



**ATTACHMENT 4(D)**  
**APPLICANT AT-RISK ELIGIBILITY CERTIFICATION**  
 Regulation Section 10325(g)(4)(A) & (B)

<u>REQUIREMENTS</u>	<u>VERIFICATION</u>
A) Projects are subject to a minimum low-income use period of 55 years (50 years for projects located on tribal trust land).	Provide a narrative explanation as to how each requirement is being met and reference where the proof is located in the application. Be as detailed as possible and attach a separate sheet if additional space is needed.
B) Project application eligibility criteria include:	
(i) Before applying for Tax Credits, the project must meet the At-risk eligibility requirements under the terms of applicable federal and state law as verified by a third party legal opinion, except that a project that has been acquired by a qualified nonprofit organization within the past five years of the date of application with interim financing in order to preserve its affordability and that meets all other requirements of this section, shall be eligible to be considered an “at-risk” project under these regulations. A project application will not qualify in this category unless it is determined by the Committee that the project is at-risk of losing affordability on at least 50% of the restricted units due to market or other conditions. project will not be deemed at-risk of losing affordability if the project is subject to a rent restriction with a remaining term of at least five years that restricts incomes and rents on the restricted units to an average no greater than 60% of area median income. <b>A third party legal opinion must be submitted in ALL applications applying as At-risk.</b>	
(ii) The project, as verified by a third party legal opinion, must currently possess or have had within the past five years from the date of application, either: federal mortgage insurance, a federal loan guarantee, federal project-based rental assistance, or, have its mortgage held by a federal agency, or be owned by a federal agency; loans or grants program administered by the Department of Housing and Community Development (HCD); be currently subject to, or have been subject to, within five years preceding the application deadline, the later of Federal or State Housing Tax Credit restrictions whose compliance period is expiring or has expired within the last five years and at least 50% of whose units are not subject to any other rental restrictions beyond the term of the Tax Credit restrictions; or be currently subject to, or have been subject to, within five years preceding the application deadline, California Debt Limit Allocation Committee (CDLAC) bond regulatory agreement restrictions whose compliance period is expiring or has expired within the last five years and at least 50% of whose units are not subject to any other rental restrictions beyond the term of the CDLAC restrictions.	
(iii) As of the date of application filing, the applicant shall have sought available federal incentives to continue the project as low-income housing, including, direct loans, loan forgiveness, grants, rental subsidies, renewal of existing rental subsidy contracts, etc.	
(iv) Subsidy contract expiration, mortgage prepayment eligibility, or the expiration of Housing Tax Credit restrictions, as verified by a third party legal opinion, shall occur no later than five calendar years after the year in which the application is filed, except in cases where a qualified nonprofit organization acquired the property within the terms of (i) above and would otherwise meet this condition but for: 1) long-term use restrictions imposed by public agencies as a condition of their acquisition financing; or 2) HAP contract renewals secured by the qualified nonprofit organization for the maximum term available subsequent to acquisition.	

<u>REQUIREMENTS</u>	<u>VERIFICATION</u> Provide a narrative explanation as to how each requirement is being met and reference where the proof is located in the application. Be as detailed as possible and attach a separate sheet if additional space is needed.
(v) The applicant agrees to renew all project based rental subsidies (such as Section 8 HAP or Section 521 rental assistance contracts) for the maximum term available and shall seek additional renewals throughout the project's useful life, if applicable.	
(vi) At least seventy percent (70%) of project tenants shall, at the time of application, have incomes at or below sixty percent (60%) of area median income.	
(vii) The gap between total development costs (excluding developer fee), and all loans and grants to the project (excluding Tax Credit proceeds) must be greater than fifteen percent (15%) of total development costs.	
(viii) A public agency shall provide direct or indirect long-term financial support of at least fifteen percent (15%) of the total project development costs, or the owner's equity (includes syndication proceeds) shall constitute at least thirty percent (30%) of the total project development cost.	

**WAIVER REQUESTED** (please attach proof of waiver approval)

**By signing the APPLICANT STATEMENT, I/We, who are authorized to legally act on the applicant's behalf, certify and guarantee, under penalty of perjury, that the project meets the At-Risk Housing Type requirements consistent with TCAC Regulations Section 10325(g)(4).**