**Multifamily Housing**

**Programs**

**Application**



Planning and Housing Development Division
2624 Vermont Ave
PO Box 1535
Bismarck, ND 58502-1535
[www.ndhfa.org](http://www.ndhfa.org/) • hfainfo@nd.gov

**NOTICE OF INTENT TO APPLY**

This page must be submitted to NDHFA to express your intent to submit a formal application. Once received and processed, all Contacts will be given access to and instructions for submitting an electronic application package.

|  |
| --- |
| Project Name      |
| Applicant Name      |
| Contact(s)     ,      ,       |
| Telephone Number(s)     ,      ,       |
| Email Address(es)     ,      ,       |
| NDHFA programs the applicant intends to apply for[ ]  4 % Low Income Housing Tax Credit (LIHTC)[ ]  9 % Low Income Housing Tax Credit (LIHTC)[ ]  National Housing Trust Fund (HTF)[ ]  HOME Investment Partnerships (HOME)[ ]  Housing Incentive Fund (HIF) |

**Email this page to NDHFA Planning and Housing Development at** **hfaplan@nd.gov****.**

**MULTIFAMILY HOUSING PROGRAMS APPLICATION**PLANNING AND HOUSING DEVELOPMENT DIVISIONSFN 14649 (06/24)

|  |
| --- |
| Application Type (check one) |
| [ ]  Preliminary Review | [ ]  Initial Application | [ ]  Reservation | [ ]  Pre-Close | [ ]  Final Application / 8609 Allocation |
| Allocation Year     | Application Cycle (Deadline)      | Application Date      |

The applicant must fully complete all applicable sections of this application form fully, including Application Exhibit A, any other applicable Exhibits and include all documents and supplementary materials required. North Dakota Housing Finance Agency (NDHFA) will not accept incomplete and/or unsigned or undated applications for consideration of funding. NDFHA staff is available to assist you up until any time prior to the submission of an Initial Application.

# GENERAL PROJECT INFORMATION

## Project Name

|  |
| --- |
| Project Name      |
| Short Legal Description      |

# Set-aside Activity (Check all that apply)

## Low Income Housing Tax Credit (LIHTC)

|  |  |  |  |
| --- | --- | --- | --- |
| **[ ]** Non-Profit Participation  | **[ ]** Native American  | **[ ]** New Development Project  | **[ ]** Preservation Project  |

## National Housing Trust Fund (HTF)

|  |
| --- |
| **[ ]** Native American  |

## HOME Investment Partnerships (HOME)

|  |
| --- |
| **[ ]** CHDO  |

## Housing Incentive Fund (HIF)

|  |  |
| --- | --- |
| **[ ]** Developing Community | **[ ]** Developing Rural Community |

## APPLICANT AND OWNER INFORMATION

## Role of Applicant (Check all that apply)

|  |
| --- |
| [ ]  Developer [ ]  General Partner [ ]  Contractor [ ]  Sponsor [ ]  Other (specify)        |

## Applicant

NDHFA issues **ALL** awards to the **Final Ownership Entity**. Awards are not transferable without prior NDHFA consent.

|  |
| --- |
| [ ]  Limited Partnership [ ]  Limited Liability Co [ ]  Non-Profit Corporation [ ]  General Partnership [ ]  Corporation[ ]  Local Government [ ]  Housing Authority [ ]  Tribal Government [ ]  Other (specify)       ) |
| Legal Name of Applicant      | Applicant Federal Taxpayer ID      |
| Street Address      | City      | State   | ZIP Code      |
| Contact Person      | SAM.gov Unique Entity ID (required for HTF & HOME)      |
| Telephone Number      | Email Address      |
| If the Applicant will not retain ownership of the project, briefly describe the plan and timing for disposition      |

## Final Ownership Entity ([ ]  Same as Applicant)

|  |  |
| --- | --- |
| Legal Name of Final Ownership Entity      | Final Ownership Entity Federal Taxpayer ID      |
| Street Address      | City      | State   | ZIP Code      |
| Contact Person      | SAM.gov Unique Entity ID (required for HTF & HOME)      |
| Telephone Number      | Email Address      |
| Once completed, what fiscal year will the project follow? (ex: “July 1 to June 30”; etc.)      to       |

## Contact throughout Application Process ([ ]  Same as Applicant)

|  |  |
| --- | --- |
| Company      | Federal Taxpayer ID      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      |
| Contact Person      | SAM.gov Unique Entity ID (required for HTF & HOME)      |
| Capacity (i.e. Sponsor, Consultant, etc.)      |

# Project Characteristics

## Type of Units

|  |
| --- |
| [ ]  Apartments [ ]  Townhomes / Rowhomes [ ]  Detached [ ]  Scattered / Multiple Site [ ]  Other        |

## Site Information

|  |  |  |  |
| --- | --- | --- | --- |
| Number of Sites      | Site(s) Area Size      SqFt | Current Zoning      | [ ]  Owned [ ]  Leased |
| Form of site control  |
| [ ]  Deed | [ ]  Purchase Contract/Option (Expires:      ) | [ ]  Long-Term Lease (Expires:      ) |
| Are the project sites (including most easements)  |
| [ ]  Not yet identified | [ ]  Under current ownership | [ ]  Expected to be a voluntary acquisition |
| Property being acquired from  |
| [ ]  Related Party | [ ]  Unrelated Party | [ ]  Government entity | [ ]  Insured Depository Institution (Name:     ) |
| Is the Project located in any of the following? |
| [ ]  Qualified Census Tract | [ ]  Difficult Development Area | [ ]  Main Street Initiative Plan |
| [ ]  Opportunity Zone | [ ]  Community Revitalization Plan Area |
| Check all utilities which are presently located up to or on the site |
| [ ]  Public Water | [ ]  Private Well | [ ]  Public Sewer | [ ] Private Septic | [ ]  Natural Gas | [ ]  Electric | [ ]  Broadband |
| Identify whether any occupied or vacant occupiable dwelling units will be demolished or converted in connection with the proposed activity (HOME only)       |
| Are there any structures on site built prior to 1978?[ ]  Yes [ ]  No | Is any portion of the site within the 500-year floodplain? [ ]  Yes [ ]  NoIf “Yes”, what is the applicable FIRM map’s Base Flood Elevation?       |
| Indicate any environmental factors present or in proximity impacting this site, or [ ]  None |
| [ ] 100-year floodplain | [ ]  Hazardous waste or soil contamination | [ ]  High tension wires | [ ]  High noise level | [ ] Wetlands |
| [ ]  Airport | [ ]  RR tracks within 300 feet | [ ]  Industrial Site | [ ]  Creek, river, or lake frontage |
| Describe the land uses immediately adjacent to the Project Site |
| North      | South      |
| East      | West      |

## Construction Type

|  |  |  |  |
| --- | --- | --- | --- |
| [ ]  Site-Built | [ ]  Modular\* | [ ]  Panelized\* | [ ]  Other\*       |
| \*If not site-built, provide manufacturer and manufacturing location       |
| Number of Residential Buildings      | Number of Stories      | Elevator[ ]  Yes [ ]  No | Controlled Access/Security Building[ ]  Yes [ ]  No |
| Check all other property characteristics  |
| [ ]  Garage(s) #       | [ ]  Carport(s) #       | [ ]  On-Site Surface Parking Spaces #       | [ ]  Clubhouse |
| [ ]  Maintenance Shed | [ ]  Playground(s)  | [ ]  Recreation Courts | [ ]  Other       |

# Subsidies

## Rental Subsidies ([ ]  No Project-Based Subsidies Received / Expected)

|  |  |  |
| --- | --- | --- |
|  | Number of Units | Contract Expiration Date |
| USDA Rural Development |       |       |
| HUD Project-Based Vouchers |       |       |
| Other:       |       |       |

## Pre-Existing Subsidies (Rehabilitation and Acquisition/Rehabilitation projects only). (Select all that apply)

|  |
| --- |
| [ ]  HUD Sec 221(d)(3) [ ]  HUD Sec 236 [ ]  HUD Sec 236 and Tax Exempts[ ]  HUD Sec 8 New Construction/Substantial Rehab [ ]  HUD Rent Sup/Rap [ ] USDA Rural Development 515[ ]  USDA Rural Development 521 [ ]  Tax Exempt Bonds [ ]  State/Local |

# Anticipated Value

|  |
| --- |
| What is the appraised market value of the project as completed?      |
| Source to support anticipated value (please provide a copy of the documentation)[ ]  Appraisal [ ]  Tax assessed value [ ]  Other:       |

# Development Team

## Developer

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

## General Partner

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

## Consultant

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

## General Contractor

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

## Architect

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

## Engineer

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

## Property Management

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

## Accountant

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

## Attorney

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      | Federal ID Number      |

# Non-NDHFA Funding Sources (Other than Tax Credit Investor)

|  |  |  |
| --- | --- | --- |
| Name of Lender/Source      | Contact Name      | Telephone Number      |
| Mailing Address      | City      | State   | ZIP Code      |

|  |  |  |
| --- | --- | --- |
| Name of Lender/Source      | Contact Name      | Telephone Number      |
| Mailing Address      | City      | State   | ZIP Code      |

|  |  |  |
| --- | --- | --- |
| Name of Lender/Source      | Contact Name      | Telephone Number      |
| Mailing Address      | City      | State   | ZIP Code      |

|  |  |  |
| --- | --- | --- |
| Name of Lender/Source      | Contact Name      | Telephone Number      |
| Mailing Address      | City      | State   | ZIP Code      |

|  |  |  |
| --- | --- | --- |
| Name of Lender/Source      | Contact Name      | Telephone Number      |
| Mailing Address      | City      | State   | ZIP Code      |

|  |  |  |
| --- | --- | --- |
| Name of Lender/Source      | Contact Name      | Telephone Number      |
| Mailing Address      | City      | State   | ZIP Code      |

|  |  |  |
| --- | --- | --- |
| Name of Lender/Source      | Contact Name      | Telephone Number      |
| Mailing Address      | City      | State   | ZIP Code      |

|  |  |  |
| --- | --- | --- |
| Name of Lender/Source      | Contact Name      | Telephone Number      |
| Mailing Address      | City      | State   | ZIP Code      |

# **Tax Credit Syndication**

## Historic Rehabilitation Tax Credits (HRTC)

|  |  |  |
| --- | --- | --- |
| Is the Project eligible for HRTC?[ ]  Yes [ ]  No | Amount of HRTC      | Estimated Gross Proceeds of HRTC      |

## Low Income Housing Tax Credits

|  |  |  |  |
| --- | --- | --- | --- |
| Will credits be offered to investors?[ ]  Yes [ ]  No | If “no”, explain how LIHTCs will be used      | Type of offering[ ]  Public [ ]  Private | Type of offering[ ]  Individuals [ ]  Corporations |
| Number of LIHTC equity contributions       | Month/year of first equity pay-in      | Will a bridge loan be used?[ ]  Yes [ ]  No | If “Yes”, source of bridge loan?      |

## Prospective Syndicators or Equity Investors

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      |

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      |

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      |

## Identity of Interest

|  |
| --- |
| Do any members of the Ownership Entity or the Development Team, including any subcontractors, have any direct or indirect interest, financial or otherwise, in any of the other Development Team members? [ ]  Yes [ ]  No |
| If “Yes”, provide a description of all interests.      |

## Affordable Housing Program Experience (LIHTC, HIF, HTF or HOME experience of Development Team)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Development Team Member | State | Year | Project Name and City | Placed-In-Service? |
|       |    |      |       | [ ]  Yes [ ]  No |
|       |    |      |       | [ ]  Yes [ ]  No |
|       |    |      |       | [ ]  Yes [ ]  No |
|       |    |      |       | [ ]  Yes [ ]  No |
|       |    |      |       | [ ]  Yes [ ]  No |

# TENANT SUPPORT COORDINATION

|  |
| --- |
| Will the project provide a Tenant Support Coordinator to increase the ability of all tenants to maintain housing stability and uphold lease obligations? [ ]  Yes [ ]  No |
| Number of hours per month the project will provide a Tenant Support Coordinator      |
| Staffing of the Tenant Support Coordinator will occur through.[ ]  Direct employment by the project owner [ ]  Contractually through a third party (provide third party information below) |
| Tenant Support Coordination Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      |

# Permanent Supportive Housing

|  |
| --- |
| In addition to the Tenant Support Coordination identified earlier, will the project provide housing for individuals with special needs and offer supportive services to those tenants? [ ]  Yes [ ]  No |

## Population(s) Served

|  |
| --- |
| [ ]  Chronic or persistently mentally ill [ ]  Chemically dependent [ ]  Disabled (physical, intellectual, or developmental)[ ]  Long-term homeless [ ]  Justice-involved [ ]  Frail elderly |

## Provide a Detailed Explanation of the Supportive Services Provided

|  |
| --- |
|       |

## **Supportive Services Provider(s)** (provide additional sheets if necessary)

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      |

|  |  |
| --- | --- |
| Company Name      | Contact Person      |
| Mailing Address      | City      | State   | ZIP Code      |
| Telephone Number      | Email Address      |

|  |  |  |
| --- | --- | --- |
|  | Yes | No |
| Will participation in supportive services be mandatory for your tenants? | [ ]  | [ ]  |
| Do monthly rents include the cost of the supportive services? | [ ]  | [ ]  |
| Is service provider approved to process for insurance reimbursement through Medicaid?If “Yes”, State-Issued Medicaid ID Number:       | [ ]  | [ ]  |

**The following documentation must be provided:**

|  |
| --- |
| ***Initial Application*** |
| **[ ]** A formal Tenant Selection Plan describing in detail how individuals and/or families with special needs will be identified, affirmatively marketed to, and assisted in renting units at the project; |
| ***Pre-Close Application*** |
| **[ ]**  Formal executed agreements with each service provider identified in the letters of intent that were provided at initial application; |

# Project Timetable

## Estimated / Actual Project Milestone Dates

|  |  |
| --- | --- |
| Activity | Date (MM/YY) |
| **Site and Permitting** |  |
| Acquisition |       |
| Zoning/Plat Approval |       |
| Tax Abatement Approval |       |
| Environmental Review Start |       |
| Site Plan/Variance Approval |       |
| Building Permit |       |
| **Construction Financing** |  |
| Application for Construction Financing |       |
| Firm Commitment of Construction Financing |       |
| Closing and Disbursement of Construction Financing |       |
| **Tax Credit Equity Syndication** |  |
| Letter of Commitment |       |
| Partnership Closing |       |
| 10% of Project Costs Incurred |       |
| Tax Credit Carryover Allocation |       |
| Final LIHTC 8609 Allocation Application to NDHFA |       |
| **Permanent Financing** |  |
| Application for Permanent Financing |       |
| Firm Commitment of Permanent Financing |       |
| Closing and Disbursement of Permanent Financing |       |
| **Construction and Leasing Activity** |  |
| Final Plans and Specs Completed |       |
| Construction Start |       |
| Construction Completion |       |
| Start Lease-up / Rent-up of Rental Units |       |
| Project Placed-In-Service (Certificate of Occupancy Issued) |       |
| Occupancy of All Project Units |       |

# Notes and Other information

|  |
| --- |
| Please provide any additional or clarifying information      |

# Applicant Certifications

## The Undersigned Hereby acknowledges the following:

1. The undersigned hereby makes application to the State of North Dakota (State), for commitment, reservation or allocation of housing credit dollar amounts that are listed in the application. The undersigned agrees that the North Dakota Housing Finance Agency will at all times be indemnified and held harmless against all losses, costs, damages, expenses, and liabilities of whatsoever nature or kind (including, but not limited to attorney's fees, litigation and court costs, amounts paid in settlement, and amounts paid to discharge judgment, any loss from judgment from Internal Revenue Service) directly or indirectly resulting from, arising out of, or related to acceptance, consideration and approval or disapproval of such reservation request.
2. That this application and all Exhibits provided by NDHFA to applicants for funding, including all sections herein relative to project costs, operating costs, and determinations of the amount of assistance necessary to make the project financially feasible, is provided only for the convenience of NDHFA in reviewing applications; that completion hereof in no way guarantees eligibility for the funding; and that any notations herein describing the requirements are offered only as general guides and not as legal authority.
3. That the undersigned is responsible for ensuring that the proposed project will, in all respects, satisfy all applicable requirements of the LIHTC program and any other requirements imposed upon it by NDHFA at the time of commitment, should one be issued.
4. That NDHFA may request or require changes in the information submitted herewith and may substitute actual figures for any estimated figures provided therein by the undersigned and may commit assistance, if any, in an amount different from the amount requested.
5. That a commitment is not transferable without prior approval by NDHFA.
6. That the requirements for applying for assistance and the terms of any commitment thereof is subject to change at any time by federal or state law, federal, state or NDHFA regulation, or other binding authority.
7. That a commitment will be subject to certain conditions to be satisfied prior to closing and disbursement of funds.
8. That the undersigned provides NDHFA the right to exchange information with other parties as deemed appropriate by NDHFA.
9. The undersigned applicant and any of its employees, agents, or sub-contractors in doing business with the North Dakota Housing Finance Agency understands and agrees that it is the total responsibility of the applicant to adhere to and comply with all Internal Revenue Code, Federal Civil Rights legislation inclusive of the Fair Housing Laws, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, the Violence Against Women Reauthorization Act of 2013, as well as any State and local Civil Rights legislation along with any required related codes and Laws. It is the Applicant’s responsibility to be aware of and comply with all non-discrimination provisions relating to race, color, religion, sex, handicap, familial status, national origin and any other classes protected in the State. This includes design requirements for construction or rehabilitation, Equal Opportunity in regard to marketing and tenant selection and reasonable accommodation and modification for those tenants covered under the Laws.
10. The undersigned has read and understands the Allocation Plan for the applicable tax credit allocation year and is aware that any project selected to receive tax credits will be subject to all requirements of the Plan including, but not limited to, compliance monitoring and the project owner will be responsible to pay a reasonable fee to the NDHFA for their compliance monitoring activities.
11. The undersigned is responsible for ensuring that the project consists or will consist of a qualified low-income building or buildings as defined in the Internal Revenue Code, Section 42, and will satisfy all applicable requirements of federal tax law in the acquisition, rehabilitation, or construction and operation of the project to receive the low-income housing credit.
12. The undersigned is responsible for all calculations and figures relating to the determination of the eligible basis for the building and understands and agrees that the amount of the credit is calculated by reference to the figures submitted with this application, as to the eligible basis and qualified basis of the project and individual buildings.

## Further, the Undersigned Hereby Certifies the Following

1. The applicant shall not, in the provision of services, or in any other manner, discriminate against any person on the basis of race, color, creed, religion, sex, national origin, age, familial status or handicap.
2. The applicant shall ensure that all construction complies with the accessible and adaptive design and construction requirements of the Fair Housing Act.
3. That, to the best of its knowledge and belief, all information provided herein or in connection herewith is true and correct and all estimates are reasonable and can be obtained from any source named herein.
4. That it will at all times indemnify and hold harmless NDHFA against all losses, costs, damages, expenses, and liabilities of any nature or indirectly resulting from, arising out of or relating to NDHFA’s acceptance, consideration, approval, or disapproval of this request and the issuance or non-issuance of LIHTC assistance in connection herewith.
5. That all consultant fees, architect fees, builder fees, and developer fees are properly disclosed and conform to the Allocation Plan.
6. For projects involving rehabilitation, a minimum average rehabilitation threshold of $15,000 of hard construction costs per unit will be met, unless otherwise waived by NDHFA based on support of a Capital Needs Assessment.
7. That the following selected criteria, for which the applicant is seeking competitive points, will apply to the proposed LIHTC project:

|  |
| --- |
| * 1. The project will exceed the minimum set-aside election with the following income targeting election:

**[ ]** units at or below 20% area median income**[ ]** units at or below 30% area median income[ ]   units at or below 40% area median income[ ]   units at or below 50% area median income  |
| * 1. **[ ]** The Project qualifies for design standard points:

**[ ]** Elevator[ ]  No more than 4 units per outside entrances[ ]  A separate outside main entrance for each unit[ ]  Single family detached homes |
| * 1. **[ ]** The Project will have 20% or more of the low-income units be three bedroom or larger.
 |
| * 1. [ ]  The Project will include Green Communities criteria as indicated in Exhibit E of this application.
 |
| * 1. [ ]  The Project has committed to providing the Project Universal Design Standards.
 |
| * 1. [ ]  The Project has committed to providing at least       low-income units with the Unit Universal Design Standards, of which,       units will be two-bedroom or larger.
 |
| * 1. [ ]  The Project has committed to providing its tenants a percentage-based rebate of the tenant-paid rent upon termination of occupancy for homeownership.
 |
| * 1. [ ]  The Project is intended for eventual homeownership.
 |
| * 1. [ ]  The Project is designed for and marketed to Older Persons under the following exemption to the Fair Housing Act:

  |
| * 1. [ ]  The Project is an existing LIHTC property that either:

[ ]  Waived their ability to opt out of the extended use period, or[ ]  Did not waive their ability to opt out of the extended use period.  |
| * 1. [ ]  The Project is a state or federally assisted property currently serving low-income residents or is an existing LIHTC property at risk of being converted to market rate units or would be subject to foreclosure or default if tax credits are not allocated.
 |

**That the applicant, developer, sponsor, contractor, or any other member of the Development Team, including any of their owners, partners, or board members have not been convicted of, entered an agreement for immunity from prosecution for, or pleaded guilty, including a plea of nolo contendere, to a crime of dishonesty, moral turpitude, fraud, bribery, payment of illegal gratuities, perjury, false statement, racketeering, blackmail, extortion, falsification or destruction of records, nor are they currently debarred from contracting opportunities by any agency of the federal or state of North Dakota governments.**

IN WITNESS WHEREOF, the undersigned, being a duly authorized agent of the Applicant, has caused this document to be executed in its name on this day of , **20**.

The undersigned, being duly authorized, hereby declares and affirms under the penalties of perjury that the information contained in this application is, to the best of his/her knowledge and belief, in all things complete, true, and correct, and accurately describes the proposed project. Misrepresentations of any kind will be grounds for denial or loss of the tax credits and may affect future participation in the tax credit program in the State.

|  |  |  |
| --- | --- | --- |
| Legal Name of Applicant      | By (Name of Authorized Representative)      | Title      |
| Signature | Date      |

|  |  |  |
| --- | --- | --- |
| Legal Name of Co-Applicant (if applicable)      | By (Name of Authorized Representative)      | Title      |
| Signature | Date      |

# NDHFA Choice Limiting Action Policy

**Required for applicants seeking HOME or HTF.**

Projects receiving certain federal sources of funds from NDHFA (e.g. HOME) must undergo an environmental review under 24 CFR Part 58.

From the application submittal date, or from the date that NDHFA determines that it may use the federal funds for a project, until completion of the environmental review process, HUD’s environmental review rules prohibit all participants in the development process for a project, including the applicant and any developer or sponsor of the project and any of their affiliates participating in the project, any construction manager, and any other consultants and contractors, from taking certain actions. These prohibited actions are called "choice-limiting actions." HUD’s prohibition on taking choice-limiting actions continues in effect until the project has received its environmental clearance, which means the completion of an environmental review of the project and, if necessary, HUD approval of the release of the federal funds for the project after completion of the environmental review. In the information below, the period extending from the application submittal date, or from the date that NDHFA determines that it may use the federal funds for a project, to the date of environmental clearance is referred to as the "Choice-Limiting Action Prohibition Period."

The list of choice-limiting actions set out below is not all-inclusive and applicants are strongly urged to consult NDHFA prior to taking any action that could be a prohibited choice-limiting action. **IMPORTANT NOTE:** **Taking a choice-limiting action during the Choice-Limiting Action Prohibition Period will disqualify a project from receiving the funds or other HUD financial assistance.**

1. **Prohibited Choice-Limiting Actions**

During the Choice-Limiting Action Prohibition Period, the applicant and all other participants in the development process are not allowed under HUD’s environmental review rules to do any of the following, except to the limited extent described below.

* 1. Spend or commit any funds for the project, whether those funds are federal, state, local, bank, equity, or private funds, grants, loans or any other source or type of funds, *except* for the following activities:
		1. Environmental, geotechnical and other studies
		2. Site inspection and testing
		3. Engineering services
		4. Architectural and design services
		5. Permitting and zoning approvals
		6. Financing applications
		7. The payment of the option price under an option agreement complying with the requirements of Section B.1 below.
	2. Enter into a binding contract or agreement for any purpose, *except as follows:*
		1. The activities listed in subsection 1.a through f above.
		2. An option agreement complying with the requirements of Section B.1 below.
	3. Enter into a binding contract or agreement for any of the following or actually undertake or do any of the following:
		1. Enter into an option to buy or lease all or part of the project site or to purchase an
		2. easement for the benefit of the project site, or amend, extend or renew an option,
		3. unless the option agreement complies with the requirements of Section B.1 below.
		4. Enter into, amend, extend or renew a purchase and sale agreement.
		5. Purchase or lease all or part of the project site, including but not limited to any small
		6. additional parcel that may be needed to meet density or other local or state
		7. requirements.
		8. Purchase or grant an easement or right-of-way.
		9. Enter into an Agreement to Enter into a Housing Assistance Payments Contract
		10. (AHAP) or a Housing Assistance Payments (HAP) Contract.
		11. Purchase or otherwise procure construction materials for the project.
		12. Accept a bid for any work relating to the project, including but not limited to
		13. construction, rehabilitation, demolition or environmental remediation. HUD recommends that a project not even go out to bid prior to environmental approval. Contact NDHFA prior to going out to bid.
		14. Excavation or earth removal.
		15. Demolition.
		16. Environmental remediation activities on, in or affecting the land or building(s) on
		17. the project site, including but not limited to lead paint, mold, asbestos, or soil
		18. remediation or other clean-up.
		19. Utility or infrastructure construction or installation, e.g., sewer, water, electric or gas
		20. lines, drainage, stormwater management facilities, roads, sidewalks, etc.
		21. Paving.
		22. Grading, filling or clearing.
		23. Dredging or draining.
		24. Construction of buildings or other structures.
		25. Moving, rehabilitation, renovation or alteration of existing buildings.
		26. Burying, replacing or relocating a propane, oil, kerosene or other stationary aboveground tank, or a fuel conversion of a heating system, on a property or on the project site as a way of mitigating hazards to your project or for any other reason.
		27. Any other activity that has a physical effect on the land or buildings on the project
		28. site.
1. **Site Control Agreements—Options Agreements**

During the Choice-Limiting Action Prohibition Period, HUD permits option agreements that meet certain requirements. HUD and NDHFA strictly enforce these requirements. NDHFA will not proceed with the environmental review of a project if a non-complying agreement exists. In that case, NDHFA will require that the non-complying agreement be either rescinded and replaced with an agreement meeting HUD’s requirement or amended to bring it into compliance with HUD’s requirements.

* 1. Option Agreements

An applicant may enter only into an option agreement that states that it is subject to NDHFA’s decision on the desirability of the project site based on the results of the environmental review and provides for an option price that is only a nominal portion of the purchase price. HUD does not define "nominal" but states that any reasonable interpretation is acceptable and recognizes that what is nominal will vary depending on the local real estate market and the purchase price.

1. **Corrective Actions**

Should a choice-limiting action occur, applicant must notify NDHFA immediately. If NDHFA becomes aware that a choice-limiting action occurred after federal funds have been partially or fully expended, applicant shall cooperate fully with any corrective actions prescribed by HUD. The corrective action may include repayment of federal funds.

**ACKNOWLEDGEMENT**

I hereby acknowledge that I have read and fully understand NDHFA’s policy regarding the Choice Limiting Action Prohibition Period.

|  |  |  |
| --- | --- | --- |
| Applicant      | By (Authorized Representative)      | Title      |
| Signature | Date      |

# Nonprofit set-aside verification

**Required if seeking a nonprofit set-aside from LIHTC, HIF, HOME or HTF.**

To be considered for the nonprofit set-aside, the following information must be provided.

1. Articles of Incorporation
2. IRS documentation of nonprofit status

To qualify for the nonprofit set-aside, the applicant must materially participate in the development and operation of the project throughout the compliance period. Within the meaning of IRC 469(h), “a (nonprofit) shall be treated as materially participating in an activity only if the (nonprofit) is involved in the operations of the activity on a basis which is regular, continuous, and substantial.” The nonprofit must not be affiliated with or controlled by a for-profit organization. The nonprofit must not have been formed for the principal purpose of competition in the nonprofit set-aside.

|  |
| --- |
| The nonprofit organization involved in this project is a |
| **[ ]** 501(c)(3) | **[ ]** 501(c)(4) organization and is |
| **[ ]** exempt from taxation under IRC Section 501(a) and has as an exempt purpose of the fostering of Low-Income Housing. |
| Describe the nonprofit’s participation in the development and operation of the project      |
| List the names, addresses and phone numbers of Board Members for the nonprofit organization      |
| Identify all paid full-time staff and sources of funds for annual operating expenses and current programs      |
| Give a full listing of all major nonprofit activities of organization within the past three years      |

# Identity of Interest Statement

**Required for Applicants seeking LIHTC, HIF, HOME or HTF.**

(I) or (we) understand and agree that the North Dakota Housing Finance Agency (NDHFA), as allocating agency of the Low-Income Housing Tax Credit (LIHTC), Housing Incentive Fund (HIF), HOME Investment Partnerships Program (HOME), and National Housing Trust Fund, HTF), will consider an Identity of Interest to exist between the sponsor/developer (Applicant) and any general contractor, architect, engineer, attorney, accountant, or any other entity (Participant) involved with the project/development (Project) under any of the following conditions:

1. When there is any financial interest of the Applicant in a Participant; and
2. When one or more of the officers, directors, stockholders, or partners of the Applicant is also an officer, director, stockholder, or partner of a Participant; and
3. When any officer, director, stockholder, or partner of the Applicant has any financial interest whatsoever in a Participant; and
4. When a Participant advances any funds to the Applicant, other than an interim lender advancing funds to enable the Applicant to pay for construction and other Project costs; and
5. When a Participant provides and pays on behalf of the Applicant for any Project costs; and
6. When a Participant takes stock or any interest in the Applicant as part of the consideration to be paid them; and
7. When there exists or comes into being any side deals, agreements, contracts, or undertakings entered into, which creates or will create an Identity of Interest as set forth above.

(I) or (we) certify that there is not now, nor will there be, an Identity of Interest between the Applicant and any Participant, or any of their officers, directors, stockholders or partners or beneficiaries without prior written identification to the NDHFA.

This statement is given for the purpose of inducing the NDHFA to make an allocation of LIHTC as requested in the application of which this statement is a part.

**Any Identity of Interest must be disclosed and explained in Section 9(D) of this Application and detailed within the “SLR & HUD 2880” tab of the Exhibit A.**

|  |  |  |
| --- | --- | --- |
| Applicant      | By      | Title      |
| Applicant Signature | Date      |

# Fair Housing Act Accessibility Checklist

**Required for applicants seeking LIHTC, HIF, HOME & HTF.**

The United States Department of Justice and the Department of Housing and Urban Development (“HUD”) currently recognize ten safe harbors for compliance with the Fair Housing Act’s design and construction requirements, 42 U.S.C. § 3604(f)(3)(C).

This checklist represents many, but not all, of the accessible and adaptive design and construction requirements of the Fair Housing Act. This checklist is ***not*** a safe harbor for compliance with the Fair Housing Act.

HUD and the Department of Justice recognize the following standards as safe harbors when used in conjunction with the Fair Housing Act, regulations, and Fair Housing Act Accessibility Guidelines (i.e. scoping requirements):

1. HUD’s March 6, 1991 Fair Housing Accessibility Guidelines (the Guidelines), and the June 28, 1994 Supplemental Notice to Fair Housing Accessibility Guidelines: Questions and Answers about the Guidelines;
2. HUD’s Fair Housing Act Accessibility Design Manual;
3. ANSI A117.1-1986, used in conjunction with the Act and HUD’s regulations, and the Guidelines;
4. CABO/ANSI A117.1-1992, used in conjunction with the Act, HUD’s regulations, and the Guidelines;
5. ICC/ANSI A117.1-1998, used in conjunction with the Act, HUD’s regulations, and the Guidelines;
6. *Code Requirements for Housing Accessibility 2000* (CRHA), approved and published by the International Code Council (ICC), October 2000;
7. *International Building Code 2000* (IBC) as amended by the IBC *2001 Supplement to the International Codes*.
8. International Building Code 2003, with one condition\*.
9. ICC/ANSI A117.1 - 2003 (Accessible and Usable Buildings and Facilities)
10. 2006 International Building Code®

\* Effective February 28, 2005 HUD determined that the IBC 2003 is a safe harbor, conditioned upon ICC publishing and distributing a statement to jurisdictions and past and future purchasers of the 2003 IBC stating, "ICC interprets Section 1104.1, and specifically, the exception to Section 1104.1, to be read together with Section 1107.4, and that the Code requires an accessible pedestrian route from site arrival points to accessible building entrances, unless site impracticality applies. Exception 1 to Section 1107.4 is not applicable to site arrival points for any Type B dwelling units because site impracticality is addressed under Section 1107.7."

It is important to note that the ANSI A117.1 standard contains only technical criteria, whereas the Fair Housing Act, the regulations and the Guidelines contain both scoping and technical criteria. Therefore, in using any of the ANSI standards it is necessary to also consult the Act, HUD’s regulations, and the Guidelines for the scoping requirements.

**Failure to comply with all of the accessible and adaptive design and construction requirements of the Fair Housing Act may result in loss of tax credits pursuant to 26 C.F.R. § 1.42-9. Therefore, you should consult an attorney and/or design professional to ensure that the construction of the multi-family development complies with the accessible and adaptive design and construction requirements of the Fair Housing Act.**

# COVERED BUILDINGS

**Is the development subject to the act?** (Mark all that apply)

[ ]  Development has buildings containing 4 or more units and was designed and constructed for first occupancy on or after March 13, 1991

[ ]  Building contains elevator so all units in building are “covered units”

[ ]  All units in buildings with elevators are designed and constructed with features required by the Act

[ ]  Building does not contain elevator so only ground-floor units in building are “covered units”

[ ]  All ground-floor units in buildings without elevators are designed and constructed with features required by the Act

[ ]  Development contains “covered units,” so the public and common use facilities must be designed and constructed with features required by the Act

**NOTE:** Fair Housing Act Accessibility Guidelines contains a narrow “Site Impracticality Exception” which provides that a non-elevator building does not have to meet all of the Act’s requirements if it is impractical to have an accessible entrance to the building because of the natural hilly terrain or other unusual characteristics of the site.

# Seven Design Requirements

## Accessible Building Entrance on an Accessible Route

[ ]  The accessible route is a continuous, unobstructed path (no stairs) through the development that connects all buildings containing covered units and all public and common use facilities.

[ ]  The accessible route also connects to parking lots and to at least one public street, public sidewalk, and to a public transportation stop, when provided

[ ]  All slopes on the accessible route are no steeper than 8.33%

[ ]  All slopes on the accessible route between 5% and 8.33% have handrails

[ ]  Covered units have at least one entrance on an accessible route

[ ]  There are a sufficient number of curb ramp cuts for a person using a wheelchair to reach every building in the development

[ ]  Curb ramp cuts meet slope and cross slope specifications

## Accessible Common and Public Use Areas

[ ]  At least 2 percent of all parking spaces serving covered units are designated as accessible handicapped parking spaces

[ ]  At least one parking space at each common and public use amenity is designated as handicapped accessible parking spaces

[ ]  All handicapped accessible parking spaces have adequate signage

[ ]  All handicapped accessible parking spaces are at least 96" wide with a 60" wide access aisle that can be shared between two spaces

[ ]  The accessible aisle connects to a curb ramp and the accessible route

[ ]  The rental or sales office is readily accessible and usable by persons with disabilities as required by both the Fair Housing Act and the Americans with Disabilities Act

[ ]  A sufficient number of all mailboxes, swimming pools, tennis courts, clubhouses, rest rooms, showers, laundry facilities, trash facilities, drinking fountains, public telephones, and other common and public use amenities offered by the development are readily accessible and usable by persons with disabilities

## Usable Doors

[ ]  All doors into and through covered units and common use facilities provide a clear opening of at least 32" nominal width

[ ]  All doors leading into common use facilities have lever door handle operating hardware that does not require grasping and twisting

[ ]  Thresholds at doors to common use facilities are no greater than ½"

[ ]  All primary entrance doors to covered units have lever door handle operating hardware that does not require grasping and twisting

[ ]  Thresholds at exterior primary entrance doors to covered units are no greater than 3/4" and are beveled

## Accessible Route Into and Through the Covered Unit

[ ]  All routes through all rooms in the covered units are no less than 36" wide

## Accessible Environmental Controls

[ ]  All light switches, electrical outlets, thermostats, and other environmental controls are no less than 15" and no greater than 48" from the floor

## Reinforced Bathroom Walls for Grab Bars

[ ]  Reinforcements are built into the bathroom walls surrounding toilets, showers, and bathtubs for the later installation of grab bars

## Usable Kitchens and Bathrooms

**Usable Kitchens**

[ ]  30 x 48" clear floor space centered at each fixture and appliance

[ ]  40" of clear floor space between opposing elements (i.e. cabinets, appliances, etc.)

[ ]  U-Shaped kitchens with sink or cook top at end have 60" diameter turning space or have sink or cook top base with removable cabinets

**Usable Bathrooms: Type A Bathroom**

[ ]  30 x 48" clear floor space outside the swing of the door

[ ]  30 x 48" clear floor space at lavatory (if centered for parallel approach cabinet may be fixed)

[ ]  Toilet next to the tub allowing a perpendicular approach

[ ]  Centerline of toilet is 18" from bathtub and 15" from lavatory

**Usable Bathrooms: Type B Bathroom**

[ ]  30 x 48" of clear floor space outside swing of door

[ ]  30 x 48" of clear floor space centered in front of sink

[ ]  30 x 48" of clear floor space adjacent to the bathtub

[ ]  If at least one Type B bathroom is included the other bathroom(s) is exempt from only the maneuvering space requirements

My signature below certifies that the construction of the multi-family development known as will/does comply with the accessible and adaptive design and construction requirements of the Fair Housing Act.

|  |  |
| --- | --- |
| Signature of Developer | Date      |
| Signature of Architect | Date      |

# Green Communities Criteria

**Required for applicants seeking Green certification.**

[ ]  Project will meet the requirements to receive certification through Enterprise’s Green Communities (www.greencommunitiesonline.org), LEED Rating System (www.usgbc.org), or the National Green Building Standard (www.nahbgreen.org). It is not necessary to mark any additional boxes; proceed to the signature page.

**If including specific Green elements without obtaining Green certification, mark all applicable boxes and provide documentation.**

[ ]  **Proximity to Existing Development: New Construction**
Provide a site map showing the development has access to existing roads, water, sewers and other infrastructure within or contiguous to existing development.

[ ]  **Protecting Environmental Resources: New Construction**
Development will not be located on wetlands, steep slopes, prime farmland, parkland or in a 100-year flood plain.

[ ]  **Proximity to Services: New Construction**
Provide a location map indicating the project is located within walking distance of all of the following facilities: public transportation, supermarket, public school, library, licensed childcare center, usable park space, post office, convenience store, laundry/drycleaner, pharmacy, places of worship, community or civic center that are accessible to residents.

[ ]  **Walkable Neighborhoods – Sidewalks and Pathways**
Provide a site map indicating that sidewalks or suitable pathways were created within a multifamily property or single-family subdivision to link the residential development to public spaces, open spaces and adjacent development.

[ ]  **Building Orientation**
Applicant should explain how they will make the greatest use of passive solar heating and cooling. For example, things to consider include interior spaces requiring the most light, heating and cooling be located on the south face of the building, open floor plans to optimize daylight penetration and passive ventilation, shading through overhangs on the south and trees on the west.

**[ ]  Project Uses Previously Developed Sites or Adaptive Reuse of Existing Structures**

**[ ]  Environmental Remediation**
Conduct a Phase I Environmental Site Assessment to determine whether any hazardous materials are present on site and a Phase II abatement plan, if required. Provide a copy of the assessment(s).

**[ ]  Landscaping**
Provide a landscape plan showing that the selection of new trees and plants are native species appropriate to the site’s soil and microclimate, and that newly planted trees are located to provide shading in the summer and allow for heat gain in the winter.

**[ ]  Efficient Irrigation**
Use efficient irrigation systems or recycled gray water, roof water or collected site run-off. Applicants should explain how this will be accomplished.

**[ ]  Water Conserving Appliances and Fixtures**
Install water-conserving fixtures: toilets with 1.28 gallons per flush, showerheads with 2.0 gallons per minute (GPM), kitchen faucets with 2.0 GPM and bathroom faucets with 1.5 GPM or less for each item.

**[ ]  Efficient Energy Use: Substantial and Moderate Rehab**
Single family or multifamily buildings of three stories or fewer: demonstrate the completed building will have energy performance equivalent to a HERS Index of 85 through energy modeling that generates a Home Energy Rating certificate. Provide a copy of the certificate.

Buildings of four stories or more: demonstrate the energy performance of the completed building will be equivalent to ASHRAE 90.1-2007 using an energy model created by a qualified energy services provider. Provide a certification from the provider.

**[ ]  Building Performance Standard: New Construction**
Obtain certification under Energy Star New Homes Version 3 for single family or multifamily buildings of three stories or fewer. Buildings four stories or more must meet Energy Star Multifamily High-Rise program guidelines. Provide a copy of the certification.

**[ ]  Energy Star Appliances**
Install these throughout the project.

**[ ]  Efficient Lighting – Interior**
Install Energy Star-labeled lighting fixtures in all interior units and use Energy Star or high-efficiency commercial grade fixtures in all common areas.

**[ ]  Lighting – Exterior**
Use Energy Star or high-efficiency commercial grade fixtures, with daylight sensors or timers.

**[ ]  Electricity Meter**
Install individual or sub-metered electric meters to raise residents’ awareness of the cost associated with electricity consumption.

**[ ]  Photovoltaic (PV) Panels**
Install PV panels to provide at least 10% of the project’s estimated electricity demand.

**[ ]  Geo-Exchange Heating and Cooling**
Use this type of system in the project.

**[ ]  Insulation**
Will be at least 5% greater than the International Energy Conservation Code (IECC).

**[ ]  Windows and Glass Doors**
Use windows and glass doors throughout the project that meet or exceed Energy Star Program requirements.

**[ ]  Recycled Content Materials**
Incorporate recycled content building materials, such as metals, concrete, masonry, acoustic tile, drywall, carpet, ceramic tile and insulation, throughout the project design. Explain which products will be used in the project.

**[ ]  Local Products**
Buy products extracted, produced, or manufactured within 500 miles to reduce use of fossil fuels and reduce packaging required for shipping.

**[ ]  Certified, Salvaged & Engineered Wood**
Use at least 25% (by cost) wood products and materials that are certified in accordance with the Forest Stewardship Council, salvaged wood or engineered framing materials.

**[ ]  Reducing Heat-Island Effect – Roofing**
Use Energy Star-compliant (for reflectivity) and high-emissive roofing.

**[ ]  Reducing Heat-Island Effect – Paving**
Use light-colored/high-albedo materials and/or an open-grid pavement over at least 50% of the site’s hardscaped area.

**[ ]  Low/No VOC Paints, Primers, Adhesives, Caulk and Sealants**
Will specify all interior paints, primers, adhesives, sealants, and caulks must be low/no VOC.

**[ ]  Formaldehyde-Free Composite Wood**
Will not use any composite wood in any area that has exposed particleboard (which contains added urea formaldehyde) unless the exposed area has been sealed.

**[ ]  Green Label Certified Floor Coverings**
Will not install carpets in entryways, laundry rooms, bathrooms, or kitchens. Instead, will use smooth and resilient flooring that can tolerate moisture. If using carpets, will use the Carpet & Rug Institute’s Green Label certified carpet, pad, and adhesives.

**[ ]  Healthy Flooring Materials - Alternative Sources**
Will use non-vinyl, non-carpet floor coverings in all rooms, such as linoleum, bamboo, ceramic tile, concrete, and wood (especially salvaged wood).

**[ ]  Exhaust Fans – Bathroom**
Install Energy Star-labeled bathroom fans that exhaust to the outdoors, are connected to a light switch and are equipped with a humidistat sensor or timer or operated continuously.

**[ ]  Exhaust Fans – Kitchen**
Install Energy Star-labeled power vented fans or range hoods that exhaust to the exterior.

**[ ]  Ventilation**
Install a ventilation system for a dwelling unit that provides adequate fresh air, per ASHRAE 62.2-2010 requirements for dwelling units.

**[ ]  HVAC**
System will meet Energy Star rating or show that it complies with the Air Conditioning Contractors of America Manual, Part J and S or ASHRAE Handbooks.

**[ ]  Carbon Monoxide Detectors**
Will use throughout the project with a minimum of one hard-wired alarm per floor in dwelling units.

**[ ]  Programmable Thermostats**
Will use throughout the project.

**[ ]  Smoke Free Project**
Enforce a no-smoking policy in all common and individual living areas and within 25 feet around the exterior of the project. The lease language must prohibit smoking in these locations and specify it is a violation to smoke in these areas. The no-smoking restriction applies to all owners, tenants, guests and service people.

**[ ]  Water Heaters – Mold Prevention**
Use tankless hot water heaters or install conventional hot water heaters in rooms with drains or catch pans piped to the exterior of the dwelling and with non-water sensitive floor coverings.

**[ ]  Water Heaters – Minimizing CO**
Specify direct vented or combustion sealed water heaters if the heater is located in a conditioned space.

**[ ]  Materials in Wet Areas – Surfaces**
In wet areas, use materials that have smooth, durable, cleanable surfaces. Do not use mold-propagating materials such as vinyl wallpaper and unsealed grout.

**[ ]  Material in Wet Areas – Tub & Shower Enclosures**
Use one-piece fiberglass or similar enclosure or, if using any grouted material, use backing materials such as cement board, fiber cement board, fiberglass reinforced board or cement plaster.

**[ ]  Basement & Concrete Slabs – Vapor Barrier**
Provide vapor barriers under all slabs. For concrete floors either in basements or the on-grade slab, install a capillary break of 4 inches of clean or washed gravel (0.5 inch or greater in diameter) placed over soil. Cover all gravel with a 6-mil polyethylene sheeting moisture barrier, with joints lapped 6 to 12 inches to prevent moisture from migrating from the soil through the slab to a living or storage area.

**[ ]  Radon Mitigation**
For new construction: install passive radon-resistant features below slab. Also install a vertical vent pipe with junction box within 10 feet of an electrical outlet in case an active system should prove necessary in the future.

For substantial rehab: test for the presence of radon following EPA guidelines; if the radon level is elevated above 4 picocuries per liter (4pCi/L), install radon reduction measures.

For projects with underground parking; in addition to the above items, foundation air sealing with polyurethane caulk or the equivalent at all slab openings, penetrations, and control expansion joints. Sump covers also shall be air sealed (e.g., mechanically attached with full gasket seal or equivalent).

**[ ]  Garage Isolation**
Provide a continuous air barrier between the conditioned living space and unconditioned garage space to prevent the migration of contaminants, no ductwork or air handling equipment in garage.

**[ ]  Clothes Dryer Exhaust**
Clothes dryer must be exhausted directly to the outdoors with minimal duct run using rigid-type duct work.

**[ ]  Integrated Pest Management**
Seal all wall, floor, and joint penetrations to prevent pest entry. Provide rodent and corrosion proof screens (e.g., copper or stainless-steel mesh) for large openings.

**[ ]  Permanent Area for Tenant Recycling**
This category may only be selected if a community recycling program exists where the project is located.

**[ ]  Owner’s Manual**
Provide a manual that includes a routine maintenance plan; instructions for all appliances, HVAC operation, water-system turnoffs, lighting equipment and other systems that are part of each occupancy unit; an occupancy turnover plan that describes in detail the process of educating tenants about proper use and maintenance; and information on how to maintain the green features of the site, including paving materials and landscaping.

**[ ]  Occupant’s Manual**
Provide a guide for renters that explains the intent, benefits, use and maintenance of green building features, and encourages additional green activities such as recycling, gardening, and use of healthy cleaning chemicals. Provide an orientation to new tenants that review the building’s green features, operations, and maintenance.

We certify that the Green Communities criteria indicated above will be/have been incorporated into the project.

|  |  |
| --- | --- |
| Owner Signature | Date      |
| Architect Signature | Date      |

**ACQUISITION AND RELOCATION REQUIREMENTS URA**

**Required for applicants seeking HOME or HTF.**

**URA Documents Required at Application**

**Applicants with Site Control must submit the following with the application otherwise documents must be submitted at the time site control is obtained.**

[ ]  If property is currently owned by applicant submit evidence of ownership.

[ ]  If property is being purchased submit Voluntary Acquisition Informational Notice (Appendix 31 or 32 HUD Handbook 1378) <https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780>

[ ]  Property is undeveloped land (submit evidence).

[ ]  Property is developed, but vacant.

* Has the property been occupied within 90 days of purchase offer or this application?
[ ]  Yes [ ]  No

[ ]  Property falls under one of the exception criteria at 49 CFR 24.101(b)(3)-(5) (provide evidence)

1. The acquisition of real property from a Federal Agency, State or State Agency, if the Agency desiring to make the purchase does not have authority to acquire the property through condemnation; or
2. The acquisition of real property by a cooperative from a person who, as a condition of membership in the cooperative, has agreed to provide without charge any real property that is needed by the cooperative; or
3. Acquisition for a program or project that receives federal financial assistance from the Tennessee Valley Authority or the Rural Utilities Service.

[ ]  Completed Tenant Tracking Spreadsheet which identifies

* All occupants (residential and non-residential), characteristics, address

[ ]  Copies of the GINs with proof of delivery provided to each occupant

[ ]  Draft Move-In Notice

[ ]  Tenant Relocation Plan

**Section 104(d)**

For HOME or HTF applications, if identified in project characteristics any occupied or vacant occupiable dwelling units will be demolished or converted in connection with the proposed activity Section 104(d) applies.

[ ]  Review NDHFA Residential Anti-Displacement and Relocation Plan (RARAP)

[ ]  Submit RARAP policy (HUD Guideform 34)

[ ]  Submit One-for One replacement plan and provide evidence of public availability.

**Recipients and Section 104(D)**

The Uniform Relocation Act (URA) applies to all federally assisted acquisition, rehabilitation and demolition projects unless exempted (i.e., Section 18) including HOME and HTF. Section 104(d) applies to demolition or conversion of housing units to something other than lower-income dwellings in connection with a HOME project.

* Acquisition rules apply to every acquisition for the project (including most easements), whether or not the acquisition itself is federally funded.
* Sellers of real property are to be informed in writing of property values prior to negotiating the purchase (exceptions at 49 CFR 24.101(b)(3)-(5)).
* While not required by federal regulation, consider including a clause in any executed purchase agreement that gives the purchaser right to tenant access for notification purposes to issue General Information Notices (GINs)
* HUD program regulations often expand tenant protections beyond the URA
* Project occupancy must be tracked from application to project completion.
* Award recipients are expected to review the NDHFA Uniform Relocation Act Policy Guide. <https://www.ndhfa.org/index.php/development/ura/>
* Award recipients should utilize the guide forms provided by HUD in the Relocation Handbook 1378 available online at <https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780>
* Notices are required for all occupants
	+ Notices must be personally served or sent certified mail, return receipt requested (Exception: where a project will not result in a rent increase or require permanent or temporary relocation, a GIN or Notice of Non-displacement (NOND) may be posted in accessible locations and a copy provided to the tenants’ representative)
	+ Timing of notices
		- GIN as soon as feasible (at application or site control if later)
		- Move-in notices after application but before tenant’s sign/execute a lease
		- NONDs or Notices of Eligibility (NOEs) at initiation of negotiations (ION)
		- ION often defined by HUD program regulation – if not, URA definition applies

Section 104(d) HOME projects undertaking demolition or conversion of housing units

* Recipients must follow an anti-displacement plan and take all reasonable steps to minimize displacement.
* To the extent feasible, residential tenants must be provided a reasonable opportunity to lease and occupy a suitable decent, safe, and sanitary (DSS) affordable dwelling unit in the completed project.

All occupied and vacant-occupiable dwelling units removed from the housing stock through demolition or conversion must be replaced on a one-for-one basis.

**Site and Neighborhood Standards**

**Required for applicants seeking HOME or HTF**, as applicable under 24 CFR Part 92.202 and 24 CFR 93.150.

|  |
| --- |
| Project Name      |
| Project Address      | City      | State      | ZIP Code      |

|  |  |
| --- | --- |
| New Construction Projects: |  |
| Is the proposed Project Site(s) located in a racially mixed area? | **[ ]**  Yes **[ ]**  No |
| *If Yes*; Would the Project cause a significant increase in the proportion of minority to non-minority residents in the area?*If Yes*; Project is not eligible for HOME or HTF funding. | **[ ]**  Yes **[ ]**  No |
| Is the proposed Project Site(s) located in an area of minority concentration? | **[ ]**  Yes **[ ]**  No |
| *If Yes*; Is the Project necessary to meet overriding housing needs that cannot be met in the proposed Project’s marketing area? | **[ ]**  Yes **[ ]**  No |
| *If Yes*; Attached a Site & Neighborhoods Standards Narrative which includes a description of the overriding housing needs.*OR* |
| *If Yes*; Do *sufficient* *comparable opportunities* (see definitions for these two terms below) exist for housing for minority households, in the income range(s) proposed to be served by the Project, outside areas of minority concentration? | **[ ]**  Yes **[ ]**  No |
| *If Yes*; Attached a Site & Neighborhoods Standards Narrative which includes an assessment of the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside area(s) of minority concentration. The extent to which the following factors are present must be addressed, however other factors relevant to housing choice should also be included.1. A significant number of assisted housing units are available outside the areas of minority concentration.
2. There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
3. There are racially integrated neighborhoods in the locality.
4. Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.
5. Minority families have benefited from local activities undertaken to expend choice for minority families outside of areas of minority concentration.
	1. Acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units, etc.
6. A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs.
7. Comparable housing opportunities have been made available outside areas of minority concentration through other programs.

*If No to both questions immediately preceding*; Project is not eligible for HOME or HTF funding. |

Sufficient: A reasonable distribution of assisted units each year, that, over a period of several years, will approach an appropriate balance of housing choices, considering local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality’s population, within and outside area(s) of minority concentration.

Comparable Opportunities: Of the same household type (general occupancy, senior, disabled, family, large family, etc.) and tenure type (owner/renter), require approximately the same tenant contribution towards rent, serve the same income group, are in the same housing market area, and are in standard condition.

# Application Checklist

As part of the North Dakota Multi-Family application package, the following items will be required to be electronically submitted to NDHFA through the project’s NDHFA-assigned portal.

If an item is not available, provide an explanation and an estimated date for when the item will be available for submission. Score deductions may apply. See Threshold Requirements within each respective program’s current Allocation Plan.

**INITIAL APPLICATION, RESERVATION APPLICATION AND FINAL APPLICATION (8609)**

**[ ]** Completed Application, signed by legally authorized individual

**[ ]**  Completed Application Exhibit A

**[ ]**  Signed certification as to the full extent of all federal, state, and local subsidies

**[ ]** Application fee or tax credit allocation fee **(Original check must be mailed to NDHFA, submit a copy with application)**

**INITIAL APPLICATION**

**[ ]**  Detailed narrative about the project including, at a minimum, the following information:

**[ ]**  Summary description of the project **[ ]**  Explanation of need/market demand

**[ ]**  Plan for management of the property **[ ]**  How proposed rents were determined

**[ ]**  Experience creating, owning, and managing property subject to compliance requirements of affordable housing program(s)

**[ ]** Experience in compliance with federal housing funding program(s) including all applicable cross-cutting requirements

**[ ]**  Plan for timely unit lease-up and for marketing units to eligible households including application and selection process

**[ ]**  For non-profit applicants, proof of IRS designation as a 501(c)(3) or 501(c)(4) organization

**[ ]**  For non-profit applicants, the Articles of Incorporation must contain a purpose statement which includes a provision to provide decent housing that is affordable for low- and moderate-income persons

**[ ]**  Support for utility allowances presented in the Application Exhibit A

**[ ]**  Current year-to-date and the previous two years of financial statements for the property (if existing rental housing project)

**[ ]**  Market study demonstrating sufficient demand for the proposed development

**[ ]**  Evidence of site control: A signed and accepted copy of an option, an unexpired contract for purchase or a copy of the deed if title has already been transferred. Terms of the sale; such as price, seller financing, etc. should be specified. All forms of site control must include a complete legal description of the property (for each address for scattered site projects)

**[ ]**  Capital Needs Assessment Report (rehab or adaptive reuse projects only)

**[ ]** Detailed scope of work addressing CNA findings and all deficiencies (rehab or adaptive reuse projects only)

**[ ]**  Drawings: Site Plan, Building Elevations, Floor Plans

**[ ]**  Survey of subject property and map showing the site relative to the surrounding area

**[ ]**  Demonstration that utilities of adequate capacity will be available to the site

**[ ]**  Proof of any owner equity contribution being made to the project

**[ ]**  Signed written commitment to grant priority to PHA waitlist households

**[ ]**  Self-scoring of the project proposal

**[ ]**  Certification from the project architect that the accessible units and common areas will meet or exceed Federal Fair Housing Accessibility Guidelines

**[ ]** A formal Tenant Selection Plan describing in detail how individuals and/or families with special needs will be identified, affirmatively marketed to and assisted in renting units at the project (if applicable)

**[ ]**  A formal letter of intent with each qualified and experienced service agency to provide on-going services consistent with the needs of the targeted population (if applicable)

**LIHTC RESERVATION APPLICATION**

**[ ]**  Organizational documents of the applicant and final project owner (i.e. partnership agreements, articles of incorporation or organization, by-laws or operating agreement, or enabling statute)

**[ ]**  Certificate of Good Standing from the North Dakota Secretary of State

**[ ]**  Proof of Federal Taxpayer Identification Number (IRS Form SS-4)

**[ ]**  A list of all Board Members, including current officer roles and respective term expirations

**[ ]**  Authorization or Resolution to Borrow by the applicable governing body of the applicant entity

**[ ]**  Commitments for all other funding sources including terms and conditions

**[ ]**  Proof of proper zoning and building permit approved by the locality

[ ]  Attorney letter confirming project’s eligibility for exemption from the 10-year rule (applicable projects seeking acquisition credits)

**PRE-CLOSE APPLICATION**

**[ ]** Updated to current Multifamily Housing Programs Application, signed by authorized individual

**[ ]**  Updated to-current Application Exhibit A

[ ]  Executed contracts with each supportive service provider (if applicable)

**[ ]**  Subject property appraisal, if acquisition cost of real estate exceeds 15% of the Total Development Cost of the Project or if the project contains any type of Project-Based Rental Subsidy

**LIHTC FINAL application / (8609) APPLICATION**

**[ ]** CPA cost certification

[ ]  Executed limited partnership agreement including required reserve language per the QAP

[ ]  Original recorded Land Use Restrictive Agreement (LURA)

[ ]  Warranty Deed or other proof of ownership of the subject property

[ ]  Support for utility allowances presented in the Application Exhibit A

[ ]  Construction Contract

[ ]  Certificate of Occupancy

[ ]  Certification by the project architect that that the building was substantially completed in conformance with the plans and specifications provided to NDHFA

[ ]  Certification by the project architect that the accessible units and all common areas meet or exceed Federal Fair Housing Accessibility Guidelines

**[ ]** Executed development agreement or detailed breakdown of composition of any developer fee

[ ]  Proof of establishment of Replacement Reserve and Operating Reserve accounts

[ ]  Application for, or approval of, Project-Based Rental Subsidy (if applicable)

[ ]  Executed loan documents or funding agreements for all sources of permanent funding in the project

[ ]  Contract with property management provider

[ ]  Proof of industry-recognized training for owners and on-site property management personnel