

**NORTH DAKOTA**  
**housing**  
FINANCE AGENCY

**2012 LOW INCOME HOUSING  
TAX CREDIT PROGRAM**

**APPLICATION**

North Dakota Housing Finance Agency  
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**NORTH DAKOTA HOUSING FINANCE AGENCY  
2012 LOW-INCOME HOUSING TAX CREDIT APPLICATION**

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This is an application for federal low-income housing tax credits ("Credits"). The application must be **signed**, and **dated** with the application fee attached. **The application submitted must contain the original signatures.**

Application Type (check one)

- Initial Application                       Reservation                       Allocation (Placed-in-Service)

The applicant must fill out all applicable parts of the application form fully and include all documents and supplementary materials required. Agency staff will be available to assist you prior to the submission of this application. **Once the application is submitted, no further changes relating to project selection criteria will be accepted.**

**I. GENERAL PROJECT INFORMATION**

A. Project Name \_\_\_\_\_  
 Site Address \_\_\_\_\_  
 City \_\_\_\_\_ County \_\_\_\_\_ Zip Code + 4 \_\_\_\_\_  
 Allocation Year 2012 Application Cycle \_\_\_\_\_ Application Date \_\_\_\_\_

B. Amount of Annual Credit Requested \$ \_\_\_\_\_ (From Part X)  
 Requesting from Non-Profit set-aside?                       Yes                       No  
 Requesting from Indian Reservation set-aside?                       Yes                       No  
 Requesting from Energy Impact targeted area?                       Yes                       No

C. Type of Credit Requested (check **all** that apply)

- New Construction *without* Federal Subsidies
- New Construction *with* Federal Subsidies
- Rehabilitation *without* Federal Subsidies
- Rehabilitation *with* Federal Subsidies
- Rehabilitation *without* Federal Subsidies and Acquisition with units occupied or suitable for occupancy on acquisition date.
- Rehabilitation *with* Federal Subsidies and Acquisition with units occupied or suitable for occupancy on acquisition date.
- Rehabilitation *without* Federal Subsidies and Acquisition with units occupied or suitable for occupancy upon completion of the rehabilitation.
- Rehabilitation *with* Federal Subsidies and Acquisition with units occupied or suitable for occupancy upon completion of the rehabilitation.
- Acquisition with 10-year rule waiver from Federal Agency

D. Is this a USDA Rural Development project?                       Yes                       No

E. Is this project using HUD Section 8 rental assistance?                       Yes                       No                       project based

F. Is this project using HOME funding?                       Yes                       No

G. Minimum Low-income Threshold for Credit eligibility (check **one**)

- 20% of the units serving households at 50% of the area median
- 40% of the units serving households at 60% of the area median

H. Low-income Compliance Period  
To receive extra points, this project will remain low-income with the occupancy described above for \_\_\_\_\_ years beyond the required initial and extended compliance period.

I. Total Low-income Targeting  
\_\_\_\_ (#) \_\_\_\_ (%) of the low-income units will serve households at 30% of the area median income  
\_\_\_\_ (#) \_\_\_\_ (%) of the low-income units will serve households at 40% of the area median income  
\_\_\_\_ (#) \_\_\_\_ (%) of the low-income units will serve households at 50% of the area median income  
\_\_\_\_ (#) \_\_\_\_ (%) of the low-income units will serve households at 60% of the area median income

J. Total number of buildings \_\_\_\_\_  
Total number of Units (must equal a+b+c) \_\_\_\_\_  
a) Total number of low income residential units (do not include b or c) \_\_\_\_\_  
b) Total number of common units to be included in applicable fraction (ex. Manager's Suite) \_\_\_\_\_  
c) Total number of market-rate units \_\_\_\_\_  
Total Square Footage of all Buildings (include garage if a part of basis) (must equal a+b+c+d+e) \_\_\_\_\_  
a) Total square footage of low-income residential units \_\_\_\_\_  
b) Total square footage of common units (ex. Manager's Suite) \_\_\_\_\_  
c) Total square footage of market rate units \_\_\_\_\_  
d) Total square footage of common space (ex. Hallways, community room, etc.) \_\_\_\_\_  
e) Total square footage of garages (if a part of basis) \_\_\_\_\_

K. Type of Housing  
 Multifamily Residential  Single Family

L. Type of Units  
 Apartments  Townhouse  Semi-Detached  
 Detached  SRO  Manufactured  Other

M. Number of Floors in the Tallest Building \_\_\_\_\_ Elevator included?  Yes  No

N. Targeting of Units (Indicate type and % of units) \_\_\_\_\_ Elderly \_\_\_\_\_ Disabled  
\_\_\_\_\_ Family \_\_\_\_\_ Homeless \_\_\_\_\_ Other

O. Is this project located in a  Qualified Census Tract or  Difficult Development Area?  
 Yes  No If yes, Census Tract Number \_\_\_\_\_ **Evidence of eligibility must be submitted.**

P. State Senate District \_\_\_\_\_ State House District \_\_\_\_\_ Congressional District \_\_\_\_\_

Q. Is the site part of an organized plan?  Yes  No. **If yes, explain and provide documentation.**

R. Site Control (e.g. ownership, option, purchase contract, or long-term lease) is a requirement for eligibility for a tax credit reservation. Is site currently under control?  Yes  No

If yes, control is in the form of:

Deed – attached  Option – attached (expiration date \_\_\_\_\_)  
 Purchase Contract – attached (expiration date \_\_\_\_\_)  
 Long term lease – attached (expiration date \_\_\_\_\_)

S. Is site properly zoned?  Yes  No **If yes, include third party documentation.**  
If no, is site currently in the process of rezoning?  Yes  No Provide details:

When is zoning issue scheduled to be resolved (month and year)? \_\_\_\_\_

T. Are all utilities available to and of the appropriate size for the project?  
 Yes     No    If no, provide explanation, including dates, when all utilities will be available.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

U. Will support services be provided to the tenants?                     Yes                     No  
 If yes, are they included in the rent?                                     Yes                     No

V. Are there any environmental issues related to the property?     Yes                     No  
 If yes, describe \_\_\_\_\_  
 \_\_\_\_\_

W. Legal description of the property that identifies it as the site in the site control document.  
 \_\_\_\_\_  
 \_\_\_\_\_

X. **Provide a location map**, showing location of the site relative to the surrounding area.

Y. Immediately Adjacent Land Uses.

1. North: \_\_\_\_\_  
 2. South: \_\_\_\_\_  
 3. East: \_\_\_\_\_  
 4. West: \_\_\_\_\_

Z. If project includes acquiring buildings, buildings acquired or to be acquired from:  
 related party     unrelated party     FHA, FDIC and/or other insured depository institution in default

AA. List below, by building address, the date the building(s) was last placed in service, date the building was or will be acquired, and the number of years between the date the building was last placed in service and date of acquisition. If applicable, applicant must submit evidence of approved waiver of ten-year rule by a letter ruling from the IRS. Attorney's opinion must be submitted if building(s) is to be included in eligible basis.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

BB. Do you wish to have your name included on a list that we provide upon request to equity investors and other interested parties?     Yes                     No

**II. APPLICANT INFORMATION**

The Applicant must be either a legal entity (e.g. partnership, corporation etc.) or individual who will be named on IRS Form 8609 as the project owner. If that person/entity is not known yet or to be formed the applicant must be the project developer.

- A.  Applicant is current owner and will retain ownership.  
 Applicant is the Project Developer and *will be* part of the final ownership entity  
 Applicant is the Project Developer who *will not be* a part of the final ownership entity

Name of Final Ownership Entity \_\_\_\_\_

Partnership Taxpayer I.D. \_\_\_\_\_ Date Obtained \_\_\_\_\_

Applicant/Developer \_\_\_\_\_

Street Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code + 4 \_\_\_\_\_  
 Contact Person \_\_\_\_\_ Email \_\_\_\_\_  
 Phone \_\_\_\_\_ Fax \_\_\_\_\_

Type of Ownership

- General Partnership\*
- Limited Partnership\*
- Limited Liability Co\*
- Corporation\*
- Individual
- Non-Profit Corporation\*\*
- Local Government
- Housing Authority
- Other (specify) \_\_\_\_\_

\* **Required materials:** articles of incorporation, by-laws, partnership agreement and other relevant information regarding legal status

\*\* **Required materials:** articles of incorporation, IRS letter of 501(c)(3) or 501(c)(4) status, non-profit Certificate of Incorporation and Certificate of Good Standing (Secretary of State), non-profit questionnaire (Exhibit A)

- B. Legal Status of Ownership     Incorporated     Registered     Chartered
- C. Non-profit Status of Ownership     501(c)(3)     501(c)(4)     501(a) Exemption
- D. Capacity of Applicant     Developer     General Partner     Sponsor     Management Co  
 Contractor     Attorney, Tax     CPA     Other (specify) \_\_\_\_\_
- E. If the Applicant is the Project Developer, who will not retain ownership, briefly describe the planned process and timing for disposition of this project.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(Please note: The HFA reserves tax credits to the ownership entity listed on the initial application. Reservations are not transferable. Any change in controlling ownership interest requires a new application.)*

- F. Have you or other principals previously received tax credits in North Dakota?     Yes     No  
 In other states?     Yes     No    If yes, which year \_\_\_\_\_
- Have you placed your project(s) in service?     Yes     No    If applicable, who is/are the limited partners using the previously allocated credits? (If multiple projects, please list.)
- Name \_\_\_\_\_
- Address \_\_\_\_\_
- City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

G. Contact Person during Application Process:

Name \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

Capacity (i.e. sponsor, consultant, etc.) \_\_\_\_\_

**III. DEVELOPMENT TEAM**

- A. Detailed information (address, phone, contact person, qualifications and Federal Taxpayer ID#) for each of the development team is to be included with application. (Exhibit B)

Name of Developer \_\_\_\_\_

Name of General Partner \_\_\_\_\_

Name of General Contractor \_\_\_\_\_

Name of Management Company \_\_\_\_\_

Name of Sponsoring Organization \_\_\_\_\_

Name of Consultant \_\_\_\_\_

Name of Tax Attorney \_\_\_\_\_

- B. Identity of Interest among Development Team and/or Ownership Entity (Identity of interest statement, Exhibit C, must accompany all applications.)

Do any members of the development team or ownership entity have any direct or indirect, financial or other interest with any of the other project team members (including owner's interest in the construction company or subcontractors used) as described in 2012 Allocation Plan?     Yes                       No

If yes, provide a description of the relationship.

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

- C. Disclosure of Interest

The Applicant must also disclose the names and addresses, including corporate officials where applicable, of all parties, which have a significant role in the project. These parties include, but are not limited to: the general contractor, all subcontractors whose aggregate contract will exceed ten percent of the cost of project (this cost shall be calculated excluding the acquisition of land), accountants, architects, engineers, financial consultants, and any other consultants. Please list below.

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

**IV. APPLICABLE FRACTION DETERMINATION**

Total Site / Land	(Number of acres or square feet)		Site Size
		Number of Units*	% Square Footage*
Total of All Buildings (A+B+C)		_____	100%
A. Total Commercial (not common) Space		_____	_____
B. Total Residential Space		_____	_____
C. Total Residential Common Space		_____	_____
Employee-Occupied Residential Units		_____	_____
Owner-Occupied Residential Units		_____	_____

**FOR INFORMATION ONLY (NOT INCLUDED IN APPLICABLE FRACTION DETERMINATION)**

Total Low-Income/Rent Restricted Units and Sq. Ft.:	_____	_____%	_____
• LIHTC Units	_____		_____
• LIHTC Units that will be HOME assisted	_____		_____
• Project Based Assisted Units	_____		_____
(rents approved by HUD?)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Other Restricted Units	_____		_____
Market Rate Units	_____	_____%	_____

NOTE: LOW-INCOME/RENT RESTRICTED UNITS AND MARKET RATE UNITS MUST TOTAL 100%.

PERCENTAGE OF LOW-INCOME UNITS: \_\_\_\_\_%

\*This data must agree with the number of units and square footage on pages 3 and 8 of this application.

**V. TENANT UTILITY INFORMATION**

- A. Indicate which of the following costs (if any) are paid by the tenant
- |                                  |                                    |   |                                |
|----------------------------------|------------------------------------|---|--------------------------------|
| <input type="checkbox"/> Heating | <input type="checkbox"/> Hot Water | <input type="checkbox"/> Air Conditioning | <input type="checkbox"/> Water |
| <input type="checkbox"/> Cooking | <input type="checkbox"/> Sewer     | <input type="checkbox"/> Electricity      | <input type="checkbox"/> Trash |
- B. Utility Allowance by bedroom size
- |                 |                 |                 |
|-----------------|-----------------|-----------------|
| 0 BDRM \$ _____ | 1 BDRM \$ _____ | 2 BDRM \$ _____ |
| 3 BDRM \$ _____ | 4 BDRM \$ _____ | 5 BDRM \$ _____ |

Source of Utility Allowance Information (Check One) **Documentation Required**  
 (Show how utility allowance derived)

Public Housing Authority \_\_\_\_\_ Utility Company \_\_\_\_\_

Other (Specify) \_\_\_\_\_

Effective Date of Source Information: \_\_\_\_\_



**VI. UNIT DISTRIBUTION AND RENTS**

For a low-income unit, the combination of tenant-paid monthly rent and utilities or utility allowance may not exceed the maximum allowable rents under the federal tax credit statute. **List employee unit(s) separately and show manager in the rent column.** (Information provided must be consistent with pages 3 and 18.)

**Low-Income Units**

Number of Bedrooms	Number of Units	Average Sq. Ft Per Unit	Total Sq. Ft Per Size	Monthly Tenant-Paid Rent	Total Monthly Rent*	Tenant % of Median Income (i.e. 30%, 40%, 50%, 60%)
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
Totals:	=====	_____	=====	_____	=====	_____

**Employee Units**

_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
Totals:	_____	_____	_____	_____	=====	_____

**Non-Restricted Units** (market rate)

_____	_____	_____	_____	_____	_____	N/A
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
Totals:	=====	_____	=====	_____	=====	_____

**Final application package must include a listing of units, showing unit numbers, square footage, and bedroom count for each unit in each building.**

\*DO THESE RENTS INCLUDE UTILITIES?     YES                       NO

A. Project Income

1. TOTAL MONTHLY TENANT PAID RENT FOR ALL UNITS      \$ \_\_\_\_\_  
     Miscellaneous MONTHLY Income Related to Residential Use (specify: i.e. laundry, garages, etc.)  
     \_\_\_\_\_ \$ \_\_\_\_\_  
     \_\_\_\_\_ \$ \_\_\_\_\_  
     \_\_\_\_\_ \$ \_\_\_\_\_
2. TOTAL MONTHLY MISCELLANEOUS INCOME                      \$ \_\_\_\_\_
3. TOTAL ANNUAL TENANT PAID RENT FOR ALL UNITS (#1 x 12)      \$ \_\_\_\_\_
4. TOTAL ANNUAL MISCELLANEOUS RESIDENTIAL INCOME (#2 x 12)      \$ \_\_\_\_\_
5. TOTAL ANNUAL POTENTIAL GROSS INCOME FROM ALL RESIDENTIAL SOURCES (#3 + #4)      \$ \_\_\_\_\_
6. TOTAL ANNUAL GROSS COMMERCIAL INCOME                      \$ \_\_\_\_\_
7. TOTAL PROJECT INCOME FROM ALL SOURCES (#5 + #6)              \$ \_\_\_\_\_

Vacancy Allowance \_\_\_\_\_%

Number of Parking Spaces in Project \_\_\_\_\_

Number of Garages in Project \_\_\_\_\_

**VII. PROJECT FINANCING (SOURCES OF FUNDS)**

**A. Construction Financing**

List all preliminary and enforceable (firm) financing commitments, including grants (tax credit syndication information to be listed in section XII) and **provide copies** of same. If the applicant plans to finance part or all of the project out of its own resources, the applicant must prove to NDHFA's satisfaction that such resources are available and committed solely for this purpose. If a mortgage broker is involved in arranging financing from another source, so indicate. Any owner equity contributions or deferred fees should also be listed below if the funds will provide a source of financing.

Indicate with an asterisk (\*) enforceable financing commitments.

No.	Name of Lender or Other Source	Amount of Funds	Interest Rate	Term	Commitment Date
1.			%		
2.			%		
3.			%		
4.			%		
5.			%		
Total Residential Construction Funds					

(Please include commercial space on a separate sheet.)

**Make copies of this page and complete the following for each Residential Construction Lender or source of funds.**

1. Name of Lender/Source \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Source:	<input type="checkbox"/> Tax Exempt Bond	<input type="checkbox"/> Taxable Bond	<input type="checkbox"/> Conventional	<input type="checkbox"/> CDBG	<input type="checkbox"/> HOME
	<input type="checkbox"/> Owner Equity	<input type="checkbox"/> Local Government	<input type="checkbox"/> State Government	<input type="checkbox"/> Federal	<input type="checkbox"/> Private
	<input type="checkbox"/> Other (Specify) _____				

Type:	<input type="checkbox"/> Amortizing Loan	<input type="checkbox"/> Grant	<input type="checkbox"/> Deferred Loan	<input type="checkbox"/> Forgivable Loan
	<input type="checkbox"/> Credit Enhancement	<input type="checkbox"/> Balloon	<input type="checkbox"/> Owner Equity	
	<input type="checkbox"/> Other (Specify) _____			

2. Name of Lender/Source \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Source:	<input type="checkbox"/> Tax Exempt Bond	<input type="checkbox"/> Taxable Bond	<input type="checkbox"/> Conventional	<input type="checkbox"/> CDBG	<input type="checkbox"/> HOME
	<input type="checkbox"/> Owner Equity	<input type="checkbox"/> Local Government	<input type="checkbox"/> State Government	<input type="checkbox"/> Federal	<input type="checkbox"/> Private
	<input type="checkbox"/> Other (Specify) _____				

Type:	<input type="checkbox"/> Amortizing Loan	<input type="checkbox"/> Grant	<input type="checkbox"/> Deferred Loan	<input type="checkbox"/> Forgivable Loan
	<input type="checkbox"/> Credit Enhancement	<input type="checkbox"/> Balloon	<input type="checkbox"/> Owner Equity	
	<input type="checkbox"/> Other (Specify) _____			

**B. Permanent Financing**

List all preliminary and enforceable (firm) financing commitments, including grants (tax credit syndication information to be listed in section XII.) and **provide copies** of same. If the applicant plans to finance part or all of the project out of its own resources, the applicant must prove to NDHFA's satisfaction that such resources are available and committed solely for this purpose. Any owner equity contributions or deferred fees should also be listed below if the funds will provide a source of financing. If a mortgage broker is involved in arranging financing, so indicate.

Indicate with an asterisk (\*) enforceable financing commitments.

No.	Name of Lender or Other Source	Amount of Funds	Interest Rate	Term/ Amort	Annual Debt Service	Commitment Date
1.		\$	%		\$	
2.			%			
3.			%			
4.			%			
5.			%			
6.			%			
Subtotal Permanent Financing		\$			\$	
Gross Proceeds Historic Tax Credit		\$				
Gross Proceeds Low-Income Tax Credits		\$				
Total Permanent Financing Sources		\$				

(Please include commercial space on a separate sheet.)

**Make copies of this page and complete the following for each Residential Permanent Lender or source of funds.**

1. Name of Lender/Source \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Source:	<input type="checkbox"/> Tax Exempt Bond	<input type="checkbox"/> Taxable Bond	<input type="checkbox"/> Conventional	<input type="checkbox"/> CDBG	<input type="checkbox"/> HOME
	<input type="checkbox"/> Owner Equity	<input type="checkbox"/> Local Government	<input type="checkbox"/> State Government	<input type="checkbox"/> Federal	<input type="checkbox"/> Private
	<input type="checkbox"/> Other (Specify) _____				

Type:	<input type="checkbox"/> Amortizing Loan	<input type="checkbox"/> Grant	<input type="checkbox"/> Deferred Loan	<input type="checkbox"/> Forgivable Loan
	<input type="checkbox"/> Credit Enhancement	<input type="checkbox"/> Balloon	<input type="checkbox"/> Owner Equity	
	<input type="checkbox"/> Other (Specify) _____			

2. Name of Lender/Source \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Source:	<input type="checkbox"/> Tax Exempt Bond	<input type="checkbox"/> Taxable Bond	<input type="checkbox"/> Conventional	<input type="checkbox"/> CDBG	<input type="checkbox"/> HOME
	<input type="checkbox"/> Owner Equity	<input type="checkbox"/> Local Government	<input type="checkbox"/> State Government	<input type="checkbox"/> Federal	<input type="checkbox"/> Private
	<input type="checkbox"/> Other (Specify) _____				

Type:	<input type="checkbox"/> Amortizing Loan	<input type="checkbox"/> Grant	<input type="checkbox"/> Deferred Loan	<input type="checkbox"/> Forgivable Loan
	<input type="checkbox"/> Credit Enhancement	<input type="checkbox"/> Balloon	<input type="checkbox"/> Owner Equity	
	<input type="checkbox"/> Other (Specify) _____			

**VIII. SUBSIDIES**

A. Loan and Grant Subsidies If none apply, so indicate here

If one or more of the following are to be used, indicate with an "X" in the appropriate column.

Included in Eligible Basis?

Federal:

Tax Exempt Financing	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant
HOME Investment Partnership Act (HOME)	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant
USDA Rural Development 515	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant
Other (specify) _____	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant

Does the use of any of the above categorize this project as "federally subsidized" and, therefore, eligible only for the 30% present value tax credit?  No  Yes

If yes, which ones? \_\_\_\_\_

Included in Eligible Basis?

Federal:

Community Development Block Grant (CDBG)	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant
State: (specify) _____	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant
Local: (specify) _____	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant
Private: (specify) _____	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant
Other: (specify) _____	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> Loan	<input type="checkbox"/> Grant

Is taxable bond financing expected to be used?  No  Yes

What, if any, Credit Enhancements are expected to be used?

FHA Insurance       Private Mortgage Insurance       Letter(s) of Credit  
 Other (specify) \_\_\_\_\_

B. Rent Subsidy Anticipated If none apply, so indicate here

Approval Date

USDA Rural Development	_____ %	_____
HUD Project-Based Section 8 Certificates or HAP Contracts	_____ %	_____
HUD Vouchers	_____ %	_____
HUD Tenant-Based Certificates	_____ %	_____
Other HUD (specify) _____	_____ %	_____
State	_____ %	_____
Local	_____ %	_____
Owner	_____ %	_____
Other (specify) _____	_____ %	_____

C. Pre-Existing Subsidies (Rehab and Rehab/Acquisition projects only) Indicate with an "X" any of the following that are currently utilized by the project.

<input type="checkbox"/> HUD Sec 221(d)(3)	<input type="checkbox"/> HUD Sec 236	<input type="checkbox"/> HUD Sec 236 and Tax Exempts
<input type="checkbox"/> HUD Sec 8 New Constr/Sub Rehab	<input type="checkbox"/> HUD Rent Sup/RAP	<input type="checkbox"/> USDA Rural Development 515
<input type="checkbox"/> USDA Rural Development 521	<input type="checkbox"/> Tax Exempt Bonds	<input type="checkbox"/> State/Local

Will the mortgage insurance or financing subsidy continue?  No  Yes (specify term) \_\_\_\_\_

**IX. PROJECT COSTS AND USES**

List all residential project costs (including non-LIHTC units) under “Actual Costs” and carry the cost amount over to the appropriate eligible basis category.

Itemized Costs	Actual Costs	30% PV Eligible Basis (4% Credit)	70% PV Eligible Basis (9% Credit)	130% Adjustment High Costs Area*
<b>LAND AND BUILDINGS</b>				
Land		N/A	N/A	N/A
Existing Structures			N/A	N/A
Demolition		N/A	N/A	N/A
<b>1. SUBTOTAL</b>				N/A

<b>SITE WORK</b>				
On-site Work				
Off-site Work		N/A	N/A	N/A
Environmental				
<b>2. SUBTOTAL</b>				

<b>REHABILITATION AND NEW CONSTRUCTION</b>				
New Structures				
Rehabilitation				
Accessory Structures				
General Requirements**				
Contractor Overhead **				
Contractor Profit**				
Construction Contingency				
<b>3. SUBTOTAL</b>				

\*Difficult Development Area or Qualified Census Tract.

\*\*See Allocation Plan for limitations - must be broken out from total contract.

Itemized Costs	Actual Costs	30% PV Eligible Basis (4% Credit)	70% PV Eligible Basis (9% Credit)	130% Adjustment High Costs Area*
<b>PROFESSIONAL FEES</b>				
Architect, Design				
Architect, Supervision				
Attorney, Real Estate				
Engineer / Surveyor				
<b>4. SUBTOTAL</b>				

<b>CONSTRUCTION INTERIM COSTS</b>				
Hazard & Liability Ins.				
Payment Bond				
Credit Report				
Construction Interest				
Origination Points				
Credit Enhancement				
Inspection Fees				
Title and Recording				
Legal Fees				
Taxes				
<b>5. SUBTOTAL</b>				

\*Difficult Development Area or Qualified Census Tract

Itemized Costs	Actual Costs	30% PV Eligible Basis (4% Credit)	70% PV Eligible Basis (9% Credit)	130% Adjustment High Costs Area*
<b>PERMANENT FINANCING</b>				
Bond Premium		N/A	N/A	N/A
Credit Report		N/A	N/A	N/A
Discount Points		N/A	N/A	N/A
Origination Fees		N/A	N/A	N/A
Credit Enhancement		N/A	N/A	N/A
Title and Recording		N/A	N/A	N/A
Legal Fees		N/A	N/A	N/A
		N/A	N/A	N/A
		N/A	N/A	N/A
<b>6. SUBTOTAL</b>		N/A	N/A	N/A

<b>SOFT COSTS</b>				
Feasibility Study (Appraisal)				
Market Study				
Environmental Study				
Tax Credit Fees		N/A	N/A	N/A
Cost Certification				
<b>7. SUBTOTAL</b>				

\*Difficult Development Area or Qualified Census Tract

Itemized Costs	Actual Costs	30% PV Eligible Basis (4% Credit)	70% PV Eligible Basis (9% Credit)	130% Adjustment High Costs Area*
<b>SYNDICATION COSTS</b>				
Organization Costs		N/A	N/A	N/A
Bridge Loan		N/A	N/A	N/A
Tax Opinion		N/A	N/A	N/A
		N/A	N/A	N/A
<b>8. SUBTOTAL</b>		N/A	N/A	N/A

<b>DEVELOPER FEES**</b>				
Developer Overhead				
Developer Profit				
Consultant Fee				
<b>9. SUBTOTAL</b>				

<b>PROJECT RESERVES</b>				
Rent-Up Reserves		N/A	N/A	N/A
Operating Reserves		N/A	N/A	N/A
Replacement Reserves		N/A	N/A	N/A
Escrows		N/A	N/A	N/A
		N/A	N/A	N/A
<b>10. SUBTOTAL</b>		N/A	N/A	N/A

<b>TOTAL RESIDENTIAL COST</b>				
<b>TOTAL</b>				

\*Difficult Development Area or Qualified Census Tract

\*\*See Allocation Plan for limitations.

**IF PROJECT CONTAINS COMMERCIAL USE SPACE, PLEASE PROVIDE BREAKDOWN OF COMMERCIAL COSTS ON SEPARATE SHEET.**

**X. DETERMINATION OF TAX CREDIT AMOUNT**

	30% PV (4% Credit)	70% PV (9% Credit)
Total Development Cost	\$ _____	\$ _____
Less Amounts not Allowed into Basis	\$ _____	\$ _____
Less Grants	\$ _____	\$ _____
Less Amounts of Nonqualified Nonrecourse Financing	\$ _____	\$ _____
Less Historic Tax Credit Basis	\$ _____	\$ _____
Total Eligible Basis	\$ _____	\$ _____

Eligible Basis <u>30% PV</u>	% low-income units	IRS Applicable Percentage	Amount of Credit Requested (Eligible basis x % of low-income units x Applicable IRS Percentage)	High Cost Credit Area	Total Annual Credit <u>30% PV</u>
(Example) \$695,000	x 100%	x 3.50%	= \$24,325	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$24,325
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
Eligible Basis <u>70% PV</u>	% low-income units	IRS Applicable Percentage	Amount of Credit Requested (Eligible basis x % of low-income units x Applicable IRS Percentage)	High Cost Credit Area	Total Annual Credit <u>70% PV</u>
(Example) \$1,500,000	x 100%	x 9.0%	= \$135,000	<input type="checkbox"/> Yes <input type="checkbox"/> No	\$135,000
				<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>TOTAL ANNUAL CREDIT AMOUNT ALLOWABLE FOR THE PROJECT</b>					

**Gap Calculation**

1. Total Development Cost \$ \_\_\_\_\_
2. Less Total Sources of Funds Including Owner Equity \$ \_\_\_\_\_
3. Equals Equity Gap \$ \_\_\_\_\_
4. Estimated Market Value of Tax Credit (cents) \$ \_\_\_\_\_
5. Tax Credits Needed (line 3 divided by line 4 divided by 10) \$ \_\_\_\_\_
6. Maximum Allowable Credit Amount (from above) \$ \_\_\_\_\_
7. Allowable Reservation Amount (lesser of line 5 & line 6) \$ \_\_\_\_\_

**XI. PROJECT EXPENSES**

A. Annual Operating Expenses (Estimated as of the **end** of the first full year of operation). **All** residential expenses must be broken out by line item. Category totals only **will not** be accepted.

Administration

Accounting \$ \_\_\_\_\_  
 Advertising \_\_\_\_\_  
 Legal \_\_\_\_\_  
 Leased Equipment \_\_\_\_\_  
 Management Fees \_\_\_\_\_  
 Management Salaries + PR Taxes \_\_\_\_\_  
 Office Supply/Postage \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 Compliance Monitoring Fees \_\_\_\_\_  
 Other (specify) \_\_\_\_\_

TOTAL ADMINISTRATION COST \$ \_\_\_\_\_ (a)

Operating Expenses

Fuel (Heat/Water) \$ \_\_\_\_\_  
 Electrical \_\_\_\_\_  
 Water & Sewer \_\_\_\_\_  
 Gas \_\_\_\_\_  
 Trash/Garbage \_\_\_\_\_  
 Security \_\_\_\_\_  
 Cable \_\_\_\_\_  
 Other (specify) \_\_\_\_\_

TOTAL OPERATING COST \$ \_\_\_\_\_ (b)

Maintenance Expenses

Elevator \$ \_\_\_\_\_  
 Exterminating \_\_\_\_\_  
 Grounds \_\_\_\_\_  
 Repairs \_\_\_\_\_  
 Maintenance Salaries \_\_\_\_\_  
 Maintenance Supplies \_\_\_\_\_  
 Other (specify) \_\_\_\_\_

TOTAL MAINTENANCE COST \$ \_\_\_\_\_ (c)

Fixed Expenses

Real Estate Taxes \$ \_\_\_\_\_  
 In Lieu of Taxes \_\_\_\_\_  
 Other Tax Assessments \_\_\_\_\_  
 Insurance \_\_\_\_\_  
 Other (specify) \_\_\_\_\_

TOTAL FIXED COST \$ \_\_\_\_\_ (d)

TOTAL ANNUAL RESIDENTIAL EXPENSE (a + b + c + d) \$ \_\_\_\_\_

ANNUAL OPERATING EXPENSE PER UNIT \$ \_\_\_\_\_

ANNUAL REPLACEMENT RESERVES PER UNIT \$ \_\_\_\_\_

NUMBER OF UNITS: X \_\_\_\_\_ \$ \_\_\_\_\_

TOTAL ANNUAL COMMERCIAL OPERATING EXPENSES \$ \_\_\_\_\_



**B. Projections for Financial Feasibility and Long-Term Viability**

**Provide a 15-year projection of cash flow** using the income and expense figures stated in A. Use the following or a similar format:

Potential Residential Gross Income	Year 1.....	Year 15
Less Vacancy and Collection Loss ( _____ %)		
Effective Gross Income (EGI)		
Less Annual Operating Expenses		
Net Annual Operating Income (NOI)		
Less Annual Debt Service		
Annual Cash Flow		

What projected annual percentage increase in income will be used? \_\_\_\_\_ %

What projected annual percentage increase in expenses will be used? \_\_\_\_\_ %

What projected annual percentage increase in replacement costs will be used? \_\_\_\_\_ %

**PROVIDE SAME CASH FLOW INFORMATION SEPARATELY FOR ANY COMMERCIAL SPACE**

**XII. TAX CREDIT SYNDICATION**

Provide as much information and documentation as is available at time of application.

A. Does this project qualify for Historic Rehabilitation Credits?  Yes  No  
 If yes, what is the credit amount? \$ \_\_\_\_\_ Estimated Gross Proceeds: \$ \_\_\_\_\_

B. Will the Housing Tax Credits be offered to investors?  Yes  No  
 1. If no, attach a description explaining how the tax benefits will be used and how that will benefit the project.  
 2. If yes, answer each of the following:  
 Type of offering:  Public  Private  
 Type of Investor:  Individuals  Corporations

C. LIHTC Syndication costs will be evaluated along with other project costs. Please list all estimated or actual costs of syndication associated with the project.

LIHTC Gross Proceeds	\$ _____
Less:	
Attorney	\$ _____
Accountant	\$ _____
Consultant(s)	\$ _____
Broker(s)	\$ _____
Bridge Loan & Interest	\$ _____
Syndicator	\$ _____
Other (specify)	\$ _____
Total Costs	\$ _____
Net LIHTC Proceeds	\$ _____
Net Proceeds/Gross Proceeds	_____ %

Number of Annual Pay-In Periods \_\_\_\_\_

First Pay-in Year \_\_\_\_\_

Bridge Loan Required  Yes  No

Syndicators or Equity Sources which have been contacted:

1. Name Source \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_
  
2. Name Source \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_
  
3. Name Source \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone \_\_\_\_\_

Please use an additional sheet of paper, if necessary, to list all Syndicators.

**XIII. DEVELOPMENT TIMETABLE**

Indicate the actual or expected date by which the following activities will have been completed.

**Actual or Scheduled**

<b>Month/Year</b>	<b>Activity</b>
_____/_____ _____/_____ _____/_____ _____/_____	<u>Site</u> Acquisition Zoning Approval Tax Abatement Environmental Review Completed
_____/_____ _____/_____ _____/_____ _____/_____	<u>Construction Financing</u> Loan Application Conditional Commitment Firm Commitment Closing and Disbursement
_____/_____ _____/_____ _____/_____ _____/_____	<u>Permanent Financing</u> Loan Application Conditional Commitment Firm Commitment Closing and Disbursement
_____/_____ _____/_____ _____/_____ _____/_____ _____/_____	<u>Local Permits</u> Conditional Use Permit Variance Site Plan Review Building Permit Other (specify) _____
_____/_____ _____/_____	<u>Other Loans and Grants</u> Type & Source: _____ Application Closing or Award

\_\_\_\_\_  
/  
\_\_\_\_\_  
/  
\_\_\_\_\_

Equity Syndication  
Letter of Commitment  
Partnership Closing

\_\_\_\_\_  
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\_\_\_\_\_  
/  
\_\_\_\_\_

Other  
10% of Project Costs Incurred  
Tax Credit Carryover Allocation  
Final Plans/Specs  
Construction Start  
Construction Completion  
Placed in Service  
Occupancy of All Low-Income Units

**XIV. NOTIFICATION OF LOCAL OFFICIAL**

A. Provide the name of the local political jurisdiction (town or city, if incorporated, otherwise, county) in which the project will be located and include the name and address of the chief executive officer of the political jurisdiction.

Name of Political Jurisdiction \_\_\_\_\_

Name of Chief Executive Officer \_\_\_\_\_

Address \_\_\_\_\_

City/State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone \_\_\_\_\_

**A letter of support is required before a conditional commitment of credits will be issued.** (See page 13 of Allocation Plan for details.)

B. Rent Floor Election

The owner elects the rent floor to be established on the:

- Date of the Allocation  Placed-in-Service Date

C. Start of Credit Period (to be completed at time of final application only)

- Placed-in-Service Date  Defer to Year following Placed-in-Service Date

**XV. APPLICANT CERTIFICATION**

Developments addressing special needs-based and other priorities will be awarded bonus points in the selection process. Please check applicable sections as they apply to your project and reference pages 19 through 24 of the 2012 Allocation Plan for a further explanation of each section.

Development will exceed the minimum set-aside election and makes the following income Targeting election: (Must be the same as item #1 on page 3.)

- At or below 30% of median income (Number of units? \_\_\_\_\_)  
 At or below 40% of median income (Number of units? \_\_\_\_\_)  
 At or below 50% of median income (Number of units? \_\_\_\_\_)

Owner agrees to a permanent extension of low-income use beyond the normal 15-year compliance period. (Check one.)

- 5 additional years  
 10 additional years  
 15 additional years

Development will set aside \_\_\_\_\_ units for persons with special needs of which \_\_\_\_\_ units will be two bedroom or larger.

- Project is located in a qualified census tract or city revitalization area and the development of it contributes to a concerted community revitalization plan.
- Development qualifies for design standard points
  - Elevator
  - 2 stories or less and no more than 4 units per outside entrances
  - 2 stories or less and a separate outside main entrance for each unit
  - Single family detached homes
- Development will include Green Communities criteria marked in Exhibit E.
- Development will incur rehabilitation costs
  - Of \$15,000 up to \$30,000 per unit
  - In excess of \$30,000 per unit
  - Rehabilitation of existing housing that is part of a community revitalization plan
- Development will rebate a percentage of the tenant-paid rent upon termination of occupancy for homeownership.
- Development is a federally assisted property currently serving low-income residents or an existing LIHTC property which is at risk of being converted to market rate units or that would be subject to foreclosure or default if tax credits are not allocated.
- Development 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.
- Development will be located in a rural community defined as any area 10 miles outside the city limits of Bismarck, Mandan, Fargo, West Fargo, or Grand Forks.
- Development will have 20% or more of the total units three bedroom or larger
- Development is intended for eventual homeownership.
- Development is designed for and marketed to households 55 years and older
  - Development will have long-term supportive services available for residents.
- Development will be constructed with high speed internet wiring.

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.

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.

The undersigned has read and understands the 2012 Allocation Plan 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.

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.

The undersigned, being duly authorized, hereby represents and certifies that the foregoing information, to the best of his/her knowledge, is true, complete 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.

The undersigned applicant hereby certifies that all consultant fees, architect fees, builder fees, and developer fees are properly disclosed and conform to the Allocation Plan.

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 Federal Civil Rights legislation inclusive of the Fair Housing Laws, Section 504 of the Rehabilitation Act of 1973, the American With Disabilities Act as well as any State and local Civil Rights legislation along with any required related codes and Laws. It is the Applicants' 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.

**IN WITNESS WHEREOF, the applicant has caused this document to be duly executed in its name on this**

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Legal Name of Applicant

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Legal Name of Co-Applicant

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**FOR NONPROFIT APPLICANTS ONLY**

**Nonprofit Questionnaire**

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

1. Articles of Incorporation
2. IRS documentation of 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) or  501(c)(4) organization and is  exempt from taxation under IRC Section 501(a) and has as an exempt purpose the fostering of Low Income Housing.

Describe the nonprofit's participation in the development and operation of the project: \_\_\_\_\_

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List the names, addresses, and phone numbers of Board Members for the nonprofit organization: \_\_\_\_\_

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Identify all paid full-time staff and sources of funds for annual operating expenses and current programs: \_\_\_\_\_

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Give a full listing of all major nonprofit activities of organization within the past three years: \_\_\_\_\_

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**DEVELOPMENT TEAM**

1. **PROJECT NAME:** \_\_\_\_\_

Site Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code + 4: \_\_\_\_\_

2. **NAME OF GENERAL PARTNER:** \_\_\_\_\_

Individual     Yes     No    Limited Partnership     Yes     No

Corporation     Yes     No    Other (specify): \_\_\_\_\_     Yes     No

Tax Identification #: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Describe experience in developing low-income housing. (Attach list of names, addresses, and nature of low-income projects.): \_\_\_\_\_

\_\_\_\_\_

3. **NAME OF DEVELOPER:** \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code + 4: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Developer Tax Identification #: \_\_\_\_\_ Email: \_\_\_\_\_

Individual     Yes     No    Company     Yes     No

Number of Years of Experience \_\_\_\_\_

Describe experience in developing low-income housing. (Attach list of names, addresses, and nature of low-income projects.): \_\_\_\_\_

\_\_\_\_\_

4. **NAME OF GENERAL CONTRACTOR:** \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Contractor Tax Identification #: \_\_\_\_\_ Email: \_\_\_\_\_

Individual     Yes     No    Company     Yes     No

Number of Years of Experience \_\_\_\_\_

Describe experience in developing low-income housing. (Attach list of names, addresses, and nature of low-income projects.): \_\_\_\_\_

\_\_\_\_\_

5. **NAME OF MANAGEMENT COMPANY:** \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_

Contact Phone: \_\_\_\_\_ Contact Email: \_\_\_\_\_

Management Company Tax Identification #: \_\_\_\_\_

Individual  Yes  No Company  Yes  No

Number of Years of Experience \_\_\_\_\_

Describe experience in management of low-income housing. (Attach list of names, addresses, and nature of low-income projects.): \_\_\_\_\_

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

6. **NAME OF CONSULTANT:** \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Consultant Tax Identification #: \_\_\_\_\_ Email \_\_\_\_\_

Individual  Yes  No Company  Yes  No

Number of Years of Experience \_\_\_\_\_

Describe experience in developing low-income housing. (Attach list of names, addresses, and nature of low-income projects.): \_\_\_\_\_

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



**NDHFA IDENTITY OF INTEREST STATEMENT**

(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) 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:
- 2) When one or more of the officers, directors, stockholders or partners of the Applicant is also an officer, director, stockholder or partner of the Participant;
- 3) When any officer, director, stockholder or partner of the Applicant has any financial interest whatsoever in a Participant;
- 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;
- 5) When a Participant provides and pays on behalf of the Applicant for any Project costs;
- 6) When a Participant takes stock or any interest in the Applicant as part of the consideration to be paid them;
- 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 on page 6 of the Application for Low Income Housing Tax Credit Program for this Project.**

Applicant: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **FAIR HOUSING ACT ACCESSIBILITY CHECKLIST**

The United States Department of Justice and the Department of Housing and Urban Development (“HUD”) currently recognize seven 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*.

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 applicable boxes.

- 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

### 1. 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

### 2. 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 is part of 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

### 3. 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 ¾" and beveled

### 4. Accessible Route Into and Through the Covered Unit

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

### 5. 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

### 6. 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

### 7. Usable Kitchens & 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

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 comply with the accessible and adaptive design and construction requirements of the Fair Housing Act.

\_\_\_\_\_  
Signature of Developer

\_\_\_\_\_  
Signature of Architect

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

## GREEN COMMUNITIES CRITERIA

Applicants that obtain Enterprise's Green Communities ([www.greencommunitiesonline.org](http://www.greencommunitiesonline.org)), LEED Rating System ([www.usgbc.org](http://www.usgbc.org)), or the National Green Building Standard ([www.nahbgreen.org](http://www.nahbgreen.org)) certification will receive 6 points in this category. Evidence of the certification is required prior to 8609 issuance.

- Project will meet the requirements to receive certification through one of the specified programs. It is not necessary to mark any additional boxes; proceed to the signature page.

Applicants meeting five of the Green Communities criteria will receive 1 point. Applications involving rehabilitation meeting 8 of the listed criteria or applications for new construction meeting 10 of the listed criteria will receive 3 points. By meeting 12 of the criteria, an application for rehabilitation will be eligible for a total of 5 points in this category. An applicant involving new construction must meet 15 of the criteria, to be eligible for a total of 5 points in this category. **Mark all applicable boxes and provide documentation, where required.**

- 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, or parkland.
- Proximity to Services: New Construction  
Provide a location map indicating the project is located within walking distance of the following facilities: public transportation, supermarket, public school, library, licensed child care 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 recycled gray water, roof water or collected site run-off if irrigation is necessary, Applicants should explain how this will be accomplished.
- Water Conserving Appliances and Fixtures  
Install water-conserving fixtures: toilets with 1.3 gallons per flush, showerheads with 2.0 gallons per minute (GPM), kitchen faucets with 1.5 GPM and bathroom faucets with 2.0 GPM or better for each item.
- Efficient Energy Use: Moderate Rehab  
Identify an architect with green building experience, an engineer or energy auditor to conduct an energy analysis of the existing building condition and identify cost-effective energy improvements by preparing an energy improvement report. The report analyzes the current and projected energy performance of the building. Implement those improvements with a 10-year or earlier payback as identified by a qualified engineer or home energy rater. Include the energy improvement report and recommendations by the qualified professional, indicating which improvements were chosen. A report does not have to be generated for each single-family home because analysis presumably will recommend standard measures that can be applied to all homes of a similar building type.
- 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 local code.
- Windows  
Use Energy Star rated windows throughout the project
- 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 50 % (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 30% 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 basements, 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.
- Healthy Flooring Materials- Alternative Sources  
Will use non-vinyl, non-carpet floor coverings in all rooms, such as linoleum, laminate, ceramic tile, and wood (especially salvaged wood).
- Exhaust Fans – Bathroom: New Construction  
Install Energy Star-labeled bathroom fans that exhaust to the outdoors and are equipped with a humidistat sensor or timer, or operated continuously.
- Exhaust Fans – Kitchen: New Construction  
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 15 cubic feet per minute of fresh air, per occupant.
- HVAC  
System will meet Energy Star rating or show that it complies with the Air Conditioning Contractors of America Manual, Part J.
- Carbon Monoxide Detectors  
Will use throughout the project.
- Programmable Thermostats  
Will use throughout the project.
- 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 wall paper 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, fiber-glass 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) placed over soil. Cover all gravel with a 6 millimeter polyethylene sheeting moisture barrier, with joints lapped 1 foot or more to prevent moisture from migrating from the soil through the slab to a living or storage area.
  
- Garage Isolation  
Provide a continuous air barrier between the conditioned living space and unconditioned garage space to prevent the migration of contaminants.
  
- Clothes Dryer Exhaust  
Clothes dryer must be exhausted directly to the outdoors with minimal duct run.
  
- 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.
  
- 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

\_\_\_\_\_

Date

\_\_\_\_\_

Architect

\_\_\_\_\_

Date