



Tennessee Housing Development Agency

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MEMORANDUM

TO: Section 1602 **Phase II** Applicants

FROM: Ed Yandell
Director of Multifamily Development

SUBJECT: Attachment 21 and Attachment 29

DATE: April 6, 2010

It has come to our attention that there were some typographical errors in the Section 1602 Phase II application. As a result, please be advised as follows:

1. Any Section 1602 Phase II application that involves cost associated with **acquisition of existing buildings** will need to submit an **Attachment 21: Certificate Regarding Acquisition Credits** (if not already submitted).
2. Any Section 1602 Phase II application that involves cost associated with **rehabilitation** will need to submit an **Attachment 29: Certificate Concerning Eligibility for the Rehabilitation Set-Aside** (if not already submitted).

These attachments must be submitted no later than 1:00 PM Central Time on Tuesday, April 13, 2010.

Submission of these attachments is required in order to satisfy the federal requirement that Section 1602 funds are "subject to the same requirements as low-income housing credits under Section 42 of the Code".

Although Attachment 21 and Attachment 29 make reference to tax credits, for purposes of Section 1602 Phase II application the reference to tax credits will be treated as a reference to Section 1602 funds.

**2010 LIHTC ATTACHMENT 21: CERTIFICATE
REGARDING ACQUISITION CREDITS**

Development Name: _____ (the "Development")
Development Address: _____
Development Owner: _____ (the "Development Owner")
Seller: _____ (the "Seller")

Under penalty of perjury, the undersigned, _____, hereby certifies as follows:

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 the Tennessee Housing Development Agency ("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 the Tennessee Housing Development Agency ("THDA") in connection with the Initial Application (as defined below). *[check this box and complete the required information if the person signing this certificate is an officer, member or partner of an existing 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 the Tennessee Housing Development Agency ("THDA") in connection with the Initial Application (as defined below). *[check this box and complete the required information if the person signing this certificate is an officer, member or partner of an entity that is or will be the general partner or managing member of an entity that is or will be 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 THDA requesting an allocation of 2010 Low Income Housing Tax Credits ("Tax Credits") for the acquisition of 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 allow participation in the Tax Credit Program by awarding 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 solely relied upon by THDA in determining whether the Development, as proposed in the Initial Application, is eligible for an award of Tax Credits for acquisition.

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

7. Development Owner anticipates acquiring by purchase (as defined in Section 179(d)(2) of the Code) all buildings in the Development on or after _____ (the "Acquisition Date").

8. Check the box that applies:

- Development Owner will acquire the Development from Seller, who is not related, directly or indirectly, to Development Owner or [general partner/managing member] of Development Owner.
- Development Owner will acquire the Development from Seller and Seller is related to Development Owner or [general partner/managing member] of Development Owner, however, no such related parties have both a direct or indirect ownership interest of 50% or more in Development Owner and a direct or indirect ownership interest of 50% or more in Seller.

9. Seller has owned the Development since _____.

10. Check the boxes that apply:

- On the Acquisition Date, at least ten (10) years will have elapsed since the date all buildings in the Development were last placed in service.
- The requirement that at least ten (10) years must elapse between the Acquisition Date and the date all buildings in the Development were last placed in service does not apply because (*check the box that applies*):
 - Waivers have been obtained under Section 42(d)(6) of the Code for each affected building in the Development and a true, correct and complete copy of each waiver is attached hereto as Exhibit A.
 - All buildings in the Development are substantially assisted, financed or operated under Section 8 of the Housing Act of 1937.
 - All buildings in the Development are substantially assisted, financed or operated under section 221(d)(3) or section 221(d)(4) or section 236 of the National Housing Act.
 - All buildings in the Development are substantially assisted, financed or operated under section 515 of the Housing Act of 1949.
 - All buildings in the Development are substantially assisted, financed or operated under any other housing program administered by the U.S. Department of Housing and Urban Development.
 - All buildings in the Development are substantially assisted, financed or operated under any other housing program administered by the Rural Housing Service of the U.S. Department of Agriculture.

11. None of the buildings in the Development were previously placed in service by the Development Owner or any person related to Development Owner.

(signature)

(type or print name)

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

2010 LIHTC ATTACHMENT 29: CERTIFICATE CONCERNING ELIGIBILITY FOR THE REHABILITATION SET-ASIDE

(date)

Attn: Tax Credit Administrator
Tennessee Housing Development Agency
404 James Robertson Parkway, Suite 1200
Nashville, TN 37243-0900

Development Name: _____ (the "Development")

Development Address: _____

Development Owner: _____ (the "Development Owner")

The undersigned, _____, hereby certifies that he/she is _____ of _____ ("Development Owner"/"Developer"/"Applicant"), and, as such _____, he/she is duly authorized to provide the following certifications and representations to the Tennessee Housing Development Agency in connection with the Initial Application submitted to the Tennessee Housing Development Agency requesting 2010 low income housing tax credits (the "Initial Application") from the Rehabilitation Set-Aside for the development described in the Initial Application:

Under penalty of perjury, I hereby certify:

I am providing this certification in connection with the Initial Application of even date herewith submitted to the Tennessee Housing Development Agency ("THDA") requesting an allocation of 2010 Low Income Housing Tax Credits ("Tax Credits") from the Rehabilitation Set-Aside pursuant to Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") and under the Tennessee Housing Development Agency Low Income Housing Tax Credit Qualified Allocation Plan for 2010 (the "QAP"). I understand that THDA requires and will rely on this certification to determine whether the Development, as proposed in the Initial Application, is eligible for an award of Tax Credits from the Rehabilitation Set-Aside.

1. The attached are copies of the final certificates of occupancy from the original completion of construction for all buildings in the Development. Based on these documents, I hereby certify that original completion of construction of the Development occurred prior to January 1, 1997;
2. Based on the property control documents submitted with this Initial Application pursuant to Part VII-A-7 of the QAP, I hereby certify that the acquisition cost of the development is \$ _____; and
3. As of the date of this Initial Application (or no more than 180 days prior thereto) the total replacement cost for this development is \$ _____. This total replacement cost is based on [list and attach a copy of all documents/materials relied upon] _____

It is my intention that this certification be relied upon solely by THDA in making its determination as to the eligibility of the Development, as proposed in the Initial Application, to receive Tax Credits from the Rehabilitation Set-Aside as proposed in the Initial Application and for no other purpose.

DEVELOPMENT OWNER/DEVELOPER/APPLICANT:

Date: _____

By: _____
(signature or name if not an individual)

(print or type name)

(title)

By: _____
(signature or name if not an individual)

(print or type name)

(title)

STATE OF _____)

COUNTY OF _____)

Before me, _____, a Notary Public of the state and county mentioned, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged herself/himself to be a/the _____ of _____, the within named bargainer, and that she/he, as such _____, executed the foregoing instrument for the purpose therein contained, by signing the name of the _____ by herself/himself as _____.

Witness my hand and seal, at office, this _____ day of _____, 2010.

Notary Public

My Commission Expires: _____