**State Of Utah – Department Of Workforce Services**

**Housing and Community Development Division**

**Olene Walker Housing Loan Fund**

**Final Documentation Required For OWHLF Closeout and Final Draw**

Once your project’s construction has been completed and you wish to receive the final disbursement of OWHLF funds, the following documents must be submitted to complete the final disbursement process and begin your project’s period of affordability under HOME program regulations. Final documentation to be submitted is listed as follows:

1. **Owner’s Project Certification Statement –** this indicates long-term compliance with all other Federal requirements governing affordable housing programs. This form (Attachment J) should be signed and dated by the project owner representative.
2. **Owner’s Tax Credit Detailed Cost Breakdown** – this is the final cost certification submitted to Utah Housing Corporation for projects receiving LIHTC. If your project has not received LIHTC, then this item would not be applicable to your project.
3. **Owner’s Certification of Costs Statement** – if the project received LIHTC, simply submit a copy of the form submitted to Utah Housing Corporation; otherwise, a statement signed and dated by the project owner is sufficient.
4. **Project Completion Form** – the information provided by this form will be used by OWHLF staff to close out the project in HUD’s IDIS financial tracking system, including the sources of all funds used for the financing of the project (Attachment K).
5. **CPA Certification of Costs** – this consists of a CPA certifying that the final project costs are reviewed on an independent basis and that they are representative of the project’s actual expenses.
6. **Minority Business Enterprises/Women Business Enterprises** – all HOME-assisted projects must submit this report at project closeout regardless of whether or not MBE/WBE subcontractors were hired, since OWHLF must report this information to HUD annually. If no MBE/WBE subcontractors were hired, please submit form with “0”s listed. A copy of this form was provided with the loan closing packet.
7. **Section 3 Report** – all HOME-assisted projects must submit this report at project closeout regardless of whether or not Section 3-qualified employees were hired, since OWHLF must report this information to HUD annually. If no Section 3-qualified employees were hired, please submit form with “0”s listed. A copy of this form was provided with the loan closing packet.
8. **Household Characteristics Form** – this form should be completed for all HOME-assisted units, which serves as the source document for closeout in HUD’s IDIS financial tracking system (Attachment L). For projects without any Federal HOME or state match funding, this form is not required.
9. **Multifamily Rental Project Occupancy Report** – either the *HCDD Multifamily Rental Project Occupancy Report* or the *UHC Housing Credit Biannual Occupancy Report*, whichever is applicable to your project, is acceptable for submission. This will be one of the project’s annual HCDD compliance reporting requirements from this point forward through the project’s affordability period.
10. **Affirmative Marketing Plan** – all projects with five (5) or more HOME-assisted units must have an Affirmative Marketing Plan and submit a copy at project closeout. If your project has four (4) or fewer HOME-assisted units, this is recommended but not required.
11. **Subsidy Certification** – if your project is receiving project-based rental subsidy from USDA-RD or HUD, such as RD 515 multifamily rental assistance or HUD project-based Section 8 rental assistance, a copy of the subsidy certification is required.
12. **Blank Tenant Lease** – please provide a copy of the tenant lease in effect at the time of project lease-up. If a utility allowance is included in the rent calculations, please be sure that the lease shows this detail and all related information.
13. **IRS Form(s) 8609** – if your project has received LIHTC/Housing Credits, please provide copies of the signed Form(s) 8609 from Utah Housing Corporation showing project eligible/qualified basis and building placed-in-service date.
14. **Certificate of Occupancy (New Construction) and/or Building Permit Final Inspection (Rehabilitation)** – submit copies of whichever documents are applicable to your project.
15. **Final Appraisal** – if this is not required by a permanent lender and/or a syndicator, a letter stating such will need to be submitted.
16. **Architect’s Certification** – the project architect will need to fill out and sign this certification before final funds can be released and the project closed out in WebGrants and/or IDIS (Attachment M).
17. **General Contractor’s Certification** – the project general contractor will need to fill out and sign this certification before final funds can be released and the project closed out in WebGrants and/or IDIS (Attachment N).
18. **Energy Star and/or HERS Certification** – the rater should provide a copy of their final energy efficiency rating, which must be submitted to HCD at project close-out.
19. **Davis-Bacon Final Worksheet** – all HOME-assisted projects with 12 or more total HOME-assisted units (this includes both the state as a participating jurisdiction as well as local participating jurisdictions (Salt Lake County, Salt Lake City, etc.) must maintain compliance with Davis-Bacon regulations.
20. **HOME Agreement –** this should be reviewed, signed by the project owner, and must be returned to DHCD before final funds can be released and the project closed out if Federal HOME funds were awarded to the project (Attachment O).

For further information and details, please review the OWHLF *2015-2016 Allocation Plan*, which is available on-line at <http://housing.utah.gov/owhlf/programs>. If you have any questions or need additional assistance and/or forms, please contact Daniel Herbert-Voss at 801-468-0042 or dhvoss@utah.gov to discuss.

A documentation checklist (attached as Attachment I) is also provided for your convenience with a signature and date line.

|  |
| --- |
| **REQUIRED DOCUMENTATION NEEDED FOR CLOSEOUT AND FINAL DRAW****OLENE WALKER HOUSING LOAN FUND****MULTIFAMILY RENTAL PROJECTS – Page 1 of 2** |
|  |  |  |  |  |  |  |  |
| In order to process a request for the final payment and closeout in our system, the following documents must be executed and returned to OWHLF. If your project did not use Federal LIHTC, OWHLF HOME or matching state funds, then you can check the appropriate box in the “Check for N/A” column. |
|  |  |  |  |  |  |  |  |
|  | Documentation Item | Check for "Yes" | Check for "N/A" |
| 1 | Owner’s Project Certification Statement (see Attachment J) |  |  |  |  |  |  |
|  |  |  |   |  |  |   |  |
| 2 | Owner’s Tax Credit Detailed Cost Breakdown (if applicable) |  |   |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 3 | Owner’s Certification of Costs Report for total project |  |  |  |  |  |  |
|  |  |  |   |  |  |  |  |
| 4 | Project Completion Form (see Attachment K) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 5a | CPA Certification of Costs Report (Total Project Costs) |   |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 5b | CPA Certification of Costs Report (Building by Building [LIHTC only]) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 6 | Completed Minority Business Enterprises/Women Business Enterprises Report |  |  |  |  |  |  |
|  |  (required only for projects with Federal HOME funding) |  |  |  |  |  |  |
| 7 | Completed Section 3 Report (required only if Federal HOME funds used) |  |   |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 8 | Household Characteristics Form (see Attachment L) |  |  |  |  |  |  |
|  |  (required only for projects with Federal HOME funding) |  |  |  |  |  |  |
| 9 | Multifamily Rental Project Occupancy Report |  |  |  |  |  |  |
|  |  (can be HCD, UHC, HUD, or RD occupancy report) |  |   |  |  |  |  |
| 10 | Copy of Affirmative Marketing Plan |  |  |  |  |  |  |
|  |  (required for all projects with 5 or more HOME-assisted units) |  |  |  |  |  |  |
| 11 | Subsidy Certification (applicable only to RD 515/voucher or proj-based HUD Section 8) |  |   |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 12 | Copy of blank tenant lease |  |   |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 13 | Copy(ies) of Form(s) 8609 (for LIHTC properties only) |  |   |  |  |   |  |
|  |  |  |  |  |  |  |  |
| 14a | Copy of Certificate(s) of Occupancy issued by municipality (new construction) |  |   |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 14b | Copy of final inspection and building inspector sign-off (rehabilitation) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 15 | Copy of final appraisal submitted to priority lien holder, if required |  |   |  |  |  |  |
|  |  |  |  |  |  |  |  |
| 16 | Architect’s Certification (see attached Attachment M) |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |
| **REQUIRED DOCUMENTATION NEEDED FOR CLOSEOUT AND FINAL DRAW –****MULTIFAMILY RENTAL PROJECTS – Page 2 of 2** |
|  |  |  |  |  |  |  |  |
|  | Documentation Item | Check for "Yes" | Check for "N/A" |
| 17 | General Contractor’s Certification (see Attachment N) |  |   |  |  |   |  |
|  |  |  |  |  |  |  |  |
| 18 | Energy Star and/or HERS Certification (supplied by Energy Star rater) |  |   |  |  |  |  |
|  |  Waivers from OWHLF energy efficiency requirements must be approved by Mike Glenn in writing – please provide a copy of letter in lieu of the certification if approved for waiver. |  |  |  |  |  |  |
| 19 | Final Davis-Bacon worksheet (required if project has 12 or more total HOME units) |  |   |  |  |   |  |
|  |  |  |   |  |  |   |  |
| 20 | Completed and signed HOME Agreement (see attached Exhibit O) |  |   |  |  |   |  |
|  |  Required only if project has received Federal HOME funds |  |  |  |  |  |  |
|  |
| If you have any questions, please feel free to contact Daniel Herbert-Voss at 801-468-0042 or by email at |
| dhvoss@utah.gov, or Shelli Glines at 801-468-0144 or by email at sglines@utah.gov. |

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_

State of Utah – Department of Workforce Services

Housing and Community Development Division

Olene Walker Housing Loan Fund

Multifamily Project Owner’s Certification Statement

Name of Project \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

We, as the owner of this multifamily affordable housing project, are aware that the provision of funds in the form of grant(s) and/or loan(s) by the Olene Walker Housing Loan Fund from Federal HOME and/or state low-income housing funds for the acquisition, renovation, and/or new construction of this multifamily affordable housing project, will make this project susceptible, during the period of affordability, to the following Federal requirements:

1. Equal Employment Opportunity Act
2. Civil Rights Acts, Titles VI and VII
3. Fair Housing Act, 24 CFR Part 92, Subpart H, Section 92.350
4. Age Discrimination Act
5. Minority Business Enterprise Act, Section 281 of the National Affordable Housing Act
6. Section 3 of the Housing and Urban Development Act of 1968, 24 CFR Part 135, Subpart A
7. Section 504 of the Rehabilitation Act of 1973, as amended (28 UCS 792)
8. Architectural Barriers Act of 1968, as amended (42 UCS 4151)
9. Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended by the Uniform Relocation Act Amendments of 1987, Title IV of the Surface and Transportation and Uniform Relocation Assistance Act of 1987
10. Davis-Bacon Act, the Copeland “Anti-Kickback” Act, and the Contract Work Hours and Safety Standards Act (CWSSA)

We hereby state our intention to comply with these requirements and to furnish to the Department of Workforce Services, Housing and Community Development Division, the administrator of the Olene Walker Housing Loan Fund, all necessary certifications, declarations, and plans required by these Acts.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Project Owner Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

State of Utah – Department of Workforce Services

Housing and Community Development Division

Olene Walker Housing Loan Fund

Rental Housing Project Completion Report

Name of Project \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PROJECT INFORMATION

Is Project (check all that apply):

Condominium \_\_\_ Cooperative \_\_\_ Single Room Occupancy \_\_\_ Apartment \_\_\_ Other \_\_\_

Is Project FHA-Insured? Yes \_\_\_ No \_\_\_ Is Project Mixed-Use? Yes \_\_\_ No \_\_\_

Is Project Mixed-Income? Yes \_\_\_ No \_\_\_ Total Completed Units \_\_\_\_\_\_

HOME-Assisted Units \_\_\_\_\_\_ Fixed? \_\_\_ Floating? \_\_\_

Of the Units Completed, the Number: Total HOME

Meeting EnergyStar Standards – New Construction \_\_\_\_\_ \_\_\_\_\_

Meeting EnergyStar Standards – Rehabilitation \_\_\_\_\_ \_\_\_\_\_

Section 504 Accessible (5% minimum of total units) \_\_\_\_\_ \_\_\_\_\_

 Of those, the number for the visually/hearing impaired \_\_\_\_\_ \_\_\_\_\_

Designated for Persons with HIV/AIDS (HOPWA) \_\_\_\_\_ \_\_\_\_\_

 Of those, the number for chronically homeless \_\_\_\_\_ \_\_\_\_\_

Designated for the Homeless \_\_\_\_\_ \_\_\_\_\_

 Of those, the number for chronically homeless \_\_\_\_\_ \_\_\_\_\_

Period of Affordability \_\_\_\_\_ years

Type of Project:

Did Project Involve (check only one):

Rehabilitation Only \_\_\_\_\_ New Construction Only \_\_\_\_\_

Acquisition Only \_\_\_\_\_ Acquisition/Rehabilitation \_\_\_\_\_

Acquisition/Construction \_\_\_\_\_ Refinancing and Rehabilitation \_\_\_\_\_

PROJECT SOURCE OF FUNDS

1. Federal HOME Funds:

a. HOME Funds - OWHLF:

Amount $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Interest Rate \_\_\_\_\_\_\_% Amortization Period \_\_\_\_\_ years

Type – Direct Loan \_\_\_\_\_ Grant \_\_\_\_\_ Deferred Payment \_\_\_\_\_ Other \_\_\_\_\_

b. HOME/CDBG Funds –

Other Source \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amount $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Interest Rate \_\_\_\_\_\_\_% Amortization Period \_\_\_\_\_ years

Type – Direct Loan \_\_\_\_\_ Grant \_\_\_\_\_ Deferred Payment \_\_\_\_\_ Other \_\_\_\_\_

c. HOME/CDBG Funds –

Other Source \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Amount $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Interest Rate \_\_\_\_\_\_\_% Amortization Period \_\_\_\_\_ years

Type – Direct Loan \_\_\_\_\_ Grant \_\_\_\_\_ Deferred Payment \_\_\_\_\_ Other \_\_\_\_\_

Total HOME/CDBG Funds - $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Public Funds

Other Federal Funds $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Source \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other Federal Funds $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Source \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State/Local Appropriated Funds $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Source \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State/Local Tax Exempt Bond Proceeds $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Total Public Funds - $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Private Funds

Loan – Lender \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amount $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Interest Rate \_\_\_\_\_\_\_\_ % Amortization Period \_\_\_\_\_ years

Loan – Lender \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amount $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Interest Rate \_\_\_\_\_\_\_\_ % Amortization Period \_\_\_\_\_ years

Owner Cash Contribution $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Net Syndication Proceeds (other than LIHTC) $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Private Grants – Source \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amount $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Low Income Tax Credit Syndication Proceeds

Syndicator \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amount $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. HOME Program Income

OWHLF State Match Funds Yes \_\_\_ No \_\_\_ Amount $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. TOTAL FINANCING COSTS (Total Items 1-5): $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| HOUSEHOLD CHARACTERISTICS FORM Project Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Unit No. | Number of Bedrooms | Is UnitOccupied? |  Monthly Rent (including Tenant Paid Utilities) |  Income Data |  Household Data |
|  | 0-0 Bedroom1-1 Bedroom2-2 Bedrooms3-3 Bedrooms4-4 Bedrooms5-5 or more  | 1 - Tenant2 - Owner9 - Vacant | TenantPayment | Subsidy Amount |  Total Rent | Monthly Gross Income | % of Area Median Income1- 0-30%2-31-50%3-51-60%4-61-80%9-Vacant unit |  Race/Ethnicity of  Head of Household1-White (non-Hispanic)2-Black (non-Hispanic)3-Native Amer.4-Asian/Pacific Islander5-Hispanic (all races)9-Vacant unit | Size of Household1-1 Person2-2 Persons3-3 Persons4-4 Persons5-5 Persons6-6 Persons7-7 Persons8-8 or more Persons9- Vacant unit | Head of Household1-Single/non-Elderly2-Elderly3-Related/Single Parent4-Related/Two Parent5-Other6-Vacant unit | Rental Assistance1-Sec. 82-HOME TBA3-Other4-No Assistance9-Vacant unit |
|  |  |  |  |  |  |  |  |  |  |  |  |
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State of Utah – Department of Workforce Services

Housing and Community Development Division

Olene Walker Housing Loan Fund

Architect’s Certification

The undersigned, being a duly licensed architect registered in the State of Utah, has prepared for (Project Owner) final plans, working drawings and detailed specifications and addenda dated in connection with certain real property located at known as the Project.

I hereby certify that I am a licensed Architect, License No. , with the requisite skills and experience to provide the professional services necessary to assist in the product of the units proposed by Project Owner and that I have experience on development(s) of similar magnitude and construction type as this Project. I am knowledgeable of all federal, state, and local requirements and the requirements of:

(i) Architectural Barriers Act

(ii) Section 504

(iii) Fair Housing Act Title VIII

(iv) Americans with Disabilities Act Title II

(v) State of Utah Fair Housing laws and building codes compliant with ANSI 117A.

I certify that the final design, plans, and specifications will comply with these requirements.

I hereby certify that (#) fully accessible Type “A” ADA residential unit(s) has/have been designed for long-term mobility-impaired tenants who meet(s) the minimum federal and state law requirements in those plans and specifications listed above.

The undersigned hereby certifies to the Project Owner and the State of Utah – Housing and Community Development Division that the Plans and Specifications for the Project have been duly filed with and have been approved by all appropriate governmental and municipal authorities having jurisdiction over the Project and that the Project as shown on the Plans and Specifications is in compliance with all requirements and restrictions of all applicable zoning, environmental, building, fire, health and other governmental ordinances, rules and regulation. All conditions to the issuance of building permits have been satisfied. In the opinion of the undersigned, the Project has been constructed in a good and workmanlike manner substantially in accordance with the Plans and Specifications and is free and clear of any damage or structural defects that would in any material respect affect the value of the Project. In the further opinion of the undersigned, all of the preconditions have been met justifying the issuance of:

1. The permanent certificate(s) of occupancy for the Project (or the letter or certificate of compliance or completion stating that the construction complies with all requirements and restrictions of all governmental ordinances, rules and regulations), and
2. Such other necessary approvals, certificates, permits and licenses that may be required from such governmental authorities having jurisdiction over the Project pertaining to the construction of the Project.

The Project will be in compliance with all current zoning, environmental and other applicable laws, ordinances, rules and regulations, restrictions and requirements, including without limitation Title III of the Americans with Disabilities Act of 1990 and the Fair Housing Act.

There are no buildings or other municipal violations filed or noted against the Project. All necessary gas, steam, telephone, electric, water and sewer services and other utilities required to adequately service the Project, are now available to the Project. All street drainage, water distribution and sanitary sewer systems have been accepted for perpetual maintenance by the appropriate governmental authority or utility.

Dated:

PROJECT ARCHITECT FIRM NAME:

By:

 (Signature)

Print Name:

Title:

State of Utah – Department of Workforce Services

Housing and Community Development Division

Olene Walker Housing Loan Fund

General Contractor’s Certification

The undersigned has served as general contractor of the real property constructed and/or rehabilitated:

Located at

Known as (Project name)

For (Project Owner).

The undersigned hereby certifies to the Project Owner and the State of Utah – Housing and Community Development Division that the Project was constructed or rehabilitated in conformity with the Plans and Specifications dated . [PLEASE NOTE: THIS DATE MUST MATCH THE PLANS AND SPECIFICATIONS DATE IN ARCHITECT’S CERTIFICATE]

Dated:

GENERAL CONTRACTOR FOR PROJECT FIRM NAME:

By:

 (Signature)

Print Name:

Title:

State of Utah – Department of Workforce Services

Housing and Community Development Division

Olene Walker Housing Loan Fund

HOME Agreement – Page 1 of 4

During the affordability period ending \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, (Agency Name) certifies that it will comply with the following federal rules and regulations:

A. Program Records 24CFR ( 92.508 (a) (2):

(1) Records of efforts to maximize participation by the private sector as required by 92.200.

(2) The forms of OWHLF assistance used in the program, including any forms of investment described in the Consolidated Plan under 24 CFR part 91 which are not identified in 92.205(b).

(3) The subsidy layering guidelines adopted in accordance with 92.250, which support the participating jurisdiction’s Consolidated Plan certification.

(4) If existing debt is refinanced for multi-family rehabilitation projects, the refinancing guidelines established in accordance with 92.206(b), described in the Consolidated Plan.

(5) If OWHLF are used for tenant-based rental assistance, records supporting the participating jurisdiction’s Consolidated Plan certification in accordance with 92.209(b), including documentation of the local market conditions that led to the choice of this option; written selection policies and criteria; supporting documentation for preferences for specific categories of individuals with disabilities; and records supporting the rent standard and minimum tenant contribution established in accordance with 92.209(h).

(6) If OWHLF are used for tenant-based rental assistance or rental housing, records evidencing that not less than 90 percent of the families receiving such rental assistance meet the income requirements of 92.216.

(7) If OWHLF are used for homeownership housing, the procedures used for establishing 95 percent of the median purchase price for the area in accordance with 92.254(a)(2), in the Consolidated Plan.

(8) If OWHLF are used for acquisition of housing for homeownership, the recapture guidelines established in accordance with 92.254(a)(5), in the Consolidated Plan.

(9) Records demonstrating compliance with the matching requirement of 92.218 through 92.222 including a running log and project records documenting the type and amount of match contributions by project. **CONTRACTOR DOES NOT NEED TO DOCUMENT MATCHING FUNDS FOR THIS CONTRACT.**

B. Project Records 24CFR(92.508 (a)(3).

(1) A full description of each project assisted with OWHLF funds, including the location, form of OWHLF assistance and the units or tenants assisted with OWHLF funds.

(2) The source and application of funds for each project, including supporting documentation in accordance with 24 CFR 85.20.

(3) Records demonstrating that each rental housing or homeownership project meets the minimum per-unit subsidy amount of $1,000.00 per unit as per 92.205(c); the maximum per unit subsidy amount of 92.250(a) and the subsidy layering guidelines adopted in accordance with 92.250(b).

(4) Records demonstrating that each project meets the property standards of 92.251 and the lead based paint requirements of 92.355.

(5) Records demonstrating that each family is income eligible in accordance with 92.203.

(6) Records demonstrating that each tenant-based rental assistance project meets the written tenant selection policies and criteria of 92.209(c), including the tenant preference requirements, the rent reasonableness requirements of 92.209(f), the maximum subsidy provisions of 92.209(h), HQS inspection reports, and calculation of the OWHLF subsidy.

(7) Records demonstrating that each rental housing project meets the affordability and income targeting requirements of 92.252 for the required period. Records shall be kept for each family assisted.

(8) Records demonstrating that each multifamily rental housing project involving rehabilitation with refinancing complies with the refinancing guidelines established in accordance with 92.206(b).

HOME Agreement – Page 2 of 4

(9) Records demonstrating that each lease for a tenant receiving tenant-based rental assistance and for an assisted rental housing unit complies with the tenant and participant protections of 92.253. Records shall be kept for each family.

(10) Records demonstrating that the purchase price or estimated value after rehabilitation for each homeownership housing project does not exceed 95 percent of the median purchase price for the area in accordance with 92.254(a)(2). The records shall demonstrate how the estimated value was determined.

(11) Records demonstrating that any pre-award costs charged to the OWHLF allocation meet the requirements of 92.212.

(12) Records demonstrating that a site and neighborhood standards review was conducted for each project which includes new construction of rental housing assisted under this part to determine that the site meets the requirements of 24 CFR 983.6(b), in accordance with 92.202.

C. Other Federal Requirements

(1) Housing shall meet the accessibility requirements at 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973 and covered multifamily dwellings must also meet the design and construction requirements at 24 CFR Part 100.205, which implements the Fair Housing Act at 42 U.S.C. 3601-3619.

(2) Manufactured housing shall meet the Manufactured Home Construction and Safety Standards established in 24 CFR Part 3280.

(3) The lease between a tenant and an owner of rental housing assisted with OWHLF funds shall be for not less than one year, unless by mutual agreement between the tenant and the owner.

(4) The lease between a tenant and an owner of rental housing assisted with OWHLF funds shall not contain the following prohibited lease terms at 92.253:

 (a) Agreement to be sued.

 (b) Treatment of property.

 (c) Excusing owner from responsibility.

 (d) Waiver of notice.

 (e) Waiver of legal proceedings.

 (f) Waiver of a jury trail.

 (g) Waiver of right to appeal court decision.

 (h) Tenant chargeable with cost of legal actions regardless of outcome.

(5) An owner may not terminate the tenancy, refuse to renew the lease of a tenant of rental housing assisted with OWHLF funds except for serious or repeated violation of the terms and conditions of the lease; for violation of applicable Federal, State, or local law; for completion of the tenancy period for transitional housing; or for other good cause. To terminate or refuse to renew tenancy, the owner must serve written notice upon the tenant specifying the grounds for the action at least 30 days before the termination of tenancy.

(6) An owner of rental housing assisted with OWHLF funds shall adopt written tenant selection policies and criteria that:

 (a) Are consistent with the purpose of providing housing for very low-income and low-income families;

 (b) Are reasonably related to program eligibility and applicants’ ability to perform the obligations of the lease;

 (c) Provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable; and

 (d) Give prompt written notification to any rejected applicant of the grounds for rejection.

(7) For tenant-based rental assistance, records that document compliance with requirements found at 92.209.

(8) For home-ownership programs a separate record for each family assisted is required to by kept.

 (a) OWHLF funds that are used for acquisition with or without rehabilitation, or rehabilitation of a existing owner property, the housing must meet the affordability requirements found at 92.254.

 (b) Housing must meet the period of affordability as described at 92.254 (a) (4) (Attachment B, ¶28)

HOME Agreement – Page 3 of 4

 (c) OWHLF funds that are used for single-family homeownership activities are subject to recapture . The entire amount of OWHLF funds distributed for individual single family households, are required to be repaid in full at 92.254 (a) (5) (ii).

 (d) Housing must be the principal residence of a family that qualifies as a low-income family at the time OWHLF funds are committed to the housing.

 (e) Homeownership means ownership in fee simple title, or a 99-year lease interest in a one to four unit dwelling or in a condominium unit, or equity form of ownership approved by HUD.

 (f) For housing located on trust or restricted Indian land, homeownership includes leases of 50 years.

 (g) Documentation used to determine the value of the home being rehabilitated or acquired with OWHLF funds. Housing assisted with OWHLF funds cannot exceed the Single Family Mortgage Limits under Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)).

 (h) All costs associated with the homeownership activity must be documented in each file. Copies of invoices, check requests, inspections, permits, etc must be retained.

 D. For mixed use or mixed income projects, records documenting compliance that OWHLF funds were used in compliance with regulations found at 24 CFR Part 92.

E. Other Federal Requirements Records

(1) Equal opportunity and fair housing records.

 (a) Data on the extent to which each racial and ethnic group and single-headed households (by gender of household head) have applied for, participated in, or benefited from, any program or activity funded in whole or in part with OWHLF funds.

 (b) Documentation of actions undertaken to meet the requirements of 24 CFR Part 135 which implements Section 3 of the Housing Development Act of 1968, as amended (12 U.S.C. 1701u).

 (c) Documentation of actions undertaken to meet the requirements of Section 92.350 regarding Equal Opportunity, and to affirmatively further fair housing.

(2) Affirmative marketing and Minority Business/Women Business records.

 (a) Records demonstrating compliance with the affirmative marketing procedures and requirements of 92.351.

 (b) Documentation and data on the steps taken to implement outreach programs to minority-owner and female-owned businesses including data indicating the racial/ethnic or gender character of each business entity receiving a contract or subcontract of $25,000.00 or more paid or to be paid, with OWHLF; the amount of the contract or subcontract, and documentation of affirmative steps to assure that minority business and women’s business enterprises have an equal opportunity to obtain or compete for contract and subcontracts as sources of supplies, equipment construction and services.

(3) Records demonstrating compliance with environmental review requirements of 92.352 and 24 CFR part 58, including flood insurance requirements.

(4) Records demonstrating compliance with the requirements of 92.353 regarding displacement, relocation, and real property acquisition, including project occupancy lists identifying the name and address of all persons occupying real property on the date described in 92.353(c)(2)i.(A), moving into the property on or after the date described in 92.353 (c)(2)i.(A), and occupying the property upon completion of the project.

(5) Records demonstrating compliance with the labor requirements of 92.354, including contract provisions and payroll records.

(6) Records demonstrating compliance with the lead-based paint requirements of 92.355.

(7) Records supporting exceptions to the conflict of interest prohibition pursuant to 92.356.

 (a) Safeguards shall be established to prohibit Contractor’s employees, board members, advisors, and agents from using positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties. Contractor shall disclose to the State any conflict of interest or potential conflict of interest described above, immediately upon discovery of such. No persons who are employees, agents, consultants, officers, or elected officials or appointed officials of the Contractor who exercises or have exercised any functions or responsibilities with respect to activities assisted with OWHLF or who are in a position to participate in a decision making process or gain inside information with regard to

HOME Agreement – Page 4 of 4

 these activities, may obtain a financial interest or benefit from a OWHLF assisted activity or have an interest in any contract, subcontract or agreement with respect thereof, or the proceeds thereunder, either for themselves or those with whom they have a family or business ties, during their tenure or for one year thereafter, unless they are accepted in accordance with the procedures set forth at 92.356.

(8) Debarment and suspension certificates required by 92.350 and 24 CFR part 24.

F. RETENTION OF RECORDS

 (1) Records must generally be retained for a period of five (5) years.

 (2) For rental housing projects, records may be retained for five years after the project completion date; except that records of individual tenant income verifications, project rents and project inspections must be retained for the most recent five year period, until five years after the affordability period terminates.

 (a) Affordability period begins when project completion and all required data is entered into HUD’s IDIS system by State.

 (3) For homeownership housing projects, records may be retained for five years after the project completion date, except for documents imposing recapture/resale restrictions which must be retained for five years after the affordability period terminates.

 (4) For tenant-based rental assistance projects, records must be retained for five years after the period of rental assistance terminates.

 (5) Written agreements must be retained for five years after the agreement terminates.

 (6) Records covering displacements and acquisition must be retained for five years after the date by which all persons displaced from the property and all persons whose property is acquired for the project have received the final payment to which they are entitled in accordance with 92.353.

 (7) If any litigation, claim, negotiation, audit, monitoring, inspection or other action has been started before the expiration of the required record retention period records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the required period, whichever is later.

I certify that I have read and am aware of the foregoing HOME agreement requirements.

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Authorized Agency Representative Date