project changes from that of the original application; and
 - Change in ownership of the property.

2. Small Project Rebate Application

Small Project Investors *with or without* a Lite-Reservation may apply to DSHA for a DDD rebate once a project is fully completed, placed in service, and all project costs have been paid in full.

a. Applying for a Small Project Rebate

Investors *with or without* a Lite-Reservation Award must apply to DSHA for a DDD rebate within **60 days** of the building or facility being placed in service.

To apply for a rebate an Investor must meet eligibility and minimum threshold requirements, and submit the following documentation to DSHA:

- Small Project Rebate Application;
- Copy of Lite-Reservation, if applicable;
- Project Description (completed scope of work);
- Proof of Site Control;
- Proof of Property Condition (before and after digital photos);
- Project Conformity to District Plan:
 - Must use form provided by DSHA;
- Placed-in-Service Documentation;
- Completed W-9 Form;
- Proof of Investment:
 - Copies of Itemized Invoices/Receipts for eligible QRPI;
 - Proof of Payment (e.g. canceled checks); and
- Additional Exhibits, **if applicable:**
 - Multiple Owner Form (includes multiple owner coordination);
 - Tenant Owner Consent (includes multiple tenant coordination).

Application materials may be accessed at
www.destatehousing.com/DDD

b. Application Review and Inspection

DSHA will review DDD Rebate applications for program compliance and as part of the review process a DSHA inspector will conduct a physical inspection of the real property investment.

The inspection will include, but is not limited to, verifying the following:

- Completion of municipal or governmental agency inspections;
- Project completeness. Depending on nature of project, evidence that business activity is taking place or about to begin;
- Parcel location;
- Building or facility use;
- Number of stories;
- Square footage of use types, if residential, number of units;
- Conformity with Scope of Work submitted in the original Large Project Rebate Reservation Application; and
- Verification that work performed supports documentation of submitted QRPI.

During the review process DSHA reserves the right to request additional support documentation as needed.

c. Small Project Rebate

- DDD rebates will be disbursed within **60 days** from the date DSHA receives **all** required application and support documentation.
- The final rebate may be less than the Lite-Reservation amount, but **not** greater. If the final QRPI exceeds the Reservation QRPI, an investor may request additional rebate funds, but **only if funding is available**.
- If Small Project funding is exhausted, applications will be placed on hold in the order of receipt. DSHA may choose to fund Small Project applications on hold with unused funds from the Large Project funding set-aside or other available sources at DSHA's sole discretion.

Large Project Set-Aside Requirements and Application Information

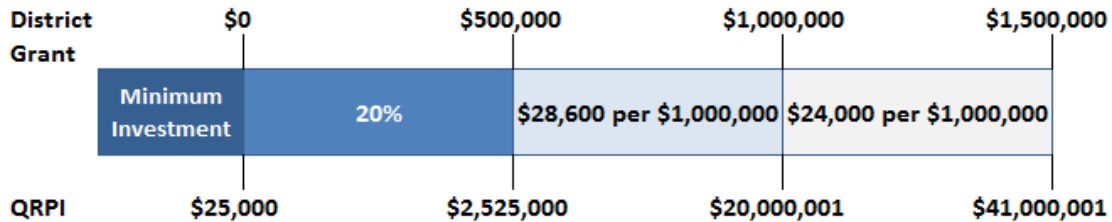
A. Large Project Set-Aside

The Large Project set-aside is divided into a General Pool and a District Pool to ensure all Districts have reasonable access to the DDD funding. Available funding is divided equally between the two funding pools and allocated to the designated Districts based on District populations.

- The Large Project set-aside is for program eligible Investors (e.g. owners or tenants with owner's permission) that make a QRPI in excess of the MQIT * that **exceeds** \$250,000.

** The Minimum Qualified Investment Threshold (MQIT) for Large Projects is the minimum amount of Qualified Real Property Investment (QRPI) required to be made by an Investor to qualify for a Large Project DDD Rebate. The MQIT for Large Projects is treated similar to a deductible and is **not** eligible for a Rebate.*

- Program eligible Investors are eligible for a rebate in an amount equivalent to **20% of the QRPI** in excess of the MQIT **up to \$500,000** per building or facility.
- Rebates in **excess** of \$500,000 or \$2,525,000 in QRPI will be calculated at a lower rate up to **\$1,500,000 per building or facility** as demonstrated in the chart below.



1. Additional Minimum Threshold Requirements for Large Projects

In addition to the minimum threshold requirements, Large Project applicants are required to:

- Demonstrate readiness to initiate and complete project within **three (3) years** from date of Reservation;
- Demonstrate project's ability to be 15% substantially commenced within **one (1) year** from date of Reservation. DSHA will verify at the one year benchmark that at least 15% of all heavy construction activity has been completed; and
- Engage with a Certified Public Accountant (CPA) to perform an Attestation of Costs. Costs associated with the Attestation are **not** considered rebate eligible and therefore may not be included in the QRPI calculation.

2. Additional Eligibility Criteria for Large Projects

- Large Projects that have completed **more than 35%** of the estimated QRPI **prior** to the date the real property location is officially incorporated within the boundary of the designated District are **not** eligible for rebate consideration.
- Large Projects that will place in service within **60 days** of application deadline are **not** eligible for rebate consideration.

3. Calculation of Large Project Rebate

Calculation Examples	Example 1	Example 2
QRPI	\$ 600,000	\$ 3,750,000
Minus MQIT	\$ 25,000	\$ 25,000
Eligible QRPI	\$ 575,000	\$ 3,725,000
Multiplier	.20	Refer to Chart
DDD Rebate	\$ 115,000	\$ 528,000



INVESTMENT RANGE	DDD REBATE
\$2,525,000 - \$3,500,000	\$500,000
\$3,500,001 - \$4,500,000	\$528,000
\$4,500,001 - \$5,500,000	\$557,000
\$5,500,001 - \$6,500,000	\$585,000
\$6,500,001 - \$7,500,000	\$614,000
\$7,500,001 - \$8,500,000	\$642,000
\$8,500,001 - \$9,500,000	\$671,000
\$9,500,001 - \$10,500,000	\$700,000
\$10,500,001 - \$11,500,000	\$728,000
\$11,500,001 - \$12,500,000	\$757,000
\$12,500,001 - \$13,500,000	\$785,000
\$13,500,001 - \$14,500,000	\$814,000
\$14,500,001 - \$15,500,000	\$843,000
\$15,500,001 - \$16,500,000	\$871,000
\$16,500,001 - \$17,500,000	\$900,000
\$17,500,001 - \$18,500,000	\$928,000
\$18,500,001 - \$19,500,000	\$957,000
\$19,500,001 - \$20,500,000	\$986,000
\$20,500,001 - \$21,500,000	\$1,000,000
\$21,500,001 - \$22,500,000	\$1,024,000

INVESTMENT RANGE	DDD REBATE
\$22,500,001 - \$23,500,000	\$1,048,000
\$23,500,001 - \$24,500,000	\$1,072,000
\$24,500,001 - \$25,500,000	\$1,096,000
\$25,500,001 - \$26,500,000	\$1,120,000
\$26,500,001 - \$27,500,000	\$1,144,000
\$27,500,001 - \$28,500,000	\$1,168,000
\$28,500,001 - \$29,500,000	\$1,192,000
\$29,500,001 - \$30,500,000	\$1,216,000
\$30,500,001 - \$31,500,000	\$1,240,000
\$31,500,001 - \$32,500,000	\$1,264,000
\$32,500,001 - \$33,500,000	\$1,288,000
\$33,500,001 - \$34,500,000	\$1,312,000
\$34,500,001 - \$35,500,000	\$1,336,000
\$35,500,001 - \$36,500,000	\$1,360,000
\$36,500,001 - \$37,500,000	\$1,384,000
\$37,500,001 - \$38,500,000	\$1,408,000
\$38,500,001 - \$39,500,000	\$1,432,000
\$39,500,001 - \$40,500,000	\$1,456,000
\$40,500,001 - \$41,000,000	\$1,480,000
\$41,000,001 - <i>and over</i>	\$1,500,000

B. Large Project Reservation Application Process

Large Project Investors **must** apply for a Reservation in order to receive rebate funding. The Reservation process is designed to provide assurance to the Investor that funding will be available upon completion of the project.

C. Applying for a Large Project Reservation

To apply for a Reservation an Investor must meet eligibility and minimum threshold requirements and submit the following documentation to DSHA by the established application deadline:

- Large Project Reservation Application;
- Required Application Exhibits;
 - Project Description (planned scope of work);
 - Proof of Site Control (e.g. legal deed, signed agreement of sale, owner’s consent);
 - Project Conformity to District Plan;
 - Project Timeline;
 - Demonstration of Funding Priorities (information used for ranking of applications);
 - Project Budget (total development costs);
 - Proof of Property Condition (digital photos):
 - If project construction is already underway, Investors must provide documentation from the General Contractor of expenditures to date in a signed and notarized document format;
 - Completed W-9 Form; and
 - Additional Exhibits (if applicable):
 - Multiple-Owner Form (includes multiple owner coordination);
 - Tenant Owner Consent (includes multiple tenant coordination).

1. Application Review and Ranking

Only applications that meet eligibility and minimum threshold requirements and successfully satisfy all application documentation requirements will be considered eligible for Reservation consideration. All other applications will be deemed ineligible and will **not** go forward to the review and ranking process.

In the event the total Reservation application requests **exceed** available funding, Reservation requests will be reviewed and ranked. Applications will be scored based on the following project priority considerations:

- Identified as a priority project in the District Plan;
- Readiness to proceed;
- Creates permanent jobs;
- Expands housing opportunities;
- Protects historic resources;
- Actively reuses existing practices; and
- Promotes sustainable practices (LEED Silver).

Please refer to Appendix C and D for detailed information regarding Priority Scoring.

2. Rebate Reservation

- DSHA will make the final determination of the Reservation amount.
- DSHA will announce Rebate Reservations within **60 days** of the application deadline.
- Reservation Awardees will receive notification by email. Following email notification an official Rebate Reservation ~~Award~~ letter that includes Conditions of Funding will be sent via regular mail. Investors will be given **15 days** to sign and return Rebate Reservation. Reservations not accepted within the 15 day period may be forfeited.
- **A Reservation may be rescinded due to:**
 - Project not being 15% substantially commenced within 12 months of Reservation date *;
 - Project not complete within 3 years from Reservation date;
 - Nature of project changes from original application; and
 - Change in ownership of property.

** An Investor may receive one 6 month extension with written approval from DSHA.*

- DSHA reserves the right, at its sole discretion, to reserve a portion of funds for Reservation for a year subsequent to the current year for a highly ranked project that received only a partial Reservation from the current year due solely to limited funding availability. DSHA shall only “forward commit” funds from the immediately following year’s allocation and not in an amount greater than the balance of the funds available in the current year, after the highest ranked projects have received their full Reservation.

3. “Substantially Commenced” Requirement

Investors receiving a Large Project Reservation must demonstrate to DSHA the ability for their project to be “substantially commenced” within 12 months from the date of Reservation at the time of application. Furthermore, Investors are required to provide evidence to DSHA that the Investment is “substantially commenced” at the one year benchmark to avoid the Reservation being forfeited.

For an Investment to be considered “substantially commenced” a minimum of 15% of the “qualified” expenditures related to real construction activity must be expended, meaning physical construction or rehabilitation of the building or facility must be underway. This status will be verified through site inspection, request for written verification of expenditures and any additional information DSHA may request.

Investors not able to pass the “substantially commenced” test may apply for a one-time six (6) month Reservation extension. Investors must demonstrate to DSHA the ability to be “substantially commenced” within the six month extension period in order for DSHA to approve an extension. DSHA will notify Investors in writing that an extension has been approved.

DSHA will notify Investors in writing when an Investment has not passed the “substantially commenced” test, it has been determined that an extension is not feasible and the Reservation is therefore being forfeited. Forfeited Reservations will be reallocated to either the Large Project or Small Project set-aside, at DSHA’s sole discretion.

4. Attestation of Costs

Eligible costs associated with Large Project investments must be attested to by a Delaware licensed Certified Public Accountant (CPA). An Attestation of Costs must be submitted to DSHA within **60 days** of project being placed in service, in order for a project to be eligible to receive rebate funds. DSHA highly recommends that Investors engage with a CPA early on in the project to meet this deadline. Costs associated with the preparation of the Attestation are **not** eligible for a rebate and may **not** be included in the QRPI.

DSHA’s Attestation of Costs Procedures, along with required forms can be accessed at www.destatehousing.com/DDD.

D. Final Rebate Process

Large Project Investors **must** apply for a Rebate Reservation in order to receive a rebate. Once a project **with** a Reservation is fully completed, placed in service and all costs associated with the QRPI have been paid in full and the Attestation of Costs has been completed, an Investor may submit a **rebate** disbursement request.

The final rebate may be less than the Reservation amount, but **not** greater. Costs associated with project changes not included in original Reservation application will **not** be considered.

1. Request for Rebate Disbursement

Investors **with** a Reservation must submit the following information to DSHA within **60 days** of the building or facility being placed in service to receive a Rebate:

- Copy of original Rebate Reservation;
- Placed-in-Service documentation;
- CPA Attestation of Costs Report (Agreed-Upon Procedures and Findings)
 - DSHA Attestation forms AC101-104 completed and signed (includes Rebate Disbursement Request);
- Description of Final Scope of Work;
- Demonstration that Project Priority Considerations have been met, if applicable;
- Digital Photographs of completed building or facility; and
- Completed and signed W-9 Form.

2. Compliance Review and Inspection

DSHA will review all documentation for compliance with the program and, as part of this review will conduct a physical inspection of the property to confirm the project conforms to the project scope outlined in the Reservation.

The inspection will include, but is not limited to, verifying the following:

- Completion of municipal or governmental agency inspections;
- Project completeness. Depending on nature of project, evidence that business activity is taking place or about to begin;
- Parcel location;
- Building or facility use;
- Number of stories;
- Square footage of use types, if residential, number of units;
- Conformity with Scope of Work submitted in the original Large Project Rebate Reservation Application;
- Verification that work performed supports documentation of submitted QRPI; and
- Project Priority Considerations have been met, if applicable.

3. Final Rebate

- Investors can expect to receive a rebate within **60 days** from the date DSHA receives the CPA's Attestation of Costs, Request for Disbursement and **all** required support documentation. DSHA reserves the right to request additional documentation as needed.
- Final rebates may be less than the Reservation amount, but **not** greater.
- DSHA, at its sole discretion, will determine the final rebate.

Application Submission and DSHA Contact Information

Instructions for packaging and submitting DDD applications to DSHA are included in each of the applications. If you are interested in applying or have questions regarding the **DDD Rebate Program**, please contact:

Penny Pierson, DDD Program Manager

Email: Penny@destatehousing.com

Phone: (302) 739-0246

Appendix A: DDD Rebate Program Related Definitions

- **Building:** defined as any construction meeting the ordinarily accepted meaning of the term, usually a roofed and walled structure built for permanent use where: (1) areas separated by interior floors or other horizontal assemblies and (2) areas separated by fire walls or other vertical assemblies shall not be construed to constitute separate buildings, irrespective of having separate addresses, ownership or tax assessment configurations, unless there is a property line contiguous with the fire wall or vertical assembly.
- **DSHA:** defined as the Delaware State Housing Authority.
- **Downtown Development District or District:** defined as an area within a municipality or unincorporated area designated as a Downtown Development District by the Governor in accordance with Chapter 19 of Title 22.
- **District Plan:** defined as the strategic plan or other detailed description of the overall strategy for the development of a proposed district submitted by the municipality or unincorporated area as part of its application for District designation.
- **DDD Rebate:** defined as a Downtown Development District Rebate.
- **Facility:** defined as a complex of buildings, co-located at a single physical location within a District, all of which are necessary to facilitate the conduct of the same residential, trade, or business use. This definition applies to new construction as well as to the rehabilitation and expansion of existing structures. Multi-family rental developments described as “scattered site” will be considered a single facility for DDD program purposes. An exception is made only for scattered site homeownership units developed by a non-profit.
- **Minimum Qualified Investment Threshold or MQIT:** defined as the minimum level of Qualified Real Property Investment required to be made by an Investor in a building or facility in order to qualify for a DDD Rebate. Notwithstanding the foregoing, for beginning with the fiscal year ending June 30, 2015, the Minimum Qualified Investment Threshold shall be \$15,000 or \$25,000 (depending on project size) per building or a facility. No more often than once per year, DSHA may amend the Minimum Qualified Investment Threshold with respect to uses (residential, commercial, industrial, etc.), types of projects (rehabilitation, new construction, etc.), or other criteria determined by DSHA to be necessary or convenient to accomplish the purposes of this program. Notwithstanding the foregoing, no investment in the rehabilitation, expansion, or construction of any building or facility in a District shall count toward meeting the Minimum Qualified Investment Threshold unless it is performed in accordance with the District Plan and **after** the date the real property is officially incorporated within the boundary of a designated District.
- **Mixed-Use:** defined as a building or facility that blends a combination of residential, commercial, or industrial uses.
- **Municipality:** defined as any incorporated town or city of this State.

- **Permanent Full-Time Position:** defined as a job of indefinite duration at a business firm located in a designated District, requiring the employee to report to work within the District; and requiring (i) a minimum of 35 hours of an employee's time per week for the entire normal year of a business firm's operation, which a normal year must consist of 48 weeks, (ii) a minimum of 35 hours of an employee's time per week for the portion of the calendar year in which the employee was initially hired for or transferred to the business firm, or (iii) a minimum of 1,680 hours per year. Such positions shall not include: (i) seasonal, temporary, or contract positions, (ii) a position created when a job function is shifted from an existing location in the State to a business firm located with an District, (iii) any position that previously existed in the State, or (iv) positions created by a business that is simultaneously closing facilities in other areas of the State.
- **Qualified District Investor or Investor:** defined as an owner or tenant of real property located within a District who expands, rehabilitates or constructs such real property for residential, commercial, industrial or mixed use. In the case of a tenant, the amounts of qualified real property investment specified in this section shall relate to the proportion of the building or facility for which the tenant holds a valid lease. In the case of an owner of an individual unit within a common interest community, as such term is defined in 25 Del.C. § 81-103(11), the amounts of qualified real property investments specified in this chapter shall relate to that proportion of the building for which the owner holds title and not to common elements.
- **Qualified Real Property Investment or QRPI:** defined as the amount that is properly chargeable to a capital account for improvements to rehabilitate, expand or construct depreciable real property placed in service within a District. Specific inclusions and exclusions from the definition of "Qualified Real Property Investment" shall be determined by DSHA, but such definition shall generally include expenditures associated with (i) any exterior, interior, structural, mechanical or electrical improvements necessary to construct, expand or rehabilitate a building or facility for residential, commercial, industrial, or mixed use; (ii) excavations; (iii) grading and paving; (iv) installing driveways; (v) landscaping or land improvements; and (vi) demolition (must result in construction of a new building). Notwithstanding the foregoing, no investment in the rehabilitation, expansion, or construction of any building or facility in a District shall be a Qualified Real Property Investment unless it is performed in accordance with the District Plan and **after** the date the real property is officially incorporated within the boundary of a designated District.
- **Street Level Pedestrian Friendly Use:** A use provided at street level that generates significant foot traffic. Street level grocery, retail, restaurant, and entertainment uses are considered pedestrian friendly. Other uses qualify if they generate street level pedestrian activity for at least 13 hours per day or provide street-level uses that generate at least 400 users a day.
- **Substantially Commenced:** For the Investment to be considered "substantially commenced" a minimum of 15% of the "qualified" expenditures related to real construction activity must be expended, meaning physical construction of the Investment must be underway. This status may be verified through site inspection and request for written verification of expenditures.

Appendix B: Eligible Cost Definitions by Line Item

The costs defined below are only eligible if the work is performed by a DE Licensed Contractor.

Appliances/Equipment - Costs central to the activities of a commercial, industrial or multi-family residential real property investment will be considered eligible if the expenditure exceeds \$750, adds value to the property, requires a licensed professional to install/disconnect, is considered necessary to receive a Certificate of Occupancy, and is **not** defined as an ineligible in these guidelines.

Building Environmental Remediation – Costs associated with the removal or remediation of asbestos, lead-based paint or other environmentally hazardous substances. *Testing and environmental audit fees are considered soft costs and therefore ineligible.*

Carpeting - Costs associated with carpeting, padding, and carpet tiles for units, buildings or facility.

Concrete - Costs associated with any concrete foundation work, flat, slab, sidewalk or curb work, and miscellaneous gypcrete work. *A letter from the District confirming sidewalk or curb work is necessary for a certificate of occupancy or to place in service is required for eligibility.*

Demolition - Costs include wrecking, destroying or tearing down of non-essential buildings or structures. For rehabilitation projects, costs include demolishing existing walls, floors, ceilings, roofs, non-essential buildings, etc., and disposal fees directly related to the demolition. *Demolition costs of a building/structure are eligible only if the end result is a new or rehabilitated building or facility.*

Doors and Frames - Costs associated with interior and exterior doors, metal or wood frames, hardware for doors and lock systems, hinges and doorstops. *New hardware is eligible only if a new door is installed.*

Drywall - Costs associated with gypsum board, spackling, tape and finishing work.

Electrical - Costs associated with all wiring for the interior and exterior of the buildings including, but not limited to, devices, electrical boxes, switches, paddle and exhaust fans, light fixtures, outlets, interior cable and phone lines. *Costs associated with parking area lighting will be considered only when in conjunction with the construction of a new or rehabilitated building or facility.*

Elevators - Costs associated with the purchase and installation of elevators.

Exterior Siding - Costs associated with all exterior siding, including, but not limited to, vinyl, concrete plank, stucco, moisture and thermal protection (Tyvek), all associated trim, fypons, and architectural millwork.

Finished Carpentry - Costs associated with installing kitchen and bathroom cabinetry, installation of doors and windows, trim, window sills, baseboards, and casework.

Fire Alarm/Security System Equipment - Costs associated with close circuit/security cameras, fire alarm/annunciation panels, electronic entry systems, nurse/emergency call systems. *Costs are considered eligible as long as they are in conjunction with the new construction or substantial rehabilitation of a building or facility.*

Flooring/VCT/Vinyl/VCP - Costs associated with the purchase and installation of vinyl, VCP plank, engineered flooring, underlayment, sheet goods, ceramic tiles, stained concrete, or VCT flooring for the building.

General Conditions

- General Conditions for the DDD Rebate program **cannot exceed 10% of the eligible construction hard costs excluding overhead and profit and must be documented by invoices, canceled checks, time sheets, logs, etc.**
- Costs associated with general trade items (i.e. carpentry, plumbing, HVAC, etc.), particularly employees of the General Contractor, are **NOT** eligible under General Conditions.
- All of the costs listed below must be incurred for labor or materials supplied at the job site except as otherwise noted herein. The items will vary due to project type, location and site conditions. **All charges for material or labor must be at cost, with no mark-up and no indirect costs.**

Eligible General Conditions Costs include:

Cleanup, cleanup labor, rubbish disposal, dumpsters for construction debris only, Project Construction Site Manager and Project Superintendent salaries, general labor, labor for material movement on site, watchmen's or other security wages, large equipment rental (if equipment is owned by General Contractor, costs charged must be at the local rental rates), truck or car expense of site supervisor, field office expense and minor field office supplies, small tools and supplies, theft and vandalism (if supported by a police report and not covered by insurance).

General Maintenance Repairs - Repairs made to existing systems or structures located within a building/facility are considered general maintenance and **INELIGIBLE** for this program.

HVAC - Costs associated with installation and products for heating and air conditioning for the units and common areas (must be code compliant). *Repairs to existing equipment are ineligible.*

Insulation - Costs associated with all insulations located at slabs/footers, walls, floors, attic areas, including batt, blown-in, spray-on, fire stopping and rigid types.

Joint Sealant - Costs associated with interior and exterior caulking including but not limited to, all bathroom and kitchen areas, trim, baseboards, fire-stopping and all exterior areas.

Kitchen and Bathroom Cabinets - Costs of the kitchen and bathroom cabinets, including all base and wall cabinets, countertops, side and wall splash guards, and bathroom vanity.

Masonry - Costs associated with any block, brick, or stonework, including foundation footings, paging, restoration/power washing, re-pointing, and acid washing.

Metals/Gutters/Downspouts - Costs associated with miscellaneous metals and drip edge, fascia, headers, columns, and interior and exterior metal railings. Steel stairs, beams and other structural metals are included.

Painting - Costs associated with all interior and exterior painting as defined in the specifications and manufacturer's recommendations.

Paving/Driveways/Parking - Costs include construction of parking areas, driveways, and striping, re-surfacing, seal-coating, parking bumpers. *Costs are considered eligible as long as they are in conjunction with the new construction or substantial rehabilitation of a building or facility.*

Plumbing - Costs associated with all rough and finished plumbing, included but limited to, hot and cold water supplies, sanitary connections, venting, purchase and setting of fixtures (toilets, tubs, sinks, showers, dishwashers, garbage disposals, water heaters, hose bibs, laundry rooms).

Roofing - Costs associated with all roofs, including but not limited to, shingles, vents, metal flashing, underlayment, ice shields and rubber roofs. *Replacement or substantial replacement of a roof is eligible; however, a minor roof repair is not eligible. For the purpose of this program substantial replacement is defined as at least 60% of the entire roofing system. DSHA will determine eligibility upon inspection of the roof at time of completion.*

Rough Carpentry - Costs associated with all framing, additions, setting trusses and roof, wall or floor sheathing.

Site Improvements (Landscaping) - Costs associated with plantings, grass/sod/mulch/weed blocker, decorative stone, and landscaping timbers. Costs are considered eligible only when items are required to place in service. *A letter from the District confirming site improvement or landscaping is necessary to place in service is required. Additionally, eligible landscaping costs are capped at \$1,000.*

Site Grading - Costs include stripping top soil, stock piling and grading, rough and finish grading, and imported fill material.

Solar Panels - Must be in conjunction with the new construction or rehabilitation of a building or facility; investor must own solar panels and be the eligible recipient of the Renewable Energy Tax Credit; panels must be attached to the building (rooftop); free standing solar panel systems and solar farms are considered **ineligible** expenses. Costs include: solar panels and associated operating equipment. Service fees are considered ineligible expenses.

Specialties - Costs include fire extinguishers, handicap accessibility requirements, unit and building identification numbers, permanent shelving/closet linen/vinyl coated components.

Sprinklers - Costs associated with code compliant fire protection sprinkler system and all associated pertinent equipment located in the building/facility. *For example, costs associated with the installation of a water line whose function is to bring water to the building from the main water line are considered ineligible.*

Toilet Accessories - Costs associated with shower rods, grab bars, towel bars, toilet paper holders, mirrors, and medicine cabinets for the units or facility.

Windows - Costs associated with all windows and patio doors, including screens.

Appendix C: Priority Considerations

PRIORITY CONSIDERATIONS	SCORE
IDENTIFIED AS PRIORITY PROJECT	
<ul style="list-style-type: none"> Identified in District Plan as Priority Project 	3
READINESS TO PROCEED	
<ul style="list-style-type: none"> Building permits secured prior to Reservation application 	2
CREATES PERMANENT JOBS	
<ul style="list-style-type: none"> Creates <u>5</u> or more permanent full-time positions * 	1
<ul style="list-style-type: none"> Creates <u>20</u> or more permanent full-time positions * 	2
CREATES OR SUSTAINS MIXED-USE DEVELOPMENT **	
<ul style="list-style-type: none"> Includes residential above 1st floor 	1
<ul style="list-style-type: none"> Includes at least <u>2</u> uses vertically mixed 	0.5
<ul style="list-style-type: none"> <u>And</u> street level pedestrian friendly uses* 	0.5
EXPANDS HOUSING OPPORTUNITIES	
<ul style="list-style-type: none"> Provides a mixture of housing types or tenure 	1
<ul style="list-style-type: none"> Creates homeownership or converts rental to homeownership via non-profit entity 	1
PROTECTS HISTORIC RESOURCES	
<ul style="list-style-type: none"> Preserves or reuses buildings of historical significance 	1
ADAPTIVELY REUSES EXISTING STRUCTURES	
<ul style="list-style-type: none"> Adapts old structures for new purposes while retaining architectural uniqueness 	1
PROMOTES SUSTAINABLE PRACTICES	
<ul style="list-style-type: none"> Receives U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver certification. Refer to Appendix E for available funding and requirements. 	2
<ul style="list-style-type: none"> Participates in a Delaware Sustainable Energy Utility (DSEU) Program. Refer to Appendix F for available DSEU Programs. 	1

*See Appendix A for definitions.

** Creates a mix of uses within a new building/facility OR sustains mixed use within an existing building/facility that, without this assistance, mixed-use is not possible.

Appendix D: Priority Considerations Required Documentation

PRIORITY	DOCUMENTATION
PROJECT IDENTIFIED AS PRIORITY PROJECT	
<ul style="list-style-type: none"> Identified in District Plan as Priority Project 	Reference page in DDD plan
READINESS TO PROCEED	
<ul style="list-style-type: none"> Building permits secured prior to Reservation application 	Copy of obtained building permit, dated appropriately to allow activity to commence within a time frame that allows for completion in accordance with District rebate
CREATES PERMANENT JOBS	
<ul style="list-style-type: none"> Creates 5 or more permanent full-time positions * 	Documentation of employer commitment along with number of permanent full-time employees *
<ul style="list-style-type: none"> Creates 20 or more permanent full-time positions * 	
CREATES OR SUSTAINS MIXED-USE DEVELOPMENT	
<ul style="list-style-type: none"> Includes residential above 1st floor 	Verified from proposal and site plan
<ul style="list-style-type: none"> Includes at least 2 uses vertically mixed 	Verified from proposal and site plan
<ul style="list-style-type: none"> <u>And</u> street level pedestrian friendly uses * 	Verified from proposal and site plan
EXPANDS HOUSING OPPORTUNITIES	
<ul style="list-style-type: none"> Provides a mixture of housing types or tenure 	Verified from proposal and site plan to provide two or more housing types (i.e., single family, attached, multi-family) and/or both homeownership and rental
<ul style="list-style-type: none"> Creates homeownership or converts rental to homeownership via non-profit entity 	A non-profit applicant with stated proposal (mission and proof of 501©3)
PROTECTS HISTORIC RESOURCES	
<ul style="list-style-type: none"> Preserves or reuses buildings of historical significance 	Copy of SHPO determination of 'Part 1 – Certification of Historic Property', SHP Tax Credit Application
ADAPTIVELY REUSES EXISTING STRUCTURES	
<ul style="list-style-type: none"> Adapts old structures for new purposes while retaining architectural uniqueness 	Verified from proposal, site plan, pictures and proposal for reuse
PROMOTES SUSTAINABLE PRACTICES	
<ul style="list-style-type: none"> Receives LEED Silver certification 	Refer to Appendix E for available funding and requirements
<ul style="list-style-type: none"> Participates in a Delaware Sustainable Energy Utility (DSEU) Program <p>Refer to Appendix F for DSEU Programs</p>	<p>Submitted with Reservation application</p> <ul style="list-style-type: none"> Signed DSEU letter certifying participation <p>Submitted with Final application</p> <ul style="list-style-type: none"> Signed DSEU letter certifying completion

* See Appendix A for definitions

Appendix E: Promoting Sustainable Practices

The SOFA grant is available *only* to applicants receiving DDD rebate funds.

Sustainable Practices are practices essential for the future of environmental protection or that positively benefit the environment of a community. The DDD Rebate program seeks to promote sustainable practices by incentivizing projects that achieve high energy-efficiency; reduce the carbon footprint of the community; or, protect the many residents who are unable to pay high bills associated with keeping homes comfortable and safe during extreme weather. Sustainable Practices are encouraged as follows:

- When Reservation applications for Large Projects **exceed** the funding allocated, then Reservation requests that address one or more Priority Considerations, including Promotes Sustainable Practices, will receive points according to the scoring guidelines outlined in Appendix C.
- DSHA received a Strategic Opportunity Funds for Adaptation (SOFA) grant to pay for third-party costs associated with achieving the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver certification. *These costs are not eligible expenses under the DDD rebate and will not "double-dip" DDD rebate funds.* This grant is capped at **\$30,000 per building or facility** regardless of documented third-party costs.

Process for applicants pursuing LEED Silver certification

- Submitted with Reservation application:
 - A completed and signed LEED Letter of Intent
 - A copy of the developer's contract with a LEED Accredited Professional (or LEED consultant)
 - A copy of LEED Accredited Professional certificate or list of experience
- Reservation Award Letter will include requirement to submit following within 60 days:
 - A copy of the LEED scorecard
 - A copy of the online Design Review printout
 - Contact information for USGBC LEED contact who will review project and approve certification
- During DDD Project Construction
 - Review applicant's LEEDOnline.com documentation showing the progress on the LEED requirements every 6 months
- Building is Complete and Certified
 - Applicant submits copy of their GCBI LEED Silver certification and the \$30,000 is disbursed.

Applicants can submit documentation of third-party costs along the design, development, and certification process. However, DSHA will not disburse SOFA funds until project is completed, LEED Silver certification obtained, and documentation of third-party expenses is submitted to DSHA.

If you are interested in applying for or have questions regarding the **SOFA Grant Program**, please contact:

Hillary Austin, Planner II
Email: Hillary@destatehousing.com
Phone: (302) 739-4263

Karen E. Horton, AICP, Principal Planner
Email: KarenH@destatehousing.com
Phone: (302) 739-4263

Appendix F: Delaware Sustainable Energy Utility (DSEU) Program

NAME	DESCRIPTION
Solar Renewable Energy Credits (SREC) Banking Program	Using its legal authority to bank Solar Renewable Energy Credits (SRECs) the SEU can assist in the financing of Solar Photovoltaic (PV) arrays by acquiring SREC's from new construction projects, holding the SRECs for a future buyer who is contracted at the time of construction. The SEU used this authority to assist in the financing of the Dover Sun Park Project in 2010 which is among the largest solar facilities in the country.
SREC Procurement Program	The SEU operates the Delaware SREC Procurement Program under contract with Delmarva Power. The SEU acquires SREC's from existing and proposed owners of solar arrays for Delmarva Power. The program is operated as an on-line annual auction held in the Spring of each year. The program is designed by the Delaware Renewable Energy Task Force and is approved by the Public Service Commission. http://www.srecdelaware.com/
Delaware Green 4 Green Program	The SEU provides incentives for newly constructed residential homes in Delaware. The current program is being redesigned to offer incentives to home builders; the incentive levels and standards have not yet been finalized. The goal is to shift the market to be more efficient than current residential energy building codes and move the residential market toward net zero energy capable. The program will be administered through a third party contractor; the Home Builders Association of Delaware is a key program partner. http://degreen4green.com/
Low Interest Loan Program for Business and Non-profits	The SEU provides direct low-interest loans to businesses, non-profits, and governments for the purpose of financing Energy Efficiency Measures (ECM's), Renewable Energy Projects, Alternative Fuel Vehicles and Infrastructure and carbon emissions reduction measures. Loans can range between \$25,000 and \$1 Million. Loan terms are based on payback of the efficiency measures. Rates can vary from 50% to 120% of the AA 20 year municipal bond index. The borrower must be credit qualified. http://www.energizedelaware.org/Efficiency-Plus-Business-Program/
SEU Energy Assessments for Non-profits and local governments	The SEU provides direct low-interest loans to businesses, non-profits, and governments for the purpose of financing Energy Efficiency Measures (ECM's), Renewable Energy Projects, Alternative Fuel Vehicles and Infrastructure and carbon emissions reduction measures. Loans can range between \$25,000 and \$1 Million. Loan terms are based on payback of the efficiency measures. Rates can vary from 50% to 120% of the AA 20 year municipal bond index. The borrower must be credit qualified. http://www.energizedelaware.org/Efficiency-Plus-Business-Program/
Home Performance with ENERGY STAR – Downtown Development District	This program offers energy audits at a cost of \$100 to the homeowner, rebates and 5.99% low-interest loans to implement energy savings recommendations identified through the audit. Individual rebates range from \$150 to \$1,000, with a total eligible rebate amount of \$6,750 (Up to \$7,825 through 12/31/2016 with increased incentives for HVAC measures). In addition to the audit, participants will get direct install measures such as energy efficient light bulbs and smart power strips. Financing is available up to \$25,000 with a ten year term, participants must be credit eligible. http://www.energizedelaware.org/Home-Performance-with-Energy-Star/ <i>The DDD program is a variation of this Home Performance Program listed above. Greater rebates for audits and implemented energy efficiency measures for those who live in designated DDD districts.</i> http://www.energizedelaware.org/Downtown-District-Development-Program/

NAME	DESCRIPTION
Assisted Home Performance Program	<p>This program is a variation of the Home Performance Program listed above. Greater rebates for audits and implemented energy efficiency measures for those individuals that are income qualified. The SEU has partnered with Catholic Charities to complete the income qualification verification for this program.</p> <p>http://www.energizedelaware.org/Assisted-Home-Performance/</p>
SEU-Cinnaire Loans Multiple Units and Non-Profits Serving Low and Moderate Income Families	<p>The SEU has joined with Cinnaire and its member banks in establishing a low-interest loan fund to assist Low and Moderate Family Housing providers and Non-profits who serve low and moderate income families. The SEU will provide a portion of the capital for these projects and will be taking a top loss position for the purpose of reducing the risk to the member banks allowing for lower interest rates. This partnership is bringing an additional \$9 million in capital funding.</p>
Commercial Solar Thermal & Geothermal Incentive Grants	<p>The SEU provides incentives to commercial size solar thermal or geothermal systems. The program is designed to incentivize the construction of non-residential solar-thermal and geothermal heating systems and provides rebates up to \$200,000. The rebates are based on the size of the systems and are generally designed to cover approximately 30% of the total cost of the project.</p> <p>http://greengrantdelaware.com/green-grant-solar-hot-water-and-geothermal/</p>
Energy Efficiency Investment Fund (EEIF) for Non-Profits	<p>EEIF for Non-Profits Program provides incentives for investments in energy efficient equipment and helps non-profits decrease operating costs, reduce energy consumption, and improve environmental performance and comfort. Program provides information and prescriptive incentives to help non-profits install high efficiency natural gas heating and water heating equipment, energy efficient lighting improvements, vending improvements, and more. Program also offers incentives for energy assessments, and custom incentives for unique energy efficiency projects that do not qualify for a prescriptive grant.</p>
Net Zero Energy Manufactured Home Program	<p>The SEU has contracted with Vermont Energy Investment Corporation (VEIC) to administer the program and is partnering with Milford Housing Authority to implement the program and Beracah Homes to construct the Net Zero Energy Manufactured Homes (NZEMHs) with incentives and low-interest loans to be provided by the SEU for income eligible Delaware homeowners to purchase these NZEMHs. The program goal is to construct 25 net zero homes in three years.</p>

Appendix B: Sample Agreed-Upon Procedures Engagement Letter

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The Engagement Letter begins on the next page.

Functional forms may be accessed at

http://www.destatehousing.com/Developers/dv_ddd.php

Official Letterhead of CPA Firm

Date

Name of Client

Address of Client

We are pleased to confirm our understanding of the nature and limitations of the services we are to provide for Client's Legal Name.

We will apply the agreed-upon procedures which the Delaware State Housing Authority (DSHA) has specified, as listed in the attached schedule(s), to Client's Name grant application for the Investment known as Investment address in accordance with the DSHA Downtown Development District (DDD) program guidelines. This engagement is solely to assist Client's Name and DSHA with Client's Name DDD Rebate application. Our engagement to apply agreed-upon procedures will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of those parties specified in the report. Consequently, we make no representation regarding the sufficiency of the procedures described in the attached schedule(s) either for the purpose for which this report has been requested or for any other purpose. If, for any reason, we are unable to complete the procedures, we will describe any restrictions on the performance of the procedures in our report, or will not issue a report as a result of this engagement.

Because the agreed-upon procedures do not constitute an examination, we will not express an opinion on the DDD rebate request. In addition, we have no obligation to perform any procedures beyond those listed in the attached schedule.

We will submit a report listing the procedures performed and our findings. This report is intended solely for the use of Client's Name and DSHA and should not be used by anyone other than these specified parties. Our report will contain a paragraph indicating that had we performed additional procedures, other matters might have come to our attention that would have been reported to you. The attestation documentation for this engagement is the property of CPA Firm's Name and constitutes confidential information. However, we may be requested to make certain attestation documentation available to DSHA pursuant to authority given to it by law or regulations. If requested, access to such attest documentation will be provided under the supervision of CPA Firm's Name personnel. Furthermore, upon request, we may provide copies of selected attest documentation to DSHA. DSHA may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

We plan to begin our procedures on approximately Date and, unless unforeseeable problems are encountered, the engagement should be completed by Date. At the conclusion of our engagement, we will require a representation letter from management that, among other things, will confirm management's responsibility for the presentation of the DDD Attestation Report and required forms in accordance with the DSHA DDD's Guidelines.

** We estimate that our fees for these services will range from \$ ___ to \$ ___. You will also be billed for travel and other out-of-pocket costs such as report production, word processing, postage, etc. The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss this with you and arrive at a new fee estimate before we incur the additional costs. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes ___ days or more overdue and will not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.*

** We appreciate the opportunity to assist you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us. If the need for additional procedures arises, our agreement with you will need to be revised. It is customary for us to enumerate these revisions in an addendum to this letter.*

Very truly yours,

CPA Firm's Name

RESPONSE:

This letter correctly sets forth our understanding.

By:

Title:

Date:

** Example language only – use customary firm policy wording for these paragraphs.*

Appendix C: DSHA Attestation of Actual Costs Forms (AC101-104)

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DSHA Forms begin on the next page.

Functional forms may be accessed at

http://www.destatehousing.com/Developers/dv_ddd.php.

**DELAWARE STATE HOUSING AUTHORITY (DSHA)
DOWNTOWN DEVELOPMENT DISTRICTS (DDD) REBATE
INVESTOR'S CERTIFICATE OF ELIGIBLE COSTS (AC101)**

Investor Name

Investment (Address)

This Certificate is made pursuant to the provisions of the Reservation Agreement entered into by and between DSHA and the Investor dated _____ and it is understood and agreed by the undersigned that this Certificate, **includes only costs deemed eligible for a DDD Grant as outlined in DSHA's DDD Program Guidelines.** Furthermore this Certificate, along with documentation supporting eligible costs and payment of such costs have been provided to an independent CPA for the purpose of performing the Agreed-Upon Procedures for the Attestation of Actual Costs as defined by DSHA.

The Investment, as indicated above, is complete and placed in service, and eligible costs exclusive of all rebates and discounts received in connection with such costs are itemized below:

Line #	Trade Item/Cost	Eligible DDD Rebate Paid Actual Costs	Eligible DDD Rebate To Be Paid	Eligible DDD Rebate Total Actual Costs
1	General Conditions	\$0.00	\$0.00	\$0.00
2	Site Improvements/Landscaping	\$0.00	\$0.00	\$0.00
3	Site Grading	\$0.00	\$0.00	\$0.00
4	Paving/Driveways/Parking	\$0.00	\$0.00	\$0.00
7	Demolition	\$0.00	\$0.00	\$0.00
8	Building - Environmental Remediation	\$0.00	\$0.00	\$0.00
9	Concrete	\$0.00	\$0.00	\$0.00
10	Masonry	\$0.00	\$0.00	\$0.00
11	Exterior Siding	\$0.00	\$0.00	\$0.00
12	Rough Carpentry	\$0.00	\$0.00	\$0.00
13	Finished Carpentry	\$0.00	\$0.00	\$0.00
14	Kitchen and Bathroom Cabinets	\$0.00	\$0.00	\$0.00
15	Joint Sealant	\$0.00	\$0.00	\$0.00
16	Insulation	\$0.00	\$0.00	\$0.00
17	Roofing	\$0.00	\$0.00	\$0.00
18	Metals/Gutters/Downspouts/Railings	\$0.00	\$0.00	\$0.00
19	Doors and Frames	\$0.00	\$0.00	\$0.00
20	Windows	\$0.00	\$0.00	\$0.00
21	Drywall	\$0.00	\$0.00	\$0.00
22	Flooring/VCT/Vinyl/VCP	\$0.00	\$0.00	\$0.00
23	Carpeting	\$0.00	\$0.00	\$0.00
24	Painting	\$0.00	\$0.00	\$0.00
25	Specialties	\$0.00	\$0.00	\$0.00
26	Toilet Accessories	\$0.00	\$0.00	\$0.00
27	Appliances	\$0.00	\$0.00	\$0.00
29	Elevators	\$0.00	\$0.00	\$0.00
30	Plumbing	\$0.00	\$0.00	\$0.00
31	Sprinklers	\$0.00	\$0.00	\$0.00
32	HVAC	\$0.00	\$0.00	\$0.00
33	Electrical	\$0.00	\$0.00	\$0.00
34	Fire Alarms/Security Systems	\$0.00	\$0.00	\$0.00
35	Misc Bldg <i>Specify Here</i>	\$0.00	\$0.00	\$0.00
36	Misc Bldg <i>Specify Here</i>	\$0.00	\$0.00	\$0.00
44	TOTAL REBATE ELIGIBLE COSTS	\$0.00	\$0.00	\$0.00

The undersigned hereby certifies that: (Check one)

- INVESTOR: I, the undersigned, the Investor, declare that I have made the management decisions necessary to complete this form and this form has been examined by me and is an accurate statement. I have disclosed all of the required documentation so that the CPA could perform the Agreed-Upon Procedures established by DSHA. I am authorized to sign on this certification.
- REPRESENTATIVE: I, the undersigned, on behalf of the Investor, declare that I have made the management decisions necessary to complete this form and this form has been examined by me and is an accurate statement. I have disclosed all of the required documentation so that the CPA could perform the Agreed-Upon Procedures established by DSHA. I am authorized to sign on behalf of the Investor.

Signature

Title

Date

**DELAWARE STATE HOUSING AUTHORITY (DSHA)
DOWNTOWN DEVELOPMENT DISTRICTS (DDD) REBATE
SCHEDULE OF CONTRACTOR GENERAL CONDITIONS AC-102**

Investor Name [Linked Cell](#)

Investment (Address) [Linked Cell](#)

Trade Item/Cost	Amount Paid	Amount to be Paid	Total	Payee
Project Superintendent			\$0.00	
Superintended Truck Expense			\$0.00	
Project Management			\$0.00	
General Labor			\$0.00	
Security/Watchmen Wages			\$0.00	
Field Office Expense			\$0.00	
Small Tools			\$0.00	
Safety Supplies			\$0.00	
Equipment Rental			\$0.00	
Cleanup and Trash Removal			\$0.00	
Final Cleaning			\$0.00	
Theft and Vanadlism Costs not covered by insurance			\$0.00	
Other:			\$0.00	
<i>Specify Here</i>			\$0.00	
<i>Specify Here</i>			\$0.00	
<i>Specify Here</i>			\$0.00	
TOTAL GENERAL CONDITIONS	\$0.00	\$0.00	\$0.00	

The Investor certifies that only third-party contractors licensed in the State of Delaware have performed the work associated with the above listed costs and that all amounts shown have been reduced to give effect to the amounts of any rebates, adjustments, discounts, or any other devices which had the effect of reducing the actual eligible cost.

[Linked Cell](#)

Investor

Date

Signature

**DELAWARE STATE HOUSING AUTHORITY (DSHA)
DOWNTOWN DEVELOPMENT DISTRICTS (DDD) REBATE
BUILDING AND PROJECT INFORMATION (AC-103)**

Investor	Linked Cell		
Investment (Address)	Linked Cell		
Investor Type			
Tax Parcel ID#			
Designated District	Select	County	Select
DDD Reservation Date			
Final Placed-in-Service Date			

<u>BUILDING INFORMATION</u>	<u>NUMBER</u>	<u>SQUARE FEET</u>
A. Total Buildings in Project		0
1. Residential use only		
a. Number of units		
2. Commercial use only		
3. Industrial use only		
4. Mixed-use		
Briefly describe building uses.		
a. Does project Include residential above 1st Floor?		Select
b. Does project Include at least 2 uses vertically mixed?		Select
c. Does project include street level pedestrian friendly uses?		Select
		<u>AMOUNT</u>
B. Total Development Costs (Include all soft and hard costs)		\$ -
C. Total DDD Rebate Eligible Costs (QRPI) (AC-101)		\$ -

PRIORITY OBJECTIVES

1. Was project identified in District Plan as a Priority Project? Select
2. How many permanent full-time jobs were created by this project?
3. Did the project preserve or re-use buildings of historical nature? Select
4. Did the project adapt the structure for new purposes while retaining architectural uniqueness? Select
5. Is the project on track to receive LEED Silver Certification? Select
6. Did the project participate in a Delaware Sustainable Energy Utility (DSEU) program? Select
If yes, provide name of program(s).

**DELAWARE STATE HOUSING AUTHORITY (DSHA)
DELAWARE DEVELOPMENT DISTRICTS (DDD) REBATE
REBATE DISBURSEMENT REQUEST FOR LARGE PROJECT RESERVATION (AC-104)**

Investor	Linked Cell	
Investment (Address)	Linked Cell	
Designated District	Select	County
		Select

A. Total Development Costs (TDC) of Project (Includes soft and hard costs):	\$ -
B. Total Rebate Grant Eligible Costs (AC101):	\$0
C. Minus the Minimum Qualified Investment Threshold:	\$25,000
D. Qualified Real Property Investment (QRPI):	\$0
E. If QRPI is \$2,500,000 or less , eligible DDD Rebate Amount:	\$0
F. If QRPI exceeds \$2,500,000 , eligible DDD Rebate Amount (select from table below):	\$ -
G. Enter Reservation Award Amount:	\$ -
H. Enter the lessor of line G (Reservation Award) or line E/F (Eligible Rebate Amount):	\$ -

INVESTMENT RANGE	DDD REBATE
\$2,525,000 - \$3,500,000	\$500,000
\$3,500,001 - \$4,500,000	\$528,000
\$4,500,001 - \$5,500,000	\$557,000
\$5,500,001 - \$6,500,000	\$585,000
\$6,500,001 - \$7,500,000	\$614,000
\$7,500,001 - \$8,500,000	\$642,000
\$8,500,001 - \$9,500,000	\$671,000
\$9,500,001 - \$10,500,000	\$700,000
\$10,500,001 - \$11,500,000	\$728,000
\$11,500,001 - \$12,500,000	\$757,000
\$12,500,001 - \$13,500,000	\$785,000
\$13,500,001 - \$14,500,000	\$814,000
\$14,500,001 - \$15,500,000	\$843,000
\$15,500,001 - \$16,500,000	\$871,000
\$16,500,001 - \$17,500,000	\$900,000
\$17,500,001 - \$18,500,000	\$928,000
\$18,500,001 - \$19,500,000	\$957,000
\$19,500,001 - \$20,500,000	\$986,000
\$20,500,001 - \$21,500,000	\$1,000,000
\$21,500,001 - \$22,500,000	\$1,024,000

INVESTMENT RANGE	DDD REBATE
\$22,500,001 - \$23,500,000	\$1,048,000
\$23,500,001 - \$24,500,000	\$1,072,000
\$24,500,001 - \$25,500,000	\$1,096,000
\$25,500,001 - \$26,500,000	\$1,120,000
\$26,500,001 - \$27,500,000	\$1,144,000
\$27,500,001 - \$28,500,000	\$1,168,000
\$28,500,001 - \$29,500,000	\$1,192,000
\$29,500,001 - \$30,500,000	\$1,216,000
\$30,500,001 - \$31,500,000	\$1,240,000
\$31,500,001 - \$32,500,000	\$1,264,000
\$32,500,001 - \$33,500,000	\$1,288,000
\$33,500,001 - \$34,500,000	\$1,312,000
\$34,500,001 - \$35,500,000	\$1,336,000
\$35,500,001 - \$36,500,000	\$1,360,000
\$36,500,001 - \$37,500,000	\$1,384,000
\$37,500,001 - \$38,500,000	\$1,408,000
\$38,500,001 - \$39,500,000	\$1,432,000
\$39,500,001 - \$40,500,000	\$1,456,000
\$40,500,001 - \$41,000,000	\$1,480,000
\$41,000,001 - and over	\$1,500,000

- I. **Required Documentation Checklist:** *(Items must accompany Grant Disbursement Request)*
- | | |
|--|---|
| <input type="checkbox"/> Attestation of Actual Costs (AC101-104) | <input type="checkbox"/> W-9 Form |
| <input type="checkbox"/> CPA Attestation Report | <input type="checkbox"/> Tenant Owner Form (if applicable) |
| <input type="checkbox"/> Copy of Reservation Letter | <input type="checkbox"/> Multiple Owner Form (if applicable) |
| <input type="checkbox"/> Final Placed-in-Service Document | <input type="checkbox"/> Priority Consideration Documentation (if applicable) |
| <input type="checkbox"/> Description of Final Scope of Work | <input type="checkbox"/> Proof of Site Control (if Investor was not owner at Reservation) |
| <input type="checkbox"/> Digital Photos of Completed Investment | |

I, the undersigned, as the qualified District Investor or on behalf of the qualified district investor, hereby apply to the DSHA For DDD Rebate funding and attest that the information provided is, to the best of my knowledge, accurate. The undersigned certifies that only third-party contractors licensed in the State of Delaware have performed the work associated with costs included in the QRPI.

Furthermore, the applicant hereby certifies to DSHA that the real property investment is not in any way owned, operated, including a felony, misdemeanor or offense involving fraud, dishonesty, deceit, breach of trust, embezzlement or any other financial crime.

I fully understand that it is a Class A misdemeanor punishable by fine up to \$2,300, up to 1 year in prison, restitution, and other conditions as the court deems appropriate, to knowingly make any false statements concerning any of the above facts as applicable under the provisions of Title 11, Delaware Code, Section 1233.

Signature	Date
Title	

Appendix D: Sample CPA Attestation Report for Agreed-Upon Procedures

The remainder of this page is intentionally left blank.

CPA Attestation Report for Agreed-Upon Procedures begins on the next page.

Functional forms may be accessed at

http://www.destatehousing.com/Developers/dv_ddd.php

**Report of Independent Accountant on Delaware State Housing Authority
Downtown Development Districts Rebate Agreed-Upon Procedures**

Insert Investor Name

and the Delaware State Housing Authority

We have performed the procedures enumerated below which were agreed upon by **Insert Investor Name** and the Delaware State Housing Authority (DSHA), to assist you in evaluating the DSHA Downtown Development Districts (DDD) Rebate and the additional required information of **Insert Investor Name** prepared in accordance with the DSHA Agreed-Upon Procedures for Attestation of Actual Costs Guidelines and the DDD Rebate Program Guidelines.

The management of **Insert Investor Name** is responsible for accuracy of the DSHA DDD Rebate and additional required information. This Agreed-Upon Procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in this report. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

Our procedures, and the results of those procedures, follow this report.

We were not engaged to, and did not, conduct an examination or review of the Attestation of Actual Costs forms and additional required information, the objective of which would be the expression of an opinion. Accordingly, we do not express such an opinion. If we had performed additional procedures, other matters may have come to our attention that would have been reported to you.

This report is intended for the use of **Insert Investor Name** and the DSHA, and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes.

Signature _____

City, State

Date

DDD Rebate

Agreed-Upon Procedures and Findings

Procedure 1: Attestation of Completed Application

- We will determine that DSHA's forms AC101-104 and all required attachments have been prepared in the prescribed format and contain the signed declaration.

Required documentation is as follows:

1. Completed and signed DSHA Forms AC101-AC104 (Includes Request for Disbursement of Rebate)
2. Completed W-9
3. Copy of final CO or final building inspection or in cases where no permits are required, a letter from the building official on the locality's letterhead stating such in addition to a copy of the third party inspection report indicating the work was complete
4. Completed, signed, and notarized supplemental form for owners of space in building (if applicable)
5. Completed, signed, and notarized supplemental form for a tenant in a building (if applicable)

In addition:

1. Final Release of Liens
2. Copy of General Liability and Property Insurance Certificate

Findings:

Insert Procedure Findings

Procedure 2: Attestation of Qualified Real Property Investments

- We will determine that the schedule of qualified real property investments (DSHA Certificate of Eligible Costs DSHA FORM AC101) includes only costs determined to be eligible for the DDD Rebate as defined in DSHA's DDD Rebate Program Guidelines.

Qualified real property investments per Chapter 19 of Title 22 of the Code which are defined as "the amount properly chargeable to a capital account for improvements to rehabilitate, expand or construct depreciable real property placed in service during the calendar year within an enterprise zone provided that the total amount of such improvements equals or exceeds (i) \$25,00 with respect to a single building or a facility in the case of rehabilitation or expansion or (ii) \$500,000 with respect to a single building or a facility in the case of new construction. Qualified real property investments include expenditures associated with (a) any exterior, interior, structural, mechanical or electrical improvements necessary to construct, expand or rehabilitate a building for commercial, industrial or mixed use; (b) excavations; (c) grading and paving; (d) installing driveways; and (e) landscaping or land improvements. Qualified real property investments shall include, but not be limited to, costs associated with demolition, carpentry, sheetrock, plaster, painting, ceilings, fixtures, doors, windows,

fire suppression systems, roofing, flashing, exterior repair, cleaning and cleanup.” In the case of cost categories listed on the schedule that include more than one type of work (such as drywall and demolition), the CPA will obtain a breakdown of the work included in such category and verify that all cost categories qualify as qualified real property investments. **We will note any items if we are uncertain if any items qualify as real property investments, with the corresponding dollar amount, in this report.**

Findings:

Insert Procedure Findings

- We will determine that the items and costs listed on the schedule were properly charged to the capital (asset) account. Any investments/items that have been expensed or are deemed ineligible by definition in DSHA’s DDD Rebate program guidelines cannot be included on the schedule of qualified real property investment. We will inspect the schedule for any items that are not charged to the capital account or deemed ineligible by definition of the program. In cases where not all qualified real property investments under the final CO charged to the capital account have been paid for, in order to count those qualified real property investments, a charge to a capital account with a corresponding recorded entry to a liability account and proof of subsequent payment thereof within 60 days of the calendar year end is satisfactory proof of a properly recorded charge to a capital account at year end. These amounts should be detailed in the to-be-paid column.

Findings:

Insert Procedure Findings

- We will vouch 100 percent of the invoices/receipts that correspond to the dollar value of the items listed on the schedule to attest that they are **eligible** for a DDD Rebate and have been properly charged to the capital (asset) account under generally accepted accounting principles or another recognized basis of accounting.

Findings:

Insert Procedure Findings

Procedure 3: Attestation of Placed in Service Documentation

For All Types of Placed in Service Documentation

- We will determine that the placed in service document is final and no other documentation was issued or is pending (for example, a final building inspection issued before a CO) by **verifying** with the locality’s Building Code Office the final documentation issued for the rehabilitation/expansion/new construction project for which a rebate is being sought.

Findings:

Insert Procedure Findings

- In cases in which the final placed in service documentation issued was only for a portion of the building/facility (for example, a CO for the first floor in a four story building), we will determine that the qualified real property investment amount listed on DSHA Form AC102 only includes work completed to the portion of the building/facility covered under the CO.

Findings:

Insert Procedure Findings

When Placed in Service Documentation is a Final CO

- We will inspect the final Certificate of Occupancy (CO) for the building to determine that the physical address on the final CO is the same physical address as listed on the DSHA DDD Rebate application.

Findings:

Insert Procedure Findings

- We will inspect the final CO to determine that the date of issuance is within the Reservation term.

Findings:

Insert Procedure Findings

- We will inspect the final CO to attest that it was final, not temporary or pending.

Findings:

Insert Procedure Findings

- In the case of a shell CO, the CPA will inspect the shell CO to attest that the DDD investor is not a tenant of the building, unless they have signed a capital lease agreement and have coordinated with the building owner.

Findings:

Insert Procedure Findings

- We will inspect the final CO to determine that the name listed on the final CO matches the name of the qualified investor on DSHA Form AC 101. If a different entity or individual is listed on the final CO, the CPA will determine that the required explanation of the relationship between the applicant and the entity listed on the CO has been properly addressed.

Findings:

Insert Procedure Findings

When Placed in Service Documentation is a Final Building Inspection

- In cases where the building was in continual service during the rehab/expansion work, or there was no change in use or final CO required, we will inspect the final building inspection report document to determine that the physical address on the final building inspection is the same physical address as listed on the DSHA FORM AC101 application.

Findings:

Insert Procedure Findings

- We will inspect the final building inspection report document to determine that the date of issuance is within the Reservation term.

Findings:

Insert Procedure Findings

- We will inspect the final building inspection report document to determine that the final building inspection was approved/passed and not pending or temporary. In the cases in which localities issue multiple inspections for a project (building, electrical, mechanical, etc.), we will inspect all the final inspection documents to determine that all the inspections were fully approved/passed in order for all the corresponding dollar amounts under each inspection to be included in the total qualified real property investment amount.

Findings:

Insert Procedure Findings

- We will inspect the final building inspection report document to determine that the name listed on the final inspection matches the name of the qualified Investor on DSHA FORM AC-101. If a different entity or individual is listed on the final inspection, we will determine that the required explanation of the relationship between the applicant and the entity listed on the final building inspection report document has been properly addressed in Part II of the DDD Rebate application. **We will note any difference this report.**

Findings:

Insert Procedure Findings

When Placed in Service Documentation is a Third Party Licensed Inspector's Report

- In cases where the locality did not require any building permits or other permits for ANY of the qualified real property investments listed on the schedule of the Form DSHA FORM AC-101, we will inspect an official letter from the building code official to determine that it references the physical address and states that such permits are not required for the work.

Findings:

Insert Procedure Findings

- We will inspect the licensed third party inspector’s report to determine that the physical address on the report is the same physical address as listed on the DSHA FORM AC-101.

Findings:

Insert Procedure Findings

- We will inspect the third party inspection to determine that the date the report was issued was within the Reservation term.

Findings:

Insert Procedure Findings

- We will inspect this report document to attest that all the work was complete within the Reservation term with no outstanding or failed items reported.

Findings:

Insert Procedure Findings

- We will inspect the licensed third party inspector’s report to determine that the name listed on the report matches the name of the qualified Investor on DSHA FORM AC-101 Part I, Line 5. If a different entity or individual is listed on the report, the CPA will attest that the required explanation of the relationship between the applicant and the entity listed on the third party inspector’s report has been properly addressed in the application. **We will note any difference this report.**

Findings:

Insert Procedure Findings

Procedure 4: Attestation of Owners of Space in Building

- We will confirm that if the Investor has indicated “owns space in a building (i.e. office condo)” in the DSHA FORM AC-104 and that a supplemental Multiple-Owner Consent/Coordination form has been completed and signed by the Investor and the Investor has provided us with documentation (deed of trust or other closing documents) validating the accuracy of Part II Lines 1 and 2 of the supplemental Multiple Owner Form.

Findings:

Insert Procedure Findings

- We will confirm that Part II Line 3 of the supplemental form is mathematically correct.

Findings:

Insert Procedure Findings

- We will confirm that the rebate requested by the Investor on Line G of the DSHA FORM AC-104 agrees with the information provided in the Multiple-Owner Coordination section of the supplemental form indicating that either the rebate request is being prorated or has been coordinated with all other owners of space in the building. In the case of coordination, we will determine that all the building/facility's square footage has been accounted for by the other owners' notarized signatures such that the sum of the square feet listed in Part II Line 1 equals Part II Line 2 (building's total square footage).

Findings:

Insert Procedure Findings

Procedure 5: Attestation of Tenant(s) in Building

- We will determine that if the Investor has indicated "tenant in building" in the DSHA FORM AC-104 and that a supplemental Tenant Owner Consent/Coordination form has been completed and signed by the Investor and the Investor has provided us with documentation (valid lease) validating the accuracy of Part III Lines 1 and 2 of the supplemental Tenant-Owner Consent Form.

Findings:

Insert Procedure Findings

- We will confirm that Part III Line 3 of the Tenant-Owner Consent/Coordination supplemental form is mathematically correct.

Findings:

Insert Procedure Findings

- We will confirm that information in the supplemental Tenant-Owner Consent/Tenant Coordination indicating that either the rebate request is being prorated, has been coordinated with all other owners/tenants within the building, or the owner has given consent without requiring coordination and agrees with the rebate requested by the Investor on Line G of the DSHA FORM AC-104.

Findings:

Insert Procedure Findings

- In the case of where coordination is required, we will determine that all the building/facility's square footage has been accounted for by the other owners' or tenants' notarized signatures such that the sum of the square feet listed in Part II of the Tenant Coordination form equals Part III Line 2 of the Tenant Owner Consent form.

Findings:

Insert Procedure Findings

- We will confirm that Part IV and V of the supplemental Tenant Owner Consent/Coordination form has been completed whereby the owner of the building gives consent to the tenant to apply for the rebate.

Findings:

Insert Procedure Findings