

261—49.12 (404A) Part 2 application—description of rehabilitation. The purpose of the Part 2 application is to determine whether the proposed rehabilitation work meets the federal standards. The applicant must describe the rehabilitation work to be undertaken on the property. The review of the Part 2 application is a preliminary determination only and is not binding upon the authority. A formal certification of rehabilitation shall be issued only after the rehabilitation work is completed.

49.12(1) Proof of status as eligible taxpayer. The Part 2 application must be submitted by an eligible taxpayer as described in rule 261—49.9(404A).

a. An applicant that is the fee simple owner does not need to provide any additional information regarding ownership unless there has been a change in ownership since the Part 1 application was approved.

b. If the applicant is not the fee simple owner but plans to apply for the federal rehabilitation credit, the applicant must provide a copy of the signature page of the approved federal Part 2 application signed by the National Park Service. The applicant must also certify that the applicant plans to apply and expects to qualify for the federal credit and must provide proof of permission from the fee simple owner as described in subrule 49.9(2).

49.12(2) Submission period. Part 2 applications may be submitted at any time after the project has received an approved Part 1 and the applicant has participated in the preapplication meeting.

49.12(3) Required information.

a. The applicant must provide any information requested by the authority, including but not limited to:

- (1) A detailed description of the rehabilitation;
- (2) An estimate of the total costs related to the rehabilitation and other work to be completed on the property, regardless of whether the costs will ultimately be qualified rehabilitation costs;
- (3) An estimate of the qualified rehabilitation expenditures; and
- (4) Photographs.

b. The applicant must also identify whether the applicant plans to submit a registration application as a small project or a large project. For more information on the differences in the registration application process for large projects and small projects, see rule 261—49.8(404A).

49.12(4) Review process. The authority, in consultation with SHPO, will evaluate the proposed work to determine whether the proposed project, including any new construction, is consistent with the federal standards, the historic character of the property and, where applicable, the registered or potential district in which the property is located. The authority will notify the applicant if the Part 2 application is incomplete. Generally, the authority will review fully completed Part 2 applications within 60 calendar days of receipt. The 60-day review period will be adhered to as closely as possible; however, it is not mandatory. If the application is incomplete when submitted or if for any other reason the authority must request additional information, the 60-day review period will restart when the requested information is received by the authority. The application may be rejected if any requested information is not provided.

49.12(5) Response from the authority. The review of the complete Part 2 application shall result in one of three responses:

a. Approval. The project is eligible to submit a registration application because the proposed rehabilitation described in the application is consistent with the historic character of the property or of the district in which the property is located and the project, as proposed, appears to meet the federal standards;

b. Approval with conditions. The project is eligible to submit a registration application because the proposed rehabilitation described in the application will likely meet the federal standards if the stipulated conditions are met; or

c. Denial. The rehabilitation described in Part 2 of the application is not consistent with the historic character of the property or of the district in which the property is located and the project does

not meet the federal standards. The project is ineligible for registration. The project may amend its Part 2 application or submit a new Part 2 application for the property.

49.12(6) Amendments. Deviation from the original rehabilitation proposal could result in the denial of final project approval and revocation of the tax credit award. An applicant shall amend an approved Part 2 application to notify the authority of, and to request review of, modifications to or deviations from the original rehabilitation proposal. Applicants that undertake any work not in the original approved Part 2 application without approval of the authority do so at their own risk. Amendments to the Part 2 application shall not result in the awarding of additional tax credits for the project and may result in a reduction in the tax credit award specified in the agreement if the authority determines that the work is not consistent with the federal standards or does not otherwise comply with the requirements of the agreement. Amendments to the Part 2 application will not be accepted after the authority has approved the Part 3 application pursuant to rule 261—49.15(404A). Amendments must be submitted on forms approved by the authority and may be obtained by contacting the authority or by visiting the authority's Web site.

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