

State of
Utah

2003
Federal
Low-Income Housing
Tax Credit Program

**ALLOCATION
PLAN**

**State of
Utah**

**2003
Low-Income Housing
Tax Credit Program**

Part II

SCORING CRITERIA

STATE OF UTAH
LOW INCOME HOUSING TAX CREDIT PROGRAM

SCORING CRITERIA

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STATE OF UTAH
LOW INCOME HOUSING TAX CREDIT PROGRAM

SCORING CRITERIA

1. THE POINT SYSTEM

A. Introduction:

Applications received during each Reservation Cycle will be reviewed and ranked according to the selection criteria described below. Generally, projects receiving the highest number of points will be recommended to the Board to receive a Credit Reservation. The allocation process described in the Administration Plan relies on a point system to determine which Applications will be recommended for a Credit Reservation during any given Reservation Cycle. The "Score" earned in each "Selection Criteria" category will be calculated by multiplying (i) the "Weight of the Criteria" by (ii) the points earned in each criteria. Weights for each Selection Criteria have been designated by the UHC to correspond with its assessment of the housing needs of the State.

This section also includes project self-scoring, which allows the applicant to better assess its efforts in meeting the objectives of the Program.

"Level of Effort" will be measured on responses in the Application and supported by the exhibits submitted with the Application. The "Level of Effort" will be a measurement of how effectively and aggressively the UHC determines that the applicant addresses each "Criteria" and how that effort will contribute to the attainment of the goals outlined in the Allocation Plan. "Level of Effort" for the Preference Selection Criteria is measured through quantitative techniques using the methods outlined as follows.

B. The Selection Criteria

Congress mandated a two-tier Selection Criteria process. Their purpose was to insure that greater weight was given to affordability and the term of that affordability. These criteria also include a measure of the project's ability to promptly start construction ("Ready-to-Go").

2. PREFERENCE SELECTION CRITERIA

The Preference Selection Criteria are: 1) Lower Income Targeting 2) Extended Low Income Use 3) "Ready-to-Go" status score.

A. Lower Income Targeting

weight = 300 to 1000

Maximum score for this criteria is: 8160

Purpose: To provide rental housing affordable to families at lower incomes.

IRC §42 requires Tax Credit projects to set aside a minimum percent of the project units as rent-restricted units, affordable to households at certain income levels. The UHC will award points in this category to those projects committing to limit rents to levels affordable to households with incomes lower than the maximum levels set forth in §42 of the Code. County income and rent schedules for the State of Utah is provided with the Application. These are generally subject to change annually.

⊛ **THRESHOLD: Your affordable unit income and rents must not exceed 60% AMI using the 40@60 convention or 50% AMI using the 20@50 convention.**

Applicant income and rent level commitments shall be fixed for the entire extended use period. Initial tenant incomes shall be restricted to the lesser of (i) the maximum permitted AMI permitted by Code under the chosen convention, or (ii) the AMI that is 5 percentage points greater than the committed rent level, except on project based subsidies, i.e. RD 515 and HUD Section 8. Committed income and rent levels should reflect the conclusion of the project's Market/feasibility study.

Projects targeting lower rent and income levels will receive a higher "weighting" factor in the evaluation process. The weighting factor is calculated by subtracting the percentage of "Median Income Served", as calculated at (j) on the following Scoring Worksheet (see page 8), from 60% then multiplying the result by 10. The weighting factor shall not exceed 10, nor be less than 3.

Points are earned as follows:

Income Election: 60%

(a) No. of Units	(b) Bdrm	(c) Monthly Rent		(d) Rent limit	(e) Convention (50%/60%)	(f) Serving % of Median	(g) Reciprocal Squared	(h) Units % of Total	(i) LEVEL OF EFFORT
20	2	486	544		60%	54%	3.43	27%	0.930
15	2	417	544		60%	46%	4.73	20%	0.950
20	3	582	628		60%	56%	3.19	27%	0.860
20	3	512	628		60%	49%	4.16	26%	1.080
75								100.00%	3.820
						(j) % of AMI:	51.60%	Weight:	84.00
						Level of Effort	3.820	SCORE:	320.90

- (a,b,c) Schedule out the number of units by bedroom sizes that have differing rates of rent.
- (d) Enter the respective monthly rent limits from the schedule prepared by UHC attached to the back of the Application. (The electronic Application performs this automatically.)
- (e) Enter the income convention selected: i.e., enter either 50% or 60% of the median income which the set-aside units will be targeting.
- (f) Reflects the percentage of the median income that is being served at the proposed rent levels. This is computed by $(c \div d) \times e$.
- (g) To give greater recognition to the lower targeted rents, squaring the reciprocal is computed by $(1 \div f)$ squared. Projects serving below 35% of median income will be scored at the 35% level. There is no additional benefit in the scoring below 35%.
- (h) To give proportionate recognition to the number of units (percentage of the project) that has been set aside for each rent classification, divide the number of units in each rent classification by the total units in the project.
- (i): The Level of Effort of the applicant to set rents to reach lower income tenants is determined by multiplying the value in (g) by the percentage in (h). The Total Level of Effort score for the overall project is the sum of each of the individual Levels of Effort.
- (j): The weighted % of Median being served by this proposed project is the average of sums of the number of units in each rent classification times the median income being served in that class. This is computed by taking the sum of all $(a \times f)$ and dividing that total by the total number of units.

Example Calculation:

A sample Level of Effort calculation is shown in the following hypothetical example and is supported by the analysis on the Scoring Worksheet:

Example: Applicant is proposing to construct a 75-unit project in Tooele County, Utah. The project will have a mix of bedroom sizes and range of rental rates, as shown in columns (a) and (b). The proposed and permitted rents are shown in columns (c) and (d) respectively. The applicant selects, in column (e), the 60% convention requiring that the project maintain at least 40% of the units affordable for households earning 60% or less of the area median income. A sample "Level of Effort" is calculated on below.

The total points for this category is calculated by multiplying the "Total Level of Effort " as calculated (3.82) by the weight calculated for this category of 8.4 or $(60.0 - 51.6) \times 10$. In this case the score would be $(3.82 \times 8.4) \times 10 = 320.90$.

The above scoring process is performed automatically in the Excel® (versions 5.0, 95 & 97) Application on Disk, available for \$10 from the UHC or download the file (at no charge from the UHC website at www.UHC.org.

B. Extended Low-Income Use Period weight = 100

Maximum score for this criteria is: 5000

Purpose: To provide rental housing affordable to families for the greatest number of years.

Federal law requires that a project remain affordable for a minimum of 30 years. A significant objective of the UHC is to encourage Owners to maintain the project at affordable rent levels for the greatest number of years. The UHC has established a minimum affordability period of 50 years for all projects receiving Tax Credits. Applicants will be required to execute a Land Use Restriction Agreement ("LURA") recorded on the subject property restricting its use for the period represented in the Application.

Points earned will be a measurement of how many years the applicant (also binding upon subsequent Owners) commits to not jeopardize the affordability of the low-income project. This commitment is realized in part by the applicant agreeing to waive its rights under § 42(h)(6)(E) and (I) of the Code to seek an early termination of the extended use period.

★ THRESHOLD: Project must commit to an affordability period of not less than 50 years.

	Maximum Score	Your Score
a) Projects committing to an affordability period of less than 99 years	0	_____
b) Projects committing to an affordability period of 99 years or longer	5	_____
Subtotals	5	_____
	<u>X100</u>	<u>X100</u>
“Extended Low-Income Use Period Total Score”:	5000	_____

C. Ready-to-Go Status **weight =100**

Maximum score for this criteria is: 700

Purpose: To encourage prompt utilization of Tax Credits, construction and occupancy of the project.

⊛**THRESHOLD:** Zoning must be in place and permit multiple residential use consistent with the project.

⊛**THRESHOLD:** All applicants must complete the environmental questionnaire if Phase II or I is not attached (see Administrative Procedures Exhibit K). Sites having any potentially adverse environmental or habitat issues must complete a study before making application.

⊛**THRESHOLD:** All applicants must provide evidence of preliminary site control. (See Administrative Plan)

1 Environmental: Demonstrate that Site has no Environmental or Habitat Issues:

a) Phase I and/or Habitat study not required by lender or investor	5	_____
b) Phase I and/or Habitat study completed with <u>no</u> outstanding issues	5	_____
c) Phase I and/or Habitat study completed with outstanding issues. UHC must receive the Phase II or equivalent and a mediation plan and budget within 90 days after award.	5	_____
d) Phase II and/or Habitat study completed with <u>no</u> outstanding issues	5	_____
e) Phase II and/or Habitat study completed with outstanding issues. UHC must receive a mediation plan and budget within 90 days of award.	5	_____
f) Rehabilitation projects: Environmental study addressing lead based paint, asbestos and other pertinent environmental remediation.	2	_____

*Applicant may receive points in only one of the above

Subtotals	7	_____
	<u>X100</u>	<u>X100</u>
Totals	700	_____

D. Community Revitalization Area **weight =100**

Maximum score for this criteria is: 500

Purpose: To encourage construction of projects in areas that meet the following guidelines:

Projects will be awarded 5 points if located in a qualified census tract and the development of which contributes to a “concerted” Community Revitalization Plan (“Plan”). In general, a Plan must be evidenced by a written document which establishes an active partnership between local government(s) and community-based organizations and which commits each signatory to specific and measurable goals, actions and timetables to foster, among other things, the construction or rehabilitation of affordable housing..

Project meets the above described location and Plan requirements (Applicant must submit a copy of the Plan and a letter from the local government supporting the proposed project and verifying that it is consistent with the Plan)	5	
Subtotals	5	
	X100	X100
“Community Revitalization Area” Total Score:	500	

2. SECONDARY SELECTION CRITERIA

IRC §42 mandates additional “Secondary Selection Criteria” Categories. These Categories represent identified project social and quality characteristics.

A. Project Location **weight = 20**

Maximum score for this criteria is: 600

Purpose: To encourage the development of affordable housing in locations that are determined to be under-served.

Points in this category will be awarded as follows:

a) Project is located in a HUD “Hard to Develop” county or “Qualified Census” tract. (See Administrative Procedures Exhibit A)	10	
b) Project is located in a “UHC Rural Area”, (See Administrative Procedures Exhibit B)	10	
c) Project is located in a “Non-Participating Area”		
First project in county	5	
First project in community	5	

*Communities and Counties which have not yet been the recipient of an allocation of Tax Credits and which the UHC has targeted for greater geographic distribution. (See List in Exhibit B of this Section)

	Subtotal	30	
	X 20	X 20	
“Project Location” Total Score:	600		

B. Project Characteristics

weight = 20

Maximum score for this criteria is: 820

Purpose: To encourage the development of projects that serve certain populations or provide amenities deemed important to family stability.

Points in this category will be awarded as follows:

1. Large Units: Project provides three or four bedroom units

a) 3 bedroom units: 1pt. per 10% of the project up to 50% of project	5	
b) 4 or more bedroom units: 2pt. per 10% of the project up to 50% of project	10	
Subtotals	15	

2. Project amenities: Project provides above average non-fee amenities.

• Covered Parking*	1	
• Tot lot	1	
• Day care facility	1	
• Education center	1	
• Clubhouse	1	
• Other _____ (must be pre-approved by UHC)	1	
Subtotals	6	

* At least 1 covered stall per unit, unless city approves fewer parking stalls per unit.

3. Other:

a) Project rehabilitates existing housing stock and maintains rents at or below rent levels before negotiations were entered into for the LIHTC application. This pool is only available to substantial rehabilitation projects that maintain or lower targeted rents below those paid by the current tenants (see 6C of the Administrative plan for “Documentation Requirements”).	5	
b) Projects intended for eventual tenant ownership*	10	
c) Projects that involve the use of existing housing as part of a Community Revitalization Plan ** (points cannot be taken in this category if they are taken in the Preference Scoring criteria Section D)	5	
Subtotals	20	

	Maximum Score	Your Score
* Request CROWN guidelines from the UHC Housing Development Division.		
**Projects that involve the use of existing housing as part of a Community Revitalization Plan ("Plan"). In general, such Plan must be evidenced by a written document, signed by a local government, consistent with the goals and objectives used in the HUD CDBG program for revitalization areas. Projects must provide a copy of the Plan and a letter from the local government supporting the proposed project and verifying that it is consistent with the Plan.		
Sum of Subtotals	41	
	<u>X 20</u>	<u>X 20</u>
"Project Characteristics" Total Score:	<u>820</u>	<u> </u>

C. Applicant Characteristics **weight = 20**

Maximum Score for this criteria is: 900

Purpose: To encourage the development of affordable housing by experienced private sector, nonprofit and quasi-government organizations.

Points in this category will be awarded as follows:

1. Development Experience: Application contains substantial evidence confirming quality, experience and capacity of project sponsor to create and manage housing units. Joint ventures are acceptable for obtaining points in this category, but operating and other agreements must show that the Utah based developer partner has controlling interest and receives over 50% of the developer fee.

a) Applicant has developed and has ownership interest in multifamily Tax Credit projects in other states.	<u>5</u>	<u> </u>
b) Applicant is a Utah based multifamily housing developer. Proof of experience and Utah local business licenses for a minimum of three years.	<u>5</u>	<u> </u>
c) Applicant has developed and has ownership interest in Tax Credit or Tax-Exempt Bond projects in Utah.	<u>10</u>	<u> </u>

*Applicant will receive points in only one of the above options.

Subtotals	<table border="1" style="display: inline-table;"><tr><td style="text-align: center;">20</td></tr></table>	20	<table border="1" style="display: inline-table;"><tr><td style="width: 50px; height: 20px;"></td></tr></table>	
20				

2. Sponsor Tax Status: Applicant is either a qualified nonprofit, CHDO or Public Housing Authority, as defined by HUD, and shall materially participate in the development, ownership (See above for further ownership details) and management of the project (Review the non-profit certification Exhibit "D" at end of Administration Plan Section).

a) Nonprofit 501(c)(3)	5	
b) Community Housing Development Organization (CHDO)	10	
c) Public Housing Authority or 501(c)(3) established by Public Housing Authority*	10	
*Must be governed by the same board membership as PHA		
Subtotals	25	
Sum of Subtotals	45	
	X 20	X 20
“Project Characteristics” Total Score:	900	

D. Tenant Populations with Special Housing Needs weight = 20

CAUTION Applications scoring under this category are encouraged to consult with UHC for effect on the project.

Maximum score for this criteria is: 820

Purpose: To encourage the development of projects providing specialized units or assistance for under-served families.

Applicant agrees to set aside and continually rent unit(s) to the tenant population agreed upon and properly equip as represented in this application and with the UHC to meet the needs of the targeted group. Exceptions may be permitted only after meeting UHC requirements in attempting to lease to this population and proving that no special needs tenants are available. The required Marketing/Feasibility Study must address the feasibility of targeting special needs incomes targeted. Social service provisions should be evidenced by an letter of intent with a nonprofit or government provider or sponsor having experience and capacity. Special Needs projects requiring onsite assistance (assisted living) must provide a legal opinion on the acceptability of the services within the context of §42 of the Internal Revenue Code of 1986, as amended.

Points in this category will be awarded as follows:

1. Persons with physical disabilities:

Provide one or more units that are ADA compliant for wheel chair use to include accessible food preparation areas, bathrooms, bedrooms and living areas.

2 points per unit up to a maximum of 5	10	
Subtotal	10	

2. Persons with mental illness or developmental disabilities:

Provide units for use by target population who are participating in formal case management with a licensed service provider. Tenant must be capable of independent living with minimal provider intervention.

2 points per unit up to maximum of 5	10	
Subtotal	10	

3. Older Americans:

Provide units for use by target population in accordance with and defined under the federal and Utah Fair Housing laws.

80% or more of the units in project A smaller percentage will be acceptable to the UHC, where approved by the Rural Development Service or by the State of Utah or HUD's Fair Housing Department.	10	
Subtotal	10	

4. Homeless or near-homeless:

Provide units at or below 40% or less of AMI. Evidence of contractual participation by a nonprofit or government social service provider for referral of clients is required.

2 points per unit up to maximum of 5	10	
Subtotal	10	

5. Housing for individuals with children:

All projects that accept "families with children" / "individuals with children" may claim points in this category.

Projects providing housing for tenant populations of individuals with children*	1	
Subtotal	1	

*Projects housing "Older Americans" cannot claim points in this category and RD mixed projects.

Maximum Score		Your Score
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Sum of Subtotals	41	
	X 20	X 20

"Tenant Populations with Special Housing Needs" Total Score: 820

E. Service to Tenants on Public Housing Assistance weight = 20

Maximum score for this criteria is: 200

Purpose: To assist Public Housing Authorities (“PHA”) in the placement of families utilizing HUD Section 8 Vouchers or Certificates.

Points in this category will be awarded as follows:

a) Project agrees to waive rights under § 42(g)(2)(B)(I) of the Code and to limit rents in Sec. 8 Voucher or Certificate contracts to rents proposed in Credit Application.*	10	
* Applicant must provide a memorandum of understanding (MOU) with local PHA . (see Exhibit “C” in this section for MOU), indicating willingness to accept tenant applications under the applicable program and restrictions		
Subtotal	10	
	X 20	X 20
“Tenant Populations with Special Housing Needs” Total Score:	200	_____

F. Housing Needs Characteristic weight = 20

Maximum score for this criteria is: 300

Purpose: To encourage the leveraging of Tax Credits with other market uses.

Points in this category will be awarded as follows:

1. Mixed Income Projects:

Project combines income/rent restricted units (Tax Credit units) with units that are not income or rent restricted units.

0.5 points / % of project units that are not income/rent restricted	15	
Subtotal	15	_____
	X 20	X 20
“Project Characteristics” Total Score:	300	_____

G. Bonus Points

weight = 20

Bonus points are used to encourage the submission of additional data important to the allocation of the credits.

⊛THRESHOLD: All applicants must provide letters of interest from all financial sources. (See Administrative Plan)

a) Capital Needs Assessment attached for rehabilitation projects	2	
b) Complete Market Study addressing all itemized areas of study	2	
Subtotals	4	
	X 10	X 20
“Project Characteristics” Total Score:	40	

TOTAL YOUR SCORE ON THE FOLLOWING PAGE

STATE OF UTAH
LOW INCOME HOUSING TAX CREDIT PROGRAM

APPLICANT SELF-SCORING SUMMARY

1. PREFERENCE CRITERIA

	Score
A. LOWER INCOME TARGETING	_____
B. EXTENDED LOW-INCOME	_____
C. READY-TO-GO	_____
D. "CONCERTED" COMMUNITY REVITALIZATION PLAN	_____
SUBTOTAL:	<input style="width: 80px; height: 20px;" type="text"/>

2. SECONDARY CRITERIA

A. PROJECT LOCATION	_____
B. PROJECT CHARACTERISTICS	_____
C. APPLICANT CHARACTERISTICS	_____
D. TENANTS WITH SPECIAL HOUSING NEEDS	_____
E. SERVICE TO TENANTS ON PUBLIC HOUSING ASSISTANCE	_____
F. HOUSING NEEDS CHARACTERISTICS	_____
G. BONUS POINTS	_____
SUBTOTAL:	<input style="width: 80px; height: 20px;" type="text"/>

TOTAL PROJECT SCORE:

This Applicant Self-Scoring process is provided only as a guide to help you assess your level of scoring when completing the application. The UHC's review and scoring may differ from the applicant's according to the UHC's interpretation of the project, application and the supporting documentation. In case of a difference, the UHC's score will be utilized.

**STATE OF UTAH
LOW INCOME HOUSING TAX CREDIT PROGRAM**

NON-PARTICIPATING AREAS

COUNTIES:

Daggett	Millard	Rich
Garfield	Morgan	Wayne
Juab	Piute	

CITIES:

(List from: "Local Government Officials Directory, Incorporated Cities and Towns)

Alpine	Clawson	Fountain Green
Alta	Cleveland	Francis
Altamont	Coalville	Fruit Heights
Alton	Corinne	Garden City
Amalga	Cornish	Garland
Annabella	Delta	Genola
Antimony	Deweyville	Glendale
Aurora	Eagle Mountain	Glenwood
Ballard	East Carbon	Goshen
Bear River	Elk Ridge	Gunnison
Bicknell	Elsinore	Harrisville
Big Water	Elwood	Hatch
Boulder City	Emery	Helper
Brian Head	Enoch	Henefer
Cannonville	Enterprise	Henrieville
Castle Valley	Escalante	Highland
Cedar Fort	Eureka	Hildale
Cedar Hills	Fairview	Hinckley
Centerfield	Farr West	Holden
Centerville	Fayette	Honeyville
Charleston	Ferron	Howell
Circleville	Fielding	Huntington
Clarkston	Fillmore	Huntsville

Hyde Park	North Salt Lake	Sunset
Hyrum	Oak City	Syracuse
Ivins	Oakley	Tabiona
Joseph	Ophir	Torquerville
Junction	Orangeville	Torrey
Kanarrville	Orderville	Trenton
Kanosh	Panguitch	Tropic
Kaysville	Paradise	Uintah
Kingston	Paragonah	Vernon
Koosharem	Parowan	Vineyard
La Verkin	Perry	Virgin
Laketown	Plain City	Wales
Leamington	Pleasant Grove	Wallsburg
Leeds	Pleasant View	Washington Terrace
Levan	Plymouth	Wellington
Lewiston	Portage	Wellsville
Lindon	Providence	Wendover
Loa	Randolph	West Bountiful
Lyman	Redmond	West Point
Lynndyl	Richmond	Willard
Manila	River Heights	Woodland Hills
Mantua	Riverdale	Woodruff
Mapleton	Riverton	Woods Cross
Marysvale	Rockville	
Mayfield	Roy	
Meadow	Rush Valley	
Mendon	Salem	
Midway	Santa Clara	
Milford	Santaquin	
Millville	Scipio	
Minersville	Scofield	
Mona	Sigurd	
Monroe	Snowville	
Morgan	South Jordan	
Moroni	South Weber	
Mt. Pleasant	Spring City	
Naples	Springdale	
Nephi	Springville	
New Harmony	Sterling	
Newton	Stockton	
Nibley	Sunnyside	

MEMORANDUM OF UNDERSTANDING

(regarding acceptance of qualified Section 8 vouchers or certificate holders)

This Memorandum of Understanding is by and between the HOUSING AUTHORITY NAME (the "Housing Authority") and PROJECT OWNER NAME, (the "Owner") (both parties are sometimes collectively referred to herein as the "Parties"), regarding Owner's renovation or construction development and operation of the PROJECT NAME (the "Project") located at ADDRESS, CITY, STATE.

Owner desires to enter into an agreement with Housing Authority to accept qualified Section 8 voucher or certificate holders and Housing Authority desires to enter into such an agreement with Owner.

Therefore, in the event Owner receives Federal Low-Income Housing Tax Credits through the Utah Housing Corporation for the construction or renovation of the low-income Project, the Parties agree as follows:

1. Owner shall accept referrals from Housing Authority on an ongoing basis, subject only to the availability of rental units.
2. It is understood that applicants referred by Housing Authority must meet, without exception, all requirements for tenancy as established by management for the above-referenced Project and that such requirements may be changed by management from time-to-time.
3. Resident referred by Housing Authority shall be required to sign the standard lease agreement or the applicable standard Section 8 lease agreement and abide by the rules and regulations of the Project as well as meet all income requirements of project management.
4. Owner and management reserve the right, from time-to-time, to alter, amend or change, without notices to Housing Authority, any portion of its procedures and criteria for tenancy.
5. Owner and/or project management shall have the final and absolute right, at its sole discretion, to accept or reject for tenancy, an applicant referred by Housing Authority, according to the same criteria used to accept or reject all other applicants.
6. Owner shall have the right to assign this Memorandum of Understanding at any time and without the comment of Housing Authority.
7. With respect to the leasing of units to tenants utilizing Section 8 vouchers, Owner agrees to limit rents charged under its management to an amount not greater than the maximum rents set forth in that regulatory agreement between Owner and the Utah Housing Corporation.
8. This Memorandum of Understanding is subject to modification as agreed to in writing by the Parties.

The undersigned hereby attest to their agreement of the aforementioned terms.

HOUSING AUTHORITY NAME

PROJECT OWNER NAME

By: _____,
Its: _____
Date _____

By: _____,
Its: _____
Date _____