

**2010 LIHTC ATTACHMENT 20: CERTIFICATE REGARDING
ELIGIBILITY FOR LOW INCOME HOUSING TAX CREDITS**

(date)

Development Name: _____ (the "Development")

Development Address: _____

Development Owner: _____ (the "Development Owner")

1. Check applicable box and provide all required information:

I [am/will be] the [general partner/managing member] of Development Owner and, as such, I have direct knowledge of the matters contained in this Certificate and am duly authorized to provide the certifications and representations contained herein to THDA in connection with the Initial Application (as defined below). *[check this box if the person signing this certificate is or will be a general partner or managing member of Development Owner]*

I am the _____ of _____ which [is/will be] the [general partner/managing member] of Development Owner and, as such, I have direct knowledge of the matters contained in this Certificate and am duly authorized to provide the certifications and representations contained herein to THDA in connection with the Initial Application (as defined below). *[check this box if the person signing this certificate is an officer of the entity that is or will be a general partner or managing member of Development Owner]*

I am the _____ of _____ which [is/will be] the _____ of the [general partner/managing member] of Development Owner and, as such, I have direct knowledge of the matters contained in this Certificate and am duly authorized to provide the certifications and representations contained herein to THDA in connection with the Initial Application (as defined below). *[check this box if the person signing this certificate is an officer of an entity that is or will be the general partner or managing member of the general partner or managing member of Development Owner]*

2. This Certificate is provided in connection with an Initial Application of even date herewith (the "Initial Application") submitted to the Tennessee Housing Development Agency ("THDA") requesting an allocation of 2010 Low Income Housing Tax Credits ("Tax Credits") for the Development pursuant to Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") and the Tennessee Housing Development Agency Low Income Housing Tax Credit Qualified Allocation Plan for 2010 (the "QAP").

3. I acknowledge that under Tennessee Code Annotated, Section 13-23-133, it is a Class E felony for any person to knowingly make, utter or publish a false statement of substance for the purpose of influencing THDA to allow participation in any of its programs, including the Low Income Housing Tax Credit Program (the "Tax Credit Program"). I further acknowledge that the statements contained in this Certificate are statements of substance made for the purpose of influencing THDA to award Low Income Housing Tax Credits to the Development as proposed in the Initial Application of which this Certificate is a part.

4. I have been involved in the preparation of the Initial Application and intend to submit the Initial Application, including this Certificate, to THDA for the purpose of participating in the Tax Credit Program.

5. I acknowledge and agree that the truthfulness and accuracy of the statements contained in this Certificate will be relied upon by THDA in determining whether the Development, as proposed in the Initial Application, is eligible for an award of Tax Credits.

6. All disclosures and statements contained in the Initial Application are true and correct.

7. The Development will be acquired, [constructed/rehabilitated], managed and operated strictly as described in the Initial Application and as required by the Code and QAP.

8. Development Owner intends to develop and operate the Development, which is a ____-unit multi-family housing development with ____% of the units exclusively reserved for tenants, including the disabled and/or elderly, at rents affordable to households earning 60% or less of the area medium gross income, to

be located at _____, _____, Tennessee, all as further described in the Initial Application.

9. Check the applicable box:

- Development Owner will acquire the real property upon which the Development will be located from an unrelated seller for an amount that does not exceed the fair market value of the real property.
- Development Owner will acquire the real property upon which the Development will be located from a related seller for an amount that does not exceed the fair market value of the real property.
- Development Owner will acquire the Development, including the real property upon which it is located from an unrelated seller for an amount that does not exceed the fair market value of the real property.
- Development Owner will acquire the Development, including the real property upon which it is located from a related seller for an amount that does not exceed the fair market value of the real property.

10. Check the applicable box, complete the required information for the box checked and supply the required documentation:

- The Development will be owned and operated by Development Owner, a _____ which will be organized and existing under the laws of the State of _____ by prior to _____, 2010.
- The Development will be owned and operated by Development Owner, a _____ which was organized and existing under the laws of the State of Tennessee on _____, 2010. A true and correct certificate of existence from the Tennessee Secretary of State, dated not more than 30 days prior to the date hereof, is attached hereto.
- The Development will be owned and operated by Development Owner, a _____ which was organized and is existing under the laws of the State of _____ on _____, 2010. A true and correct certificate of existence from secretary of state of the state in which Development Owner was organized and is existing, together with other documentation from such secretary of state indicating that the Development Owner is in good standing under such laws, all dated not more than 30 days prior to the date hereof, is attached hereto. A true and correct copy of a certificate from the Tennessee Secretary of State indicating that Development Owner is qualified to do business in Tennessee, dated not more than 30 days prior to the date hereof, is attached hereto.

11. Each building in the Development will, at all times during a 15-year period commencing with the date such building is placed in service, and any extended period (the "Compliance Period") required by the Code or the QAP, meet the following test [*check only the box that applies for purposes of the federal election*]:

- at least twenty percent (20%) of the residential units in each building in the Development will be "rent restricted" and will be occupied by individuals whose income is equal to fifty percent (50%) or less of the area median gross income (as determined under Section 8 of the United States Housing Act of 1937).
- at least forty percent (40%) of the residential units in each building in the Development will be "rent restricted" and will be occupied by individuals whose income is equal to sixty percent (60%) or less of the area median gross income (as determined under Section 8 of the United States Housing Act of 1937).

For purposes of the foregoing, "rent restricted" means that the gross rent for a unit will not exceed thirty percent (30%) of the income limitation applicable under the referenced test. For these purposes, gross rent does not include any payment under Section 8 or any comparable rental assistance program.

12. The tenants who will occupy each unit in the Development will meet the income limitations set forth above.

13. All units in the Development will be suitable for occupancy and leased other than on a transient basis.
14. No unit will be owned by an individual who occupies such unit or any person related to such person.
15. No unit will be provided for any member of a social organization or provided by an employer for its employees.
16. Each unit in the Development will contain separate and complete facilities for living, sleeping, eating, cooking and sanitation. Each unit in the Development will contain a living area, a sleeping area, bathing and sanitation facilities, a cooking range, refrigerator and sink, and each unit in the Development will be separate and distinct from each other unit in the Development.
17. All units in the Development (other than those which might be provided for a resident manager or security officer in the Development) are intended for use by the general public, and will be rented in a manner consistent with housing policies governing non-discrimination as set out by the rules and regulations of the Department of Housing and Urban Development.
18. No units in the Development will be part of a hospital, nursing home, sanitarium, life-care facility, trailer park, or intermediate care facility for the mentally and physically handicapped.
19. All facilities in the Development, other than restricted units, will be facilities for use by tenants and will be reasonably required by and functionally related to the Development.
20. All services provided to tenants of the Development will be optional services. Other than rent, there will be no charges to tenants of the Development for services that are not optional and no services will be required as a condition of occupancy for tenants of the Development.

(signature)

(type or print name)

**THIS CERTIFICATE SHOULD BE EXECUTED BY THE SIGNATORY IN
HER/HIS INDIVIDUAL CAPACITY.**