

2013 Electronic Application Filing Agreement

Texas Department of Housing & Community Affairs (TDHCA)

Mailing Address: P.O. Box 13941, Austin, TX 78711-3941

Physical Address: 221 East 11th Street, Austin, TX 78701

This completed form must be submitted with the pre-application, or with the full Application if a pre-application is not submitted. All Application identification numbers will be assigned when pre-applications or full Applications are received. The form will be used for submitting subsequent pre-application or Application information and documents.

APPLICANT INFORMATION

Name of Applicant or Contact: _____

Organization: _____

Address: _____

Contact Address: _____

City: _____ State: _____ Zip: _____

Applicant or Contact Phone: _____ Fax: _____

Email (Owner email address required): _____

List of other email addresses of those who need to be emailed the FTP setup/login information:

Name:		Email:	
Name:		Email:	
Name:		Email:	

DEVELOPMENT INFORMATION

Development Name:			
Development Address:			
City:		State:	
Region:		County:	

Select Program(s) for Application:

	Housing Tax Credits (HTC) - Competitive 9%		Private Activity Mortgage Revenue Bond - 4% HTC
	Housing Trust Fund (HTF)		HOME Program (HOME)
	Rural Rescue Housing Tax Credits (HTC) - 9%		Other:
	Neighborhood Stabilization Program (NSP)		

This is an agreement between the Texas Department of Housing and Community Affairs and the Multifamily Housing Program Applicant to facilitate electronic submission of application documents for multifamily housing programs in accordance with the Department policy.

This agreement authorizes the Applicant to file application documents by means of electronic transmission for the duration of this Agreement and as specified by Department procedures.

This agreement must be signed by the Applicant. The term "application documents" is defined to include responses to Administrative Deficiencies issued by the Department, supplemental reports, and any documentation required to meet ongoing multifamily program review and Department reporting requirements.

The signature of the Applicant on this Agreement is deemed to appear on all electronically filed application documents as if actually so appearing.

The Applicant's electronic submission of application documents must be in the manner prescribed by the Texas Department of Housing and Community Affairs multifamily housing programs.

This Agreement is effective as of the latest date specified below and remains effective until terminated by written notification from either party.

This Agreement may be amended at any time by the execution of a written addendum to this agreement by the Applicant and the Texas Department of Housing and Community Affairs.

SIGNED on the date indicated below.

Applicant Signature: _____ Printed Name: _____

Date: _____

Please include a completed and signed copy of this document with the pre-application or Application submission.

2013 Uniform Application Certification

Mailing Address: P.O. Box 13941, Austin, TX 78711-3941

Physical Address: 221 East 11th Street, Austin, TX 78701

Development Name: _____

The undersigned hereby makes an Application to Texas Department of Housing and Community Affairs. The Applicant affirms that they have read and understand the 2013 Uniform Multifamily Rules and Qualified Allocation Plan (QAP). Specifically, the undersigned understands the requirements under Chapter 10, Chapter 11 and Chapter 12 of the Texas Administrative Code, as well as Internal Revenue Code Section 42 and Texas Government Code Chapter 2306. By signing this document, Applicant is affirming that all statements and representations made in this document, including all supporting materials, are true and correct under penalty of Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification and subject to criminal penalties as defined by the State of Texas. TEX. PENAL CODE ANN. §1.01 - §71.05 et seq. (VERNON 2003 & SUPP. 2007).

By:

Signature of Applicant

Notary Public, State of

Printed Name

County of

Date

My Commission Expires

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that **[Insert Name of Applicant]** whose name is signed to the foregoing statement, and who is known to me in the same, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this day of , 20 .

(SEAL)

Notary Public Signature

Neighborhood Organization Request Template

[To be used as a template for meeting the requirements of §11.8 (b)(2)(A) of the Qualified Allocation Plan and §12.5 of the Multifamily Housing Revenue Bond Rules as certified in the Certification of Notifications form at Pre-Application and/or §10.203(1), as certified in the Application]

[Date]

[Local Elected Official]

[Address]

[City, State, Zip]

Dear **[Local Elected Official]**,

[Applicant Name] is considering a possible submission of an application for **[Name all TDHCA Programs this application is for]** through the Texas Department of Housing and Community Affairs (the “Department”). In accordance with the Department’s rules, this letter serves as a request for a list from your records of any neighborhood organizations which are on record with the county or state and whose boundaries include the following area: **[Include a detailed description of the proposed development site and/ or a map with the development site clearly outlined. For the purposes of this request ONLY, if you do not know the exact boundaries of the site that you may propose, you may expand the boundaries to include an entire city. However, all notifications must be made in accordance with §11.8(b)(2)(A) and/or §10.203(1) and/or §12.5 of the Multifamily Housing Revenue Bond Rules]**.

If there are no such neighborhood organizations on record with your municipality or county, or if your office does not keep these records and you know the appropriate entity to request this list from, please respond by letter, email or fax stating such. Please respond by **[Insert date of full application submission deadline or prior]**.

Please note that this request is to ensure compliance with §§2306.6704(b)(1) and 2306.6705(9)(A) of Texas Government Code, which requires that we notify “any neighborhood organizations on record with the state or county in which the development is to be located and whose boundaries contain the proposed development”. This notification must be made prior to submitting an application to the Department. Unfortunately, although this is a statutory requirement that must be met, there is not a specific central agency with the state that keeps a searchable list of these neighborhood organizations and their boundaries.

In general, neighborhood organization lists are kept within local municipalities; therefore, we are required to request a list of these neighborhood organizations from your office no later than **[insert deadline]** to be

eligible for the **[Insert all TDHCA Programs this application is for]**. Should we decide to submit an application, we are required to use any list you provide to identify all neighborhood organizations on record with the state or county whose boundaries include the proposed development site. We will notify all of those neighborhood organizations prior to submitting an application to the Department.

It should also be noted that if we choose to submit an application, we are required to notify you under separate letter prior to submitting the proposed application. That notification will provide details of all relevant information to the proposed application. If you do not receive this notification, it is because we have decided not to submit an application to the Department.

I thank you in advance for any assistance in meeting these statutory requirements.

Sincerely,

[Representative of the Applicant Name]

[Title]

[Name, Address, email, fax and telephone number if not on letterhead]

Public Notifications Template

[To be used as a template for meeting the requirements of §11.8(b)(2)(B) of the Qualified Allocation Plan, §12.5 of the Multifamily Housing Revenue Bond Rules as certified the Certification of Notifications at Pre-Application and §10.203(2), as certified in the Certification of Notifications at Application.]

[Date]

[Appropriate Individual/entity pursuant to §§11.8(b)(2)(B)(i) through (viii) and 10.203(2)(A) through (H) of the Multifamily General Rules]

[Address]

[City, State, Zip]

Dear [xxxxxx],

[Applicant Name] is making an application for [Name all TDHCA Programs the application is for] with the Texas Department of Housing and Community Affairs for the **[Development name, address, city, and county]**. This **[New Construction/Reconstruction/Adaptive Reuse or Rehabilitation]** is an **[apartment, single family, townhome, high rise, duplex, scattered site, etc.]** community comprised of approximately **[#]** units of which **[% of total]** will be for low-income tenants.

There will be a public hearing to receive public comment on the proposed development. Information regarding the date, time, and location of that hearing will be disseminated at least 30 days prior to the hearing date on the Department's website.

Sincerely,

[Representative of the Applicant Name]

[Title]

[Name, Address, email, fax and telephone number if not on letterhead]

CERTIFICATION OF NOTIFICATIONS

Development Name: _____

Development City: _____

Pursuant to §10.203 of the Uniform Multifamily Rules and/or other applicable Rules, evidence of notifications includes this sworn affidavit and the *Public Notifications Information Form*. All Applicants, or a person with signing authority for the Applicant, must complete each Part below, as applicable:

Part 1. Must accurately check below if a Pre-Application was submitted:

I (We), _____ certify that:

Evidence of these notifications was submitted with the Pre-Application Threshold for the same Application and satisfied the Department's review of Pre-Application Threshold, and no additional notification was required at Application, or

A Pre-Application was submitted for this same Application and satisfied the Department's review of Pre-Application Threshold, but all required entities were re-notified as required by §10.203 of the Uniform Multifamily Rules and/or other applicable Rules, because I (we) have submitted a change in the Application, whether from Pre-Application to Application or as a result of a deficiency that reflects a total Unit increase of greater than 10% or the change of an elected official. As applicable, all changes in the Application have been made on the *Public Notifications Information Form*. I (we) certify that the notifications are not older than 3 months from the first day of the Application Acceptance Period for Competitive HTC Applications. For Tax Exempt Bonds, no older than three months prior to the date Parts 5 and 6 of the application are submitted, and for all other Applications, three months prior to the date the Application is submitted.

Part 2. Must accurately check all appropriate boxes below if a Pre-Application was not submitted or if the Pre-Application did not satisfy the Department's review of Pre-Application threshold:

I (We), _____ certify that:

all required requests for Neighborhood Organizations pursuant to §10.203 of the Uniform Multifamily Rules and/or other applicable Rules, were made in the format required in the Neighborhood Organization Request template by January 18, 2013, or for HOME, Housing Trust Fund, Tax Exempt Bond and Rural Rescue Developments no later than 14 calendar days prior to the submission of Parts 5 and 6.

I (We), _____ certify that:

No reply letter was received from the local elected officials by February 20, 2013 (or for HOME, Housing Trust Fund, and Tax Exempt Bond Developments by 7 days prior to the submission of the Application), and/or

A response was received from the local elected officials on or before February 20, 2013, (or for HOME, Housing Trust Fund, and Tax Exempt Bond Developments by 7 days prior to submission of the Application) and the response indicated that the local elected officials know of no Neighborhood Organizations, and/or

A response was received from the local elected officials on or before February 20, 2013, (or for HOME, Housing Trust Fund, and Tax Exempt Bond by 7 days prior to submission of the Application) and I have notified those Neighborhood Organizations as required by and §10.203(3)(A-F) and/or other applicable

Rules, and/or

I have knowledge of other Neighborhood Organizations on record with the city, state or county whose boundaries contain the proposed Development Site and have notified those Neighborhood Organizations as required by §10.203(3)(A-F) and/or other applicable Rules, and/or

I know of no Neighborhood Organizations within whose boundaries the Development is proposed to be located and/or

The local elected officials referred to me (us) to another source, and I (we) requested Neighborhood Organizations from that source. If a response was received, those Neighborhood Organizations were notified as required by §10.203(3)(A-F) and/or other applicable rules; and

All Neighborhood Organizations that were notified are correctly listed on the *Public Notifications Information Form* and all notifications were made in the format provided in the template, *Public Notifications Format (Written)*.

I (We) certify that:

in addition to all of the required Neighborhood Organizations, the following entities were notified in accordance with §10.203(2)(A-H) and/or other applicable rules. The notifications were in the format provided in the template, *Public Notifications Format (Written)*. All of the following entities were notified and are correctly listed on the *Public Notifications Information Form*:

- Neighborhood Organizations, on record with the county or state, whose boundaries include the proposed Development Site;
- Presiding officer of the board of trustees of the school district;
- Mayor of the municipality;
- All elected members of the Governing Body of the municipality;
- Presiding officer of the Governing Body of the county;
- All elected members of the Governing Body of the county;
- State Senator and State Representative.

While not required to be submitted in this Application, I have kept evidence of all notifications made and this evidence may be requested by the Department at any time during the Application review.

I (We) certify that:

the notifications are not older than 3 months from the first day of the Application Acceptance Period for Competitive HTC or not older than 3 months from Part 5 and 6 submissions for HOME, Housing Trust Fund, and Tax-Exempt Bond Developments as required under §10.203, Subchapter C.

Part 3. Applicant must certify to the following (competitive HTC only):

I (We) certify that:

no Neighborhood Organizations exist for which this Application would be eligible to receive points under §11.9(d)(1)(A-D) of the QAP.

By: _____
Signature of Applicant/Development Owner

*Printed Name of
Applicant/Development Owner*

Date

STATE OF: _____

COUNTY OF: _____

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that _____, whose name is signed to the foregoing statement, and who is known to be one in the same, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this

_____ day _____, _____ .
of _____ , _____ .

Notary Public Signature

Notary Public, State of _____

County of _____

My commission expires: _____

**Sample Resolution for Use by a Local Governing Body for Satisfying §11.3(d),
“Greater than 30% Housing Tax Credit Units per Total Households in Census Tract”**

ONLY FOR APPLICANTS APPLYING FOR HTC's, AND/OR PRIVATE ACTIVITY BONDS

Whereas, **[applicant]** has proposed a development for affordable rental housing at **[address of proposed site]** named **[name of development]** in the **[city/county of x]**; and

Whereas, **[applicant]** intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2013 Housing Tax Credits, Private Activity Bonds or TDHCA HOME funds for **[name of development]**; and

Whereas, pursuant to §11.3(d), Texas Administrative Code, we acknowledge that the proposed New Construction or Adaptive Reuse Development is located in a census tract that has more than 30% Housing Tax Credit Units per total households in the census tract; therefore

Be it resolved that:

The **[city/county of x]** hereby supports the proposed **[name of development]**, and have voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development.

Resolved this date....**[city/county to use its format for resolutions]**.

NOTE: This sample resolution does not cover any other selection, eligibility or threshold criteria items that may require a local resolution for an application. Presence of a resolution based on this template does not in and of itself qualify the application for points, but is merely a template that can be used by applicants to help them work towards satisfying the requirement relating to a resolution from the local Governing Body for §11.3(d), “Greater than 30% Housing Tax Credit Units per Total Households in the Census Tract”.

**Sample Resolution for Use by a Local Governing Body for Satisfying §11.3(c),
“One Mile, Three Year Rule”**

ONLY FOR APPLICANTS APPLYING FOR HOUSING TAX CREDITS AND/OR PRIVATE ACTIVITY BONDS

Whereas, **[Applicant]** has proposed a development for affordable rental housing at **[address of proposed site]** named **[name of development]** in the **[city/county of x]**; and

Whereas, **[Applicant]** intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2013 Housing Tax Credits or Private Activity Bonds for **[name of development]**; and

Whereas, pursuant to §11.3(c), Texas Administrative Code, we acknowledge that the proposed New Construction or Adaptive Reuse Development is located one linear mile or less from a Development that serves the same type of household as the proposed Development and has received an allocation of Housing Tax Credits (or private activity bonds) for New Construction since [12/17/09 or the date that is three years prior application submission date for Private Activity Bond developments]; therefore

Be it resolved that:

The **[city/county of x]** hereby supports the proposed **[name of development]**, and have voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development.

Resolved this date....**[city/county to use its format for resolutions]**.

NOTE: This sample resolution does not cover any other selection, eligibility or threshold criteria items that may require a local resolution for an application. Presence of a resolution based on this template does not in and of itself qualify the application for points, but is merely a template that can be used by applicants to help them work towards satisfying the requirement relating to a resolution from the local Governing Body for §11.3(c), “One Mile, Three Year Rule”.

Sample Resolution for Use by a Local Governing Body for Satisfying §11.3(b), “Twice the State's Average Per Capita”

[ONLY FOR APPLICANTS APPLYING FOR HOUSING TAX CREDITS AND/OR PRIVATE ACTIVITY BONDS]

Whereas, **[Applicant]** has proposed a development for affordable rental housing at **[address of proposed site]** named **[name of development]** in the **[city/county of x]**; and

Whereas, **[Applicant]** intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2013 Housing Tax Credits or Private Activity Bonds for **[name of development]**; and

Whereas, pursuant to §11.3(b), Texas Administrative Code, we acknowledge that the **[city/county of x]** has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds; therefore

Be it resolved that:

The **[city/county of x]** hereby supports the proposed **[name of development]**, and have voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to §2306.6703(A)(4).

Resolved this date.... **[city/county to use its format for resolutions]**.

NOTE: This sample resolution does not cover any other selection, eligibility or threshold criteria items that may require a local resolution for an application. Presence of a resolution based on this template does not in and of itself qualify the application for points, but is merely a template that can be used by Applicants to help them work towards satisfying the requirement relating to a resolution from the local Governing Body for §11.3(b), “Twice the State's Average Per Capita”.

Architect Certification Form

(The Development engineer, an accredited architect or Department-approved Third Party accessibility specialist must complete this form.)

I (We) certify that the Development will comply with the accessibility standards that are required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and specified under 24 C.F.R. Part 8, Subpart C. This certification meets the requirement that the Applicant provide a certification from the Development engineer, an accredited architect or Department-approved third party accessibility specialist, that the Development will comply with the accessibility standards that are required under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), and specified under 24 C.F.R. Part 8, Subpart C and this paragraph.

Developments involving New Construction (not including non-residential buildings) where some Units are two-stories or single family design and are normally exempt from Fair Housing accessibility requirements, a minimum of 20% of each Unit type (i.e. one bedroom, two bedroom, three bedroom) will provide an accessible entry level and all common-use facilities in compliance with the Fair Housing Guidelines, and include a minimum of one bedroom and one bathroom or powder room at the entry level.

A similar certification will also be required after the Development is completed from an inspector, architect, or accessibility specialist.

By: _____ Date: _____

*Signature of Development engineer, accredited architect, or
Department-approved third party accessibility specialist*

Printed Name: _____

Firm Name (if applicable): _____

CERTIFICATION OF DEVELOPMENT OWNER

All defined terms used in this certification and not specifically defined herein have the meanings ascribed to them in Chapter 2306 of the Texas Government Code, §42 of the Internal Revenue Code, and §10.003 of this chapter.

The undersigned, in each and all of the following capacities in which it may serve or exist -- Applicant, Development Owner, Developer, Guarantor of any obligation of the Applicant, and/or Principal of the Applicant and hereafter referred to as "Applicant" or "Development Owner," whether serving in one or more such capacities, is hereby submitting its Application to the Department for consideration of Department funding.

Applicant hereby represents, warrants, agrees, acknowledges and certifies to the Department and to the State of Texas that:

The Development will adhere to the Texas Property Code relating to security devices and other applicable requirements for residential tenancies, and will adhere to local building codes or, if no local building codes are in place, then to the most recent version of the International Building Code.

This Application and all materials submitted to the Department constitute records of the Department subject to Chapter 552, Texas Government Code, and the Texas Public Information Act.

The Application is in compliance with all requirements related to the eligibility of an Applicant, Application and Development as further defined in this chapter.

All representations, undertakings and commitments made by Applicant in the Application process for a Development expressly constitute conditions to any Commitment, Determination Notice, Carryover Allocation, or Direct Loan Commitment for such Development which the Department may issue or award, and the violation of any such condition shall be sufficient cause for the cancellation and rescission of such Commitment, Determination Notice, Carryover Allocation, or Direct Loan Commitment by the Department. If any such representations, undertakings and commitments concern or relate to the ongoing features or operation of the Development, they shall each and all shall be enforceable even if not reflected in the Land Use Restriction Agreement. All such representations, undertakings and commitments are also enforceable by the Department and the tenants of the Development, including enforcement by administrative penalties for failure to perform, in accordance with the Land Use Restriction Agreement.

The Development Owner is and will remain in compliance with state and federal laws, including but not limited to, fair housing laws, including Chapter 301, Property Code, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), the Fair Housing Amendments Act of 1988 (42 U.S.C. §§3601 et seq.); the Civil Rights Act of 1964 (42 U.S.C. §§2000a et seq.); the Americans with Disabilities Act of 1990 (42 U.S.C. §§12101 et seq.); the Rehabilitation Act of 1973 (29 U.S.C. §§701 et seq.); Fair Housing Accessibility; the Texas Fair Housing Act; and that the Development is designed consistent with the Fair Housing Act Design Manual produced by HUD, the Code Requirements for Housing Accessibility 2000 (or as amended from time to time) produced by the International Code Council and the Texas Accessibility Standards. (§2306.257; §2306.6705(7))

The Development Owner has read and understands the Department's fair housing educational materials posted on the Department's website as of the beginning of the Application Acceptance Period.

The Development shall comply with the accessibility standards that are required under §504, Rehabilitation Act of 1973 (29 U.S.C. §794), and specified under 24 C.F.R. Part 8, Subpart C.

New Construction (excluding New Construction of non-residential buildings) Developments where some Units are two-stories or single family design and are normally exempt from Fair Housing accessibility requirements, a minimum of 20% of each Unit type (i.e., one bedroom, two bedroom, three bedroom) must provide an accessible entry level and all common-use facilities in compliance with the Fair Housing Guidelines, and include a minimum of one bedroom and one bathroom or powder room at the entry level.

The Development Owner will establish a reserve account consistent with §2306.186 of the Texas Government Code and as further described in §10.404 of this chapter (relating to Reserve for Replacement Requirements).

The Development will operate in accordance with the requirements pertaining to rental assistance in Subchapter F of this chapter.

The Development Owner will contract with a Management Company throughout the Compliance Period that will perform criminal background checks on all adult tenants, head and co-head of households.

The Development Owner agrees to implement a plan to use Historically Underutilized Businesses (HUB) in the development process consistent with the Historically Underutilized Business Guidelines for contracting with the State of Texas. The Development Owner will be required to submit a report of the success of the plan as part of the cost certification documentation, in order to receive IRS Forms 8609 or, if the Development does not have Housing Tax Credits, release of retainage.

The Applicant will attempt to ensure that at least 30% of the construction and management businesses with which the Applicant contracts in connection with the Development are Minority Owned Businesses as further described in §2306.6734.

The Development Owner will affirmatively market to veterans through direct marketing or contracts with veteran's organizations. The Development Owner will be required to identify how they will affirmatively market to veterans and report to the Department in the annual housing report on the results of the marketing efforts to veterans. Exceptions to this requirement must be approved by the Department.

The Applicant has disclosed, in the Application, any principal or any entity or Person in the Development ownership structure who was or is involved as a Principal in any other affordable housing transaction, voluntarily or involuntarily, that has terminated or plans to or is negotiating to terminate their relationship with any other affordable housing development. Failure to disclose is grounds for termination. The disclosure identified the person or persons and development involved the identity of each other development and contact information for the other Principals of each such development, a narrative description of the facts and circumstances of the termination or proposed termination, and any appropriate supporting documents. If, not later than 30 days after the date on which the Applicant has made full disclosure, including providing information responsive to any supplemental Department staff requests, the Executive Director makes an initial determination that the person or persons should not be involved in the Application, that initial determination shall be brought to the Board for a hearing and final determination. If the Executive Director has not made and issued such an initial determination on or before the day 30 days after the date on which

the Applicant has made full disclosure, including providing information responsive to any supplemental Department staff requests, the person or persons made the subject of the disclosure shall be presumptively fit to proceed in their current role or roles. Such presumption in no way affects or limits the ability of the Department staff to initiate debarment proceedings under the Department's debarment rules at a future time if it finds that facts and circumstances warranting debarment exist. In the Executive Director's making an initial determination or the Board's making a final determination as to a person's fitness to be involved as a principal with respect to an Application, the following factors shall be considered:

- 1) The amount of resources in a development and the amount of the benefit received from the development;
- 2) The legal and practical ability to address issues that may have precipitated the termination or propose termination of the relationship;
- 3) The role of the person in causing or materially contributing to any problems with the success of the development; and
- 4) The person's compliance history, including compliance history in other developments; and
- 5) Any other facts or circumstances that have a material bearing on the question of the person's ability to be a compliant and effective participant in their proposed role as described in the Application.

The Applicant certifies that any Development proposing New Construction or Reconstruction and located within the one-hundred (100) year floodplain must develop the Development Site so that all finished ground floor elevations are at least one foot above the floodplain and parking and drive areas are no lower than six inches below the floodplain, subject to more stringent local requirements. Applicant further certifies that any Development proposing Rehabilitation (excluding Reconstruction) that is not a HUD or TRDO-USDA assisted property will not be permitted in the one-hundred year floodplain unless they already meet the requirements for New Construction or Reconstruction or can provide evidence that the Unit of General Local Government has undertaken mitigation efforts and can establish that the property is no longer within the one-hundred year floodplain.

The Development site will be located within a one mile radius (two-mile radius for Developments located in a Rural Area) of at least six (6) services as described further in §10.101(a)(2) of this chapter.

The Development is not located in an area with undesirable site features as further described in §10.101(a)(3) of this chapter. If such an undesirable site feature is present a waiver request was submitted to the Department at the time the pre-application is submitted (if applicable to the program).

The Development is not located in an area with undesirable area features as further described in §10.101(a)(4) of this chapter. If such an undesirable area feature is present a request for pre-clearance was submitted to the Department at the time the pre-application is submitted (if applicable to the program).

The Development shall have all of the mandatory Development amenities required in §10.101(b)(4) of this chapter at no charge to the tenants.

The Development will satisfy the minimum point threshold for common amenities as further described in §10.101(b)(5)(A) of this chapter.

The Development will satisfy the minimum threshold for size of Units as further described §10.101(b)(6)(A) of this chapter.

The Development (excluding competitive Housing Tax Credit Applications) shall satisfy the minimum point threshold for unit amenities as required in §10.101(b)(6)(B) of this chapter.

The Development (excluding competitive Housing Tax Credit Applications) shall satisfy the minimum point threshold for tenant supportive services as required in §10.101(b)(7) of this chapter at no charge to the tenants.

The Applicant, Developer, or any employee or agent of the Applicant has not or will not work to create opposition to any Application, has not formed a Neighborhood Organization (excluding any allowable technical assistance), has not given money or a gift to cause the Neighborhood Organization to take its position as it relates to §11.9(d)(1) of this title (relating to Qualified Allocation Plan).

The Development Owner will comply with any and all notices required by the Department.

The individual whose name is subscribed hereto, in his or her individual capacity, on behalf of Applicant, and in all other related capacities described above, as applicable, expressly represents, warrants, and certifies that all information contained in this certification and in the Application, including any and all supplements, additions, clarifications, or other materials or information submitted to the Department in connection therewith as required or deemed necessary by the materials governing the Housing Tax Credit Program are true and correct and the Applicant has undergone sufficient investigation to affirm the validity of the statements made. Further, the Applicant hereby expressly represents, warrants, and certifies that the individual whose name is subscribed hereto has read and understands all the information contained in this form of the Application. By signing this document, the undersigned, in their individual capacity, on behalf of Applicant, and in all other related capacities described above, is affirming under penalty of Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification and subject to criminal penalties as defined by the State of Texas. TEX. PENAL CODE ANN. §§37.01 et seq. (Vernon 2003 & Supp. 2007) and subject to any and all other state or federal laws regarding the making of false statements to governmental bodies or the false statements or the providing of false information in connection with the procurement of allocations or awards that the Application and all materials relating thereto constitute government documents and that the Application and all materials relating thereto are true, correct, and complete in all material respects.

By: _____

Printed Name: _____

Date: _____

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that name is signed to the foregoing statement, and who is known to be one in the same, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, _____.

(seal)

Notary Public Signature

Notary Public, State of _____
County of _____
My commission expires _____

Certification of Principal

All defined terms used in this certification and not specifically defined herein have the meanings ascribed to them in Chapter 2306 of the Texas Government Code, §42 of the Internal Revenue Code, and §10.003 of this chapter.

The undersigned, in each and all of the following capacities in which it may serve or exist -- Applicant, Development Owner, Developer, Guarantor of any obligation of the Applicant, and/or Principal of the Applicant and hereafter referred to as "Applicant," whether serving in one or more such capacities, is hereby submitting its Application to the Department for consideration of an allocation of Housing Tax Credits.

Applicant hereby represents, warrants, agrees, acknowledges and certifies to the Department and to the State of Texas that:

This Application and all materials submitted to the Department constitute records of the Department subject to Chapter 552, Texas Government Code, the Texas Public Information Act.

All representations, undertakings and commitments made by Applicant in the Application process for a Development, whether with respect to Threshold Criteria, selection criteria or otherwise, expressly constitute conditions to any Commitment, Determination Notice, Carryover Allocation, or Direct Loan Commitment for such Development which the Department may issue or award, and the violation of any such condition shall be sufficient cause for the cancellation and rescission of such Commitment, Determination Notice, Carryover Allocation, or Direct Loan Commitment by the Department. If any such representations, undertakings and commitments concern or relate to the ongoing features or operation of the Development, they shall each and all shall be enforceable even if not reflected in the Land Use Restriction Agreement. All such representations, undertakings and commitments are also enforceable by the Department and the tenants of the Development, including enforcement by administrative penalties for failure to perform, in accordance with the Land Use Restriction Agreement.

Applicant has not been or is not barred, suspended, or terminated from procurement in a state or Federal program or listed in the List of Parties Excluded from Federal Procurement or Non-Procurement Programs.

Applicant has not been convicted of a state or federal felony crime involving fraud, bribery, theft, misrepresentation of material fact, misappropriation of funds, or other similar criminal offenses within fifteen (15) years preceding the Application deadline.

Applicant is not subject to an enforcement or disciplinary action under state or federal securities law or by the NASD; is not subject to a federal tax lien; or is not the subject of a proceeding in which a Governmental Entity has issued an order to impose penalties, suspend funding, or take adverse action based on an allegation of: financial misconduct; or uncured violation of material laws, rules, or other legal requirements governing activities considered relevant by the Governmental Entity.

Applicant has not breached a contract with a public agency and failed to cure that breach.

Applicant has not misrepresented to a subcontractor the extent to which the Developer has benefited from contracts or financial assistance that has been awarded by a public agency, including the scope of the Developer's participation in contracts with the agency and the amount of financial assistance awarded to the Developer by the agency. Applicant has not been identified by the Department as being in Material Noncompliance with or has repeatedly violated the LURA or if such Material Noncompliance or repeated violation is identified during the Application review or the program rules in effect for such property as further described in Subchapter F of this Chapter (relating to Compliance Administration) and remains unresolved (§2306.6721(c)(3)).

Applicant is not delinquent in any loan, fee, or escrow payments to the Department in accordance with the terms of the loan, as amended, or is otherwise in default with any provisions of such loans.

Applicant has not failed to cure any past due fees owed to the Department at least ten (10) days prior to the Board meeting at which the decision for an Application is to be made.

Applicant is not in violation of a state revolving door or other standard of conduct or conflict of interest statute, including §2306.6733 of the Texas Government Code, or a provision of Chapter 572 of the Texas Government Code, in making, advancing, or supporting the Application.

Applicant does not have previous Contracts or Commitments that have been partially or fully de-obligated during the twelve (12) months prior to the submission of the Application and through the date of final allocation due to a failure to meet contractual obligations and the Party is on notice that such de-obligation results in ineligibility under these rules.

Applicant has not provided fraudulent information, knowingly falsified documentation, or other intentional or negligent material misrepresentation or omission in an Application or Commitment as part of a challenge to another application, or any other information provided to the Department for any reason. Such conduct is also a violation of these rules and will subject the Applicant to the assessment of administrative penalties under Chapter 2306 of the Texas Government Code and Chapter 10 of this title.

The Applicant will not violate §2306.1113 of the Texas Government Code relating to Ex Parte Communication and further explained in §10.202(2)(A) of this chapter.

At all times during the two-year period preceding the date the Application Round begins (or for Tax-Exempt Bond Developments any time during the two-year period preceding the date the Application is submitted to the Department), the Applicant or a Related Party is not or has not been: a member of the Board; or the Executive Director, Chief of Staff, General Counsel, a Deputy Executive Director, the Director of Multifamily Finance, the Chief of Compliance, the Director of Real Estate Analysis, a manager over the program for which an Application has been submitted, employed by the Department or any person exercising such responsibilities regardless of job title; or in violation of §2306.6733 of the Texas Government Code

The Applicant will not propose to replace in less than fifteen (15) years any private activity bond financing of the Development described by the Application, unless the exceptions in §2306.6703(a)(2) of the Texas Government Code are met.

All the instances in which the Developer or Principal of the Applicant has been the subject of a voluntary or involuntary termination of involvement in a rent or income restricted multifamily development by the lender, equity provider, or any other owners or investors, however designated, or any combination thereof or if any litigation to effectuate such removal is instituted in the past ten years for its failure to perform its obligations under the loan documents or limited partnership agreement have been fully disclosed pursuant to §10.202(1)(L) of this chapter. Applicant understands that if the Department learns at a later date that removal did take place as described and was not disclosed, the Application will be terminated and any Allocation or Award made will be rescinded.

All housing developments with which Applicant, Development Owner, Developer, Guarantor and/or Principal thereof participating, are in compliance with: state and federal fair housing laws, including Chapter 301, Property Code, the Texas Fair Housing Act; Title VIII of the Civil Rights Act of 1968 (42 U.S.C. Section 3601 et seq.); and the Fair Housing Amendments Act of 1988 (42 U.S.C. Section 3601 et seq.); the Civil Rights Act of 1964 (42 U.S.C. Section 2000a et seq.); the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.); and the Rehabilitation Act of 1973 (29 U.S.C. Section 701 et seq.).

The making of an allocation or award by the Department does not constitute a finding or determination that the Development is deemed qualified to receive such allocation or award. Applicant agrees that the Department or any of its directors, officers, employees, and agents will not be held responsible or liable for any representations made to the undersigned or its investors relating to the Housing Tax Credit Program; therefore, Applicant assumes the risk of all damages, losses, costs, and expenses related thereto and agrees to indemnify and hold harmless the Department and any of its officers, employees, and agents against any and

all claims, suits, losses, damages, costs, and expenses of any kind and of any nature that the Department may hereinafter suffer, incur, or pay arising out of its decisions and actions concerning this Application for Housing Tax Credits or the use of information concerning the Housing Tax Credit Program.

Applicant, Development Owner, Developer, Guarantor or other Related Party is not subject to any criminal proceedings and if any such proceeding or any other charges which would invalidate the certifications herein occur prior to Carryover, the Applicant will immediately notify the Department. Such notification must be presented to the Board for consideration at the next available Board meeting.

The individual whose name is subscribed hereto, in his or her individual capacity, on behalf of Applicant, and in all other related capacities described above, as applicable, expressly represents, warrants, and certifies that all information contained in this certification and in the Application, including any and all supplements, additions, clarifications, or other materials or information submitted to the Department in connection therewith as required or deemed necessary by the materials governing the Housing Tax Credit Program are true and correct and the Applicant has undergone sufficient investigation to affirm the validity of the statements made. Further, the Applicant hereby expressly represents, warrants, and certifies that the individual whose name is subscribed hereto has read and understands all the information contained in this form of the Application.

By signing this document, the undersigned, in their individual capacity, on behalf of Applicant, and in all other related capacities described above, is affirming under penalty of Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification and subject to criminal penalties as defined by the State of Texas. TEX. PENAL CODE ANN. §§37.01 et seq. (Vernon 2003 & Supp. 2007) and subject to any and all other state or federal laws regarding the making of false statements to governmental bodies or the false statements or the providing of false information in connection with the procurement of allocations or awards that the Application and all materials relating thereto constitute government documents and that the Application and all materials relating thereto are true, correct, and complete in all material respects.

By: _____

Date: _____

Printed Name: _____

STATE OF: _____

COUNTY OF: _____

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that _____, whose name is signed to the foregoing statement, and who is known to be one in the

same, has acknowledged before me on this date, that being informed of the contents of this statement, executed the same voluntarily on the date same foregoing statement bears.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, _____.

Notary Public Signature

Notary Public, State of _____

County of _____

My commission expires: _____

Legal Status

Texas Nonprofit Corporation Act

The organization must have among its purpose(s) the provision of decent housing that is affordable to low and moderate income people, as evidenced by a statement in the organization's organizational document (Charter, Bylaws, or Articles of Incorporation).

- Submit the organizational document and highlight the portion that states the Act that the nonprofit organization is organized under and its purpose regarding affordable housing.

Net Earnings

- Highlight the portion of the organizational document (Charter, Bylaws, or Articles of Incorporation) that states that no part of the net earnings inure benefits to any member, founder, contributor or individual of the organization.

Organizational Purpose

- Highlight the portion of the organizational document (Charter, Bylaws, or Articles of Incorporation) that states the organization's purpose.

Account Status

- Submit a Certificate of Fact for the organization from the Office of the Secretary of State.

DUNS Number

- Verify that the CHDO itself is registered with D&B and has a DUNS number by submitting a confirmation email from D&B or other documentation.

Third Party Legal Opinion

- Submit a Third Party legal opinion letter for the nonprofit. A legal opinion letter template is provided below; the legal opinion letter must be typed **verbatim** on the attorney's letterhead. The portions that are underlined and enclosed by brackets should be replaced with the described information.

Legal Opinion Letter Template

[Date]

Texas Department of Housing and Community Affairs
P.O. Box 13941
221 East 11th Street
Austin, Texas 78711-3941

RE: [Name of Development]
[Address of Development]
[Development Owner]

Ladies and Gentlemen:

[Applicant] is a Community Housing Development Organization (CHDO) within the meaning in Title 24 of the Code of Federal Regulations (CFR) Subpart A, §92.2. We understand that you require this opinion as a prerequisite to your consideration of a CHDO Certification.

In rendering our opinion, we have reviewed the Articles of Incorporation and Bylaws of [Applicant] as well as the Letter of Determination dated [Date] from the Internal Revenue Service. We have also examined the records of [Applicant] to determine whether or not there exists an identity of interests between [Applicant] and any for-profit sponsors of the above-referenced Development, (the "Development").

Based upon our review of the foregoing, it is our opinion that:

1. [Applicant] is not affiliated with, or controlled by, a for-profit organization with respect to the development. [Provide the basis for that opinion]
2. [Applicant] is an organization described in paragraph (3) or (4) of section 501(c) and is exempt from tax under section 501(a) of the Internal Revenue Code.
3. [Applicant] is an organization which specifically has the fostering of low-income housing as one of its tax exempt purposes.
4. [Applicant] or a wholly owned subsidiary will be the [owner or managing general partner of the owner and/or developer] of the Development and [Applicant's] role will meet the requirements described in 24 CFR §92.300(a)(1) that housing assisted with HOME funds under the 15% set-aside reserved for CHDOs be developed, sponsored or owned by a community housing development organization and any subsequent guidance from the United States Department of Housing and Urban Development.

It is our intention that this opinion be relied upon by you in making your determination as to the eligibility Set-Aside.

Sincerely,

[Name of Attorney or Firm rendering opinion]

COUNTY OF: _____

I, the undersigned, a Notary Public in and for said County and State, do hereby certify that
_____ [name] _____ [title]
whose name is signed to the foregoing statement, and who is known to be one in the same, has
acknowledged before me on this date, that being informed of the contents of this statement, executed the
same voluntarily on the date same foregoing statement bears.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20

(Seal)

Notary Public Signature

Notary Public, State of _____

County of _____

My commission expires: _____

CHDO Certification

On behalf of the CHDO Applicant and all affiliates of the Applicant (hereinafter "Applicant"), I (We) hereby certify that the Applicant is familiar with the provisions of the federal HOME Final Rule, as published in 24 CFR §92.300, the state HOME Rules, as published in [redacted], and other related administrative rules and regulations and court rulings issued by the Federal government or state of Texas with respect to Community Housing Development Organizations (CHDOs) and the HOME Investment Partnerships Program and will comply with such rules during the application process and in the event of award, for the duration of the proposed development.

- I (We) hereby certify that the Applicant will comply with the requirements of the conflict of interest provisions stated in 24 CFR §§92.356, 85.36 and 84.42
- I (We) hereby certify that the Applicant will establish and follow a procurement procedure that ensures that materials and services are obtained in a cost-effective manner. When procuring for services to be provided under the Contract/Commitment of an award of HOME Investment Partnerships funds I (We) shall comply at a minimum with the nonprofit procurement standards stated in 24 CFR 84.40-48.
- I (We) hereby certify that no person or entity that would benefit from the award of HOME funds has provided a source of match or has satisfied the Applicant's cash reserve obligation or made promises in connection therewith, pursuant to [redacted]
- I (We) hereby certify any funds granted to the CHDO as CHDO Operating Expenses will be expended in compliance with 24 CFR §92.208.
- I (We) hereby certify the CHDO will create and follow a tenant participation plan as required in 24 CFR 92.303.
- I (We) hereby certify that all statements I have provided in this application and in the Sections herein are true; that I am authorized to sign this application, and to make these statements, on behalf of the applicant organization; and that the organization understands that misrepresentation of any facts which lead to the improper allocation and expenditure of public funds may result in legal action against the organization for retrieval of any such funds and appropriate penalties.
- I (We) agree the Department may, at its discretion, request additional information and/or documentation in its evaluation of this Application.

[redacted]

Printed Name of authorized individual

[redacted]

Title

Signature of Applicant/Development Owner

[redacted]

Date

CHDO Religious or Faith Based Organization

HOME funds may not be used for the acquisition, construction, or rehabilitation of structures if those structures are used for inherently religious activities. Sanctuaries, chapels, or other rooms which a faith-based CHDO uses as its principal place of worship are always ineligible for HOME-funded improvements.

- Submit and highlight the portion of the organizational document (Charter, Bylaws, or Articles of Incorporation) that states the proposed development will not be used for inherently religious activities.
- Submit the completed Religious or Faith Based Organization Certification.

Religious or Faith Based Organization Certification

On behalf of the Religious and/or Faith Based organization and all affiliates of the Applicant (hereinafter "Applicant"), I (We) hereby certify that the Applicant is familiar with the provisions of 24 CFR §92.257, with respect to Religious and/or Faith Based Organizations and the HOME Investment Partnerships Program and will comply with such rules during the application process and in the event of award, for the duration of the proposed development.

I (We) certify that the Applicant will comply with the requirements list below:

- Housing developed will be made available exclusively for the residential use of program beneficiaries and will be made available to all persons regardless of religious affiliations or beliefs;
- I (We) will not use HOME funds to support any inherently religious activities: such as worship, religious instruction, or proselytizing;
- I (We) will not use HOME funds for the acquisition, construction, or rehabilitation of structures to the extent that those structures are used for inherently religious activities.
- I (We) hereby certify that all statements I (We) have provided in this Certification are true; that I am authorized to sign this application, and to make these statements, on behalf of the applicant organization; and that the organization understands that misrepresentation of any facts which lead to the improper allocation and expenditure of public funds may result in legal action against the organization for retrieval of any such funds and appropriate penalties.

Printed Name

Title

By:

Signature of Applicant/Development Owner

Its:

Date

HOME Development Certification

On behalf of the Applicant and all affiliates of the Applicant (hereinafter "Applicant"), I (We) hereby certify that the Applicant is familiar with the provisions of the federal HOME Final Rule, as published in 24 CFR Part 92, the state HOME Rules, as published in [REDACTED], and other related administrative rules and regulations and court rulings issued by the Federal government or State of Texas with respect to the HOME Investment Partnerships Program and will comply with such rules during the application process and in the event of award, for the duration of the proposed development.

I (We) hereby make application to the Texas Department of Housing and Community Affairs (the "Department") for an award of HOME Investment Partnerships (HOME) Multifamily Development funds. The undersigned hereby acknowledges that an award by the Department does not warrant that the development is deemed qualified to receive such award. I (We) agree that the Department or any of its directors, officers, employees, and agents will not be held responsible or liable for any representations made to the undersigned or its investors relating to the HOME Program; therefore, I (We) assume the risk of all damages, losses, costs, and expenses related thereto and agree to indemnify and save harmless the Department and any of its officers, employees, and agents against any and all claims, suits, losses, damages, costs, and expenses of any kind and of any nature that the Department may hereinafter suffer, incur, or pay arising out of its decision concerning this application for HOME funds or the use of information concerning the HOME Program

I (We) hereby acknowledge that this Application is subject to disclosure under Chapter 552, Texas Government Code, the Texas Public Information Act, unless a valid exception exists.

I (We) acknowledge all representations, undertakings, and commitments made by Applicant in the application process for a development, whether with respect to Threshold Criteria, selection criteria or otherwise, shall be deemed to be a condition to any Commitment, Determination Notice, Direct Loan Commitment or Contract for such development, the violation of which shall be cause for cancellation of such Commitment, Determination Notice, Direct Loan Commitment or Contract by the Department and if concerning the ongoing features or operation of the development, shall be enforceable even if not reflected in the Land Use Restriction Agreement (LURA). All such representations are enforceable by the Department and the tenants of the development, including enforcement by administrative penalties for failure to perform, in accordance with the LURA.

I (We) certify I (We) have disclosed in the Application all instances in which the Developer or Principal of the Applicant has been removed by a lender, equity provider, or limited partners for its failure to perform obligations under loan documents or limited partnership agreements. I (We) understand that if the Department learns at a later date that a removal did take place as described and was not disclosed, the Application may be terminated and any award made will be rescinded.

I (We) agree the Department may, at its discretion, request additional information and/or documentation in its evaluation of this Application.

I (We) hereby assert that the information contained in this Application as required or deemed necessary by the materials governing the HOME Program are true and correct and that I (We) have undergone sufficient investigation to affirm the validity of the statements made.

Further, I (We) hereby assert that I (We) have read and understand all the information contained in the application. By signing this document, I (We) affirm that all statements made in this government document are true and correct under penalty of Chapter 37 of the Texas Penal Code titled Perjury and Other Falsification and subject to criminal penalties as defined by the State of Texas. TEX. PENAL CODE ANN. §§37.01 et seq. (Vernon 2003 & Supp.).

I (We) understand and agree that if false information is provided in this Application which has the effect of increasing the Applicant's competitive advantage, the Department will disqualify the Applicant and may hold the Applicant ineligible to apply for HOME funds or until any issue of restitution is resolved.

If false information is discovered after the award of HOME funds, the Department may terminate the Applicant's written agreement and recapture all HOME funds expended.

I (We) shall not, in the provision of services, or in any other manner discriminate against any person on the basis of race, color, religion, sex, national origin, familial status, or disability. Verification of any of the information contained in this application may be obtained from any source named herein.

I (We) will at all times indemnify and hold the Department harmless against all losses, costs, damages, expenses, and liabilities of any nature directly or indirectly resulting from, arising out of or relating to the Department's acceptance, consideration, approval, or disapproval of this request and the issuance or non-issuance of HOME funds herewith.

I (We) have written below the name of the individual authorized to execute the TDHCA HOME agreement and any and all future HOME commitments and contracts related to this application. If this individual is replaced by the organization, I (We) must inform the Department within 30 days of the person authorized to execute agreements, commitment and/or contracts on behalf of the Applicant.

I (We) certify that no person or entity that would benefit from the award of HOME funds has provided a source of match or has satisfied the Applicant's cash reserve obligation or made promises in connection therewith.

I (We) certify that I (We) will meet Section 8 Housing Quality Standards detailed under 24 CFR §982.401, Texas Minimum Construction Standards, as well as the Fair Housing Accessibility Standards and Section 504 of the Rehabilitation Act of 1973. I (We) certify that I (We) will meet Titles II and III of the Americans with Disabilities Act (42 U.S.C. §§12131-12189, as amended by Department of Justice regulations at 28 CFR Parts 35 and 36, as applicable. I (We) certify that the development will meet all local building codes or standards that may apply. If the development is located within a jurisdiction that does not have building codes, I (We) will meet the most current International Building Code.

I (We) certify that if Department funds have a first lien position in the project for which assistance is being requested, assurance of completion of the development will be provided in the form of payment and performance bonds in the full amount of the construction contract, running to the Department as obligee, or equivalent guarantee in the sole determination of the Department.

I (We) certify that if refinancing is a component of the proposed development the Applicant must confirm that HOME funds will not be used to replace loans, grants or other financing by any other Federal program.

I (We) certify that if other federal or governmental assistance is used in the financing of this development I (We) will notify the Texas Department of Housing and Community Affairs.

I (We) certify that I (We) do not and will not knowingly employ an undocumented worker, where "undocumented worker" means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States.

If, after receiving a public subsidy, I (We), am convicted of a violation under 8 U.S.C Section 1324a (f), I (We) shall repay the amount of the public subsidy with interest, at the rate and according to the other terms provided by an agreement under Tex. Government Code Section 2264.053, not later than the 120th day after the date TDHCA notifies Name of Applicant of the violation.

I (We) certify to carry out an Equal Employment Opportunity program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965.

Lead Based Paint

I (We) certify that documentation of compliance with 24 CFR Part 35 (Lead Safe Housing Rule), including but not limited to the documentation reflected in the following clauses, will be maintained in project files. I (We) understand that standard forms are available in the Federal Register (FR), as indicated by the sources noted below.

1. Applicability Form 24 CFR part 35.115 – A copy of a statement indicating that the property is covered by or exempt from Lead Safe Housing Rule.
 - a) If the property is exempt, the file should include the reason for the exemption and no further documentation is required.

- b) if the property is covered by the Rule, the file should include the appropriate documentation to indicate basic compliance, as listed below:
- i) Summary Paint Testing Report or Presumption Notice 24 CFR 35.930(a) – A copy of any report to indicate the presence of lead-based paint (LBP) for projects receiving up to \$5,000 per unit in rehabilitation assistance. If no testing was performed, then LBP is presumed to be on all disturbed surfaces;
 - iii) Notice of Evaluation 24 CFR 35.125(a) – A copy of a notice demonstrating that an evaluation summary was provided to residents following a lead-based-paint inspection, risk assessment or paint testing;
 - iv) Clearance Report 24 CFR 35.930(b) (3) – A report indicating a “clearance examination” was performed of the work-site upon completion; and
 - v) Notice of Hazard Reduction Completion 24 CFR 35.125(b) – Upon completion, a copy of a notice to show that a LBP remediation summary was provided to residents.
2. Documentation of worker qualification as required by the Lead, Renovation, Repair and Painting Program Final Rule, 40 CFR Part 745.

HUD Section 3

I (We) hereby agree that the work to be performed in connection with any award of HOME funds is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (“**Section 3**”). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing. I (We) agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. For more information about HUD Section 3, please reference the TDHCA website dedicated to Section 3 at: <http://www.tdhca.state.tx.us/program-services/hud-section-3/index.htm>

Environmental

I (We) understand that the environmental effects of each activity carried out with funds provided under this application must be assessed in accordance with the provisions of the HOME Manual, National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 432 *et. Seq.*) and the related activities listed in HUD's implementing regulations at 24 C.F.R. parts 50, 51, 55 and 58 (NEPA regulations). Each such activity must have an environmental review completed and support documentation prepared complying with the NEPA and NEPA regulations. **No loan may close or funds be committed to an activity before the completion of the environmental review process, including the requirements of 24 C.F.R. Part 58, and the Department has provided written clearance.**

The Department as the Responsible Entity must ensure that environmental effects of the property are assessed in accordance with the provisions of the National Environmental Policy Act of 1969 and the related authorities listed in HUD's implementing regulations at 24 CFR Parts 50 and 58.

I (We) certify that I (we) have read and understand the requirements in 24 CFR §58.22, and I (we) understand that acquisition of the site, even with non-HUD funds, prior to completion of the environmental review process will jeopardize all HOME funding.

I (We) certify that all parties involved in any aspect of the development process began the project with no intention of using Federal assistance.

I (We) certify that as of the date of the HOME application all project work, other than as allowed in 24 C.F.R. Part 58, has ceased.

I (We) must certify that no choice limiting actions will continue until the site has achieved Environmental Clearance as required in 24 C.F.R. Part 58.

Relocation and Anti-Displacement

Demolition and Conversion

Development Owner will replace all occupied and vacant occupiable low-income housing that is demolished or converted to a use other than low-income housing as a direct result of the project. All replacement housing will be provided within three (3) years after the commencement of the demolition or conversion. Before receiving a commitment of HOME funds for a project that will directly result in demolition or conversion, the project owner will make the information public in accordance with 24 CFR Part 42 and submit to TDHCA the following information in writing:

1. The location map, address, and number of dwelling units by bedroom size of lower income housing that will be demolished or converted to use other than as lower income housing as a direct result of the project;
2. A time schedule for the commencement and completion of the demolition and conversion;
3. To the extent known, the location, map, address, and number of dwelling units by bedroom size of the replacement housing that has been or will be provided;
4. The amount and source of funding and a time schedule for the provision of the replacement housing;
5. The basis for concluding that the replacement housing will remain lower income housing beyond the date of initial occupancy;
6. Information demonstrating that any proposed replacement of housing units with similar dwelling units (e.g. a 2-bedroom unit with two 1-bedroom units) or any proposed replacement of efficiency or SRO units with units of a different size is appropriate and consistent with the housing needs of the community; and
7. The name and title of the person or persons responsible for tracking the replacement of lower income housing and the name and title of the person responsible for providing relocation payments and other relocation assistance to any lower-income person displaced by the demolition of any housing or the conversion of lower-income housing to another use.

Displacement of Existing Tenants

Consistent with the goals and objectives of activities assisted under the Act, the project owner must prepare and submit the following to TDHCA to minimize the direct and indirect displacement of persons from their homes:

1. A detailed explanation of the reasons for displacement relocation;
2. A detailed plan of the relocation, including evidence of comparable replacement housing; and
3. Estimated costs and funding sources available to complete the permanent relocation.

Threshold Certification

On behalf of the Applicant and all affiliates of the Applicant (hereinafter "Applicant"), I (We) hereby certify that the Applicant is familiar with the provisions and requirements of the Multifamily Development Notice of Funding Availability (NOFA) under which I (We) am applying.

I (We) understand that housing units subsidized by HOME funds must be affordable to low, very low or extremely low-income persons. I (We) understand that mixed income rental developments may only receive funds for units that meet the HOME program affordability standards. I (We) understand that all Applications intended to serve persons with disabilities must adhere to the Department's Integrated Housing Rule at 10 TAC §1.15.

I (We) understand that funds being used for Multifamily Developments must establish a reserve account consistent with §2306.186, Texas Government Code, and as further described in §10.404 of the Uniform Multifamily Rules.

I (We) understand that all contractors, consulting firms, Borrowers, Development Owners and Contract Administrators must sign and submit an affidavit with each draw to attest that each request for payment of HOME funds is for the actual cost of providing a service and that the service does not violate any conflict of interest provisions, pursuant to [REDACTED]

I (We) certify that I (We) am eligible to apply for funds or any other assistance from the Department. I (We) certify that all audits are current at the time of application. I (We) certify that any Audit Certification Forms have been submitted to the Department in a satisfactory format on or before the application deadline for funds or other assistance pursuant to [REDACTED]

[REDACTED]

Printed name of authorized individual

[REDACTED]

Title

[REDACTED]

Signature of Authorized Individual

[REDACTED]

Date

Management Plan Certification

I (We) certify that the Management Plan used at the development site will include, at a minimum, the information listed below. The management plan will be maintained on-site of the development. The Management Plan should be organized and subtitled in a manner consistent with the list below, and signed by the Applicant.

- Roles and responsibilities - the plan must detail roles and responsibilities of the owner, management agent and tenants;
- Location of Management Office - the plan must detail whether the office is on or off site;
- Staffing - identify management staff for the project and specific duties, salaries, wages, fringe benefits, and qualifications are described;
- Equal Opportunity and Fair Housing - the plan must include a policy statement regarding equal opportunity and fair housing that complies with HUD guidelines is created and posted at the site;
- Rents, security deposits, and other charges - the plan must identify the initial rents, amount of security deposits that must be paid, and any other charges such as parking fees and utility and maintenance charges;
- Maintenance and Repair Procedures - the plan must detail the procedures for ensuring acceptable upkeep of the project, including those related to the purchase of maintenance equipment, servicing of appliances, annual Housing Quality Standards (HQS) inspection of units to assess their condition, preparation of vacated units for occupancy, billing and collection for tenant damage, and handling emergency repairs;
- Rent Collection Policies and Procedures - the plan must detail procedures that the management agent will follow in the collection of rents and other charges;
- Rent Changes - the plan must describe procedures for implementing rent increases or decreases for tenants; include information about HUD policies for changes to High and Low HOME rents;
- General Administration - the plan must include a description of services to be provided to tenants such as the forming of a tenant's association, laundry and trash services, exterminating services and day care;
- Recordkeeping - the plan must include a description of record keeping policies and procedures with respect to construction and management history;
- Rental Application & Lease Agreement - the plan must include a copy of both the proposed tenant application and lease agreement; Lease agreements should not contain any prohibited provisions such as the provisions listed in the HOME Final Rule;
- Management Plan Addendum- The plan must include the TDHCA required, "Management Plan

Addendum." **The addendum (see below) must be on the letter head of the applicant and contain the exact language shown in the template.**

By:



*Signature of Applicant/Development
Owner*



Printed Name



Date

Management Plan Addendum Template
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Include the exact language below on letterhead as the Management Addendum in the HOME Application:

1. Management will ensure that tenants are income eligible under the rules and regulations of the program or activity funded.
2. Management must apply all other screening criteria, including employment policies or procedures and other leasing criteria (such as rental history, credit history, criminal history, etc.) uniformly and in a manner consistent with the Texas and Federal Fair Housing Acts, program guidelines, and the Department rules.
3. Income determination must be made in a manner consistent with Section 8 of the United States Housing Act of 1937 (42 U.S.C. Section 1437f) and the guidelines established in Handbook 4350.3, as amended and promulgated by the U.S. Department of Housing and Urban Development (HUD).
4. Management shall not exclude an individual or family from admission to the development because the individual or family participates in the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. Section 1437f).
5. Management shall not use a financial or minimum income standard for an individual or family participating in the voucher program that requires the individual or family to have a monthly income that exceeds 2.5 times the individual or family's share of the total monthly rent payable to the owner of the development.
6. Management must maintain a written management plan that is available for review upon request and states the intention of the development owner to comply with state and federal fair housing and antidiscrimination laws.
7. Property management and on-site staff must have received and read a written management and affirmative marketing plan.
8. The Department shall require a land use restriction agreement providing for enforcement of the restrictions by the Department, tenants of the development, or by a private party that includes the right to recover reasonable attorney's fees if the party seeking enforcements of the restrictions is successful.

9. Any minimum income requirements for Section 8 voucher and certificate holders will only be applied to the portion of the rent the prospective tenant would pay, provided, however, that if Section 8 pays 100% of the rent for the unit, the housing sponsor may establish other reasonable minimum income requirements to ensure that the tenant has the financial resources to meet daily living expenses. Minimum income requirements for Section 8 voucher and certificate holders will not exceed 2.5 times the portion of rent the tenant pays; and
10. All other screening criteria, including employment policies or procedures and other leasing criteria (such as rental history, credit history, criminal history, etc.) must be applied to the prospective tenants uniformly and in a manner consistent with the Texas and Federal Fair Housing Acts and with Department requirements.

CREDIT RELEASE AUTHORIZATION

FINANCIALS: PARTICIPANTS IN THE APPLICATION INFORMATION

Persons who meet any of the following criteria must complete an Authorization to Release Credit Information Form.

1. Each Person, other than a natural person, with a 10% ownership interest in the Applicant or general partner or managing member of the Applicant;
2. each subsidiary of a Person with a 10% ownership interest in the Applicant or general partner or managing member of the Applicant;
3. each natural person with 10% or more ownership of a Person with an ownership interest in the Applicant or General Partner or managing member of the Applicant;
4. each Person, other than a natural person, receiving a development fee in lieu of ownership;
5. each natural person with 10% or more ownership of a Person receiving a development fee in lieu of ownership; and
6. any Person who guarantees the financing of the transaction for a fee.

(form on next page)

Signature: _____

Printed Name: _____

Its: _____

Date: _____

Address: _____

¹Program Key: HOME Program = HOME, Housing Trust Fund = HTF, Housing Tax Credit = HTC, Office of Colonia Initiatives = OCI, Tax-exempt Private Activity Mortgage Revenue Bond = MRB, 501(c)(3) Tax-exempt Mortgage Revenue Bond = 501(c)(3)