

HOME American Rescue Plan (ARP) New Applicant Eligibility Certification

All defined terms used in this certification and not specifically defined herein have the meanings ascribed to them in Tex. Gov't Code Chapter 2306, §42 of the Internal Revenue Code, 24 CFR Part 92 and 10 TAC §11.1(d). This certification is for Multifamily Applications without previously-awarded Texas Department of Housing and Community Affairs Multifamily Direct Loan Funds or 4%/9% Housing Tax Credits.

The undersigned, in each and all of the following capacities in which it may serve or exist or be contemplated to bring a new entity into existence (Applicant, Development Owner, Developer, Guarantor of any obligation of the Applicant, 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 HOME-ARP funding.

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

It affirms that the Uniform Application Certifications have been submitted for this HOME-ARP Application.

It has obtained all necessary consents and approvals, and conducted all necessary diligence to enable it to make these certifications and to perform any and all agreements and to give all consents provided for or made herein.

All representations, undertakings and commitments made by Applicant in the Application process for a Development, expressly constitute conditions to any Commitment, Determination Notice, or HOME-ARP Contract 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, or HOME-ARP Contract by the Department. To the

extent allowed under Tex. Gov't Code §2306.6720, 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 or the tenants of the Development, including but not limited to enforcement by assessment of administrative penalties for failure to perform, in accordance with the Land Use Restriction Agreement, the entry of orders by the Department's Governing Board requiring strict performance, or the obtaining of injunctive relief.

The HOME-ARP Application was not submitted after the Application submission deadline (time or date); is not missing multiple parts of the Application and does not have a Material Deficiency. 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 multifamily funding programs are true and correct, and the Applicant has undergone sufficient investigation to affirm the validity of the statements made. The Applicant agrees that the Department may, at its discretion, request additional information and/or documentation in its evaluation of this Application and is authorized but not obligated under this document to conduct its own investigation regarding any information required requested and or provided in relation to the Application or the Development. 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.

Applicant certifies that Units serving Qualified Populations are only able to charge a household 30% of the tenant's income and that for purposes of underwriting for the first 15 years, these Units will all be underwritten with no income, unless project based assistance or operating assistance is on the units.

Applicant may request and be awarded capitalized operating reserves. Amounts for operating reserves will be established by TDHCA and if approved, the costs may be capitalized at the time of closing or with the first draw. Operating reserves for a Unit will be for a Development's administrative expenses, property management fees, insurance, utilities, property taxes, maintenance of a unit, and other expenses described in HUD CPD Notice 21-10 and as further outlined in the HOME-ARP Supplemental Manual for New Applicants. It affirms that the requested amount of operating reserves is only for eligible expenses which do not include debt service for the HOME-ARP Units or any other ineligible cost.

Applicant must follow TDHCA's existing rules and policies for rental housing and/or Supportive Housing, unless otherwise described in the application materials and the 2023 HOME-ARP Supplemental Manual for New Applicants.

At the end of the HOME-ARP affordability period and depletion of the capitalized operating reserves, it affirms that all HOME-ARP Units will continue to have a state-required affordability period.

Up to 30% of the HOME-ARP Units may be for low-income households that are not Qualified Populations, as allowed by the HUD CPD Notice 21-10, and for which the eligible households may be charged high HOME rents.

Applicant confirms that after year 15, the state affordability requirements apply. These include that at least 20% of the HOME- ARP Units must be for households at 60% or below AMI, and all HOME ARP Units must be for households at 80% or below AMI.

Applicant understands that HOME-ARP Units may float or be fixed in the Developments per 24 CFR §92.252(j), but if other awards have floating Units, then HOME-ARP Units must be floating as well.

Preferences, Limitations, and Referrals

For HOME-ARP units, owner may utilize any one or more of the following preference categories in managing its tenant waiting list where one member of the household is from one of the categories, including combining categories if so reflected in their application and approved by TDHCA in the written agreement and LURA:

- Persons who are experiencing homelessness
- Persons who were formerly homeless but housed with temporary resources
- Persons With Disabilities (which includes Persons with Substance Use Disorders and Persons Living with HIV/AIDS)
- Persons With Violence Against Woman Act (VAWA) Protections and Human Trafficking
- Colonia Residents
- Farmworkers
- Chronically Homeless
- Homeless or At-Risk of Homelessness Veterans (including Wounded Warriors as defined by the Caring for Wounded Warriors Act of 2008)
- Homeless or At-Risk of Homelessness Families with Children
- Persons Impacted By A State Or Federally Declared Disaster
- Persons At-Risk of Homelessness
- Persons Exiting Institutions or Systems of Care/Reentry
- Persons referred through Coordinated Entry

Applicant may also request to have a preference or limitation required by another federal fund source in the Development such as Persons with Disabilities, or a specific disability such as Persons Living with HIV/AIDS. Applicant may request to have a limitation for the elderly, as required by the Housing for Older Persons Act.

Applicant affirms that if the property is intending to use only Coordinated Entry and not a project-specific waitlist for the QP Units for the first 15 years, the system will meet the requirements in HUD CPD Notice 21-10, which requires that Coordinated Entry provide sufficient referrals for the project and that all qualifying populations have an opportunity to participate within the project's

geographic region. If any of these factors are not met, then a project-specific waitlist will also be used. This may mean before Coordinated Entry can be used as the basis for a property's waitlist, the local system may have to add:

- persons who are at-risk of homelessness with incomes up to 50% AMI (not under 30% AMI, as is common in other federal homeless programs);
- persons who have income at or below 30% AMI and are paying more than 50% of monthly household income toward housing costs; and
- households who have qualified as homeless previously, are housed with temporary/emergency assistance, and who need additional housing assistance or supportive services to avoid a return to homelessness.

These three HOME-ARP qualifying populations are unique, and may not be included in other homelessness assistance programs; therefore, they may not already be incorporated into Coordinated Entry. In addition, the geographic region for the project will include the entire primary market area of the rental development, as defined in 10 TAC §11.303(d)(8).

If Coordinated Entry is used with other referral methods, the Applicant will establish prioritization criteria between the Coordinated Entry and other referral methods and maintain any waitlists in chronological order. If using expanded Coordinated Entry alone, with other referral methods, or in coordination with a project-specific waitlist, the waitlist must take persons in chronological order, with priority given to those with preferences stated in the written agreement between the Owner and the Department.

If up to 30% of the HOME-ARP Units are reserved for low-income household who are not qualifying populations, a project-specific waitlist must be used for these units.

Applicant certifies that no otherwise eligible individuals with disabilities or families including an individual with a disability who may benefit from the services provided may be excluded on the grounds that they do not have a particular disability, unless a federal fund source requires it.

HOME-ARP Application number _____

By:

Signature

Printed Name

Title

Date

THE STATE OF _____ §

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COUNTY OF _____ §

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Before me, a notary public, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared and certified that the statements therein contained are true and correct.

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

(Seal)

Notary Public Signature