

## Indiana Housing and Community Development Authority

### Annual Rental Housing Owner Certification of Compliance

Year of Owner Certification \_\_\_\_\_

The undersigned, having been allocated:

Rental Housing Tax Credits pursuant to Section 42 of the Internal Revenue Code of 1986, as amended (the "Code") and having executed a "Declaration of Extended Rental Housing Commitment" pursuant to the allocation with the Indiana Housing and Community Development Authority, the housing credit agency for the State of Indiana (the "Authority"); and/or

HOME Investment Partnerships Program funds (the "HOME funds") pursuant to Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, (the "Act") through the Indiana Housing and Community Development Authority, the HOME administration agency for the State of Indiana (the "IHCD"); and/or

Community Development Block Grant funds (CDBG) pursuant to Title I of the Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301, through the Indiana Housing and Community Development Authority, the CDBG housing administration agency for the State of Indiana; and/or

Low Income Housing Development Fund (formerly Trust Fund) as created and authorized by Indiana Code 5-20-4-1 et seq and administered by the Indiana Housing and Community Development Authority, a corporate body politic of the State of Indiana.

For the purpose of purchasing, constructing, and/or improving a certain low-income rental housing development (the "Development"), and pursuant to the monitoring requirements of the Code and all regulations promulgated thereunder, as applicable, and of the Authority and the requirements of the Act and all regulations promulgated thereunder, as applicable, does hereby certify as follows:

The Development consists of the following IHCD funding:

- ☐ Development is a RHTC only development
- ☐ Development is a Combined RHTC with IHCD HOME
- ☐ Development is an IHCD funded HOME development

#### CERTIFICATIONS

- (i) The undersigned has received an annual income certification form from each tenant occupying a RHTC, HOME-assisted, and/or HOME-eligible, CDBG, CDBG-D, NSP, or Development Fund unit in the Development and sufficient documentation to support that certification; and/or
- (ii) Each RHTC, HOME-assisted and/or HOME-eligible, CDBG, CDBG-D, NSP, or Development Fund unit in the Development was restricted as provided under the Code and/or Act.
- (iii) The Development is in continuing compliance with all promises, covenants, set-asides and agreed upon restrictions as set forth in the application for Credits, HOME, CDBG, CDBG-D, NSP, or Development Fund funds for the Development.

- (iv) All units in the Development are for use by the general public and are used on a non-transient basis (except for units located in a building whose primary purpose is transitional housing for homeless as allowed for in the Code or applicable program regulations and requirements).

The owner has not refused to lease a unit in the development to a Section 8 applicant solely because the applicant holds a Section 8 voucher or certificate.

The owner has complied with the non-discrimination requirements of the Fair Housing Act, the Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity rule, and the Violence Against Women Reauthorization Act of 2013.

Additionally, please mark the appropriate certification:

☐ No finding of discrimination under the Fair Housing Act, 42 U.S.C. 3501-3619, has occurred for this development. A finding of discrimination includes an adverse final decision by the Secretary of Housing and Urban Development (HUD), 24 CFR 180.680, and adverse final decision by a substantially equivalent state or local Fair Housing agency, 42 U.S.C. 3616a(a)(1), or an adverse judgment from a Federal court.

☐ A finding of discrimination under the Fair Housing Act, 42 U.S.C. 3601-3619, has occurred & the owner has **attached documentation of the findings to this certification.**

☐ Yes ☐ No Were there any reasonable accommodations and/or modifications request in the past year?

If yes, please indicate the number of requests: \_\_\_\_\_

What accommodations/modifications were you able to provide

\_\_\_\_\_

What kind of requests were you unable to accommodate?

\_\_\_\_\_

- (v) Please mark the appropriate certification(s):

☐ All units in the Development are suitable for occupancy, taking into account all federal, state, and local health, safety, and building (or other habitability standards), and the state or local unit responsible for making building code inspections did not issue a report of a violation for any building or low-income unit in the Development.

☐ The state or local unit responsible for making building code inspections issued a report of a violation for any building or low-income unit in the Development during the certification year. **Documentation of the violations is attached to this certification.**

- (vi) Please mark the appropriate certification::

☐ Yes ☐ No The Development includes five (5) or more HOME-assisted or HOME-eligible, CDBG, CDBG-D, or NSP rental units under common ownership or developed by a single entity.

☐ The owner utilized the following affirmative marketing practices in soliciting renters, determining their eligibility, and concluding all transactions:

- (1) Advertising of vacant units includes the Equal Housing Opportunity logo or slogan or both. (Advertising media may include, but is not limited to, newspapers, radio, television, brochures, leaflets, or an on-site sign);
- (2) Applications for vacant units are solicited from persons in the housing market who are least likely to apply for the housing without the benefit of special outreach efforts. (In general, persons who are not of the race/ethnicity of the residents of the neighborhood in which the assisted units are located shall be considered those least likely to apply);
- (3) The local housing market has been analyzed to identify those persons who are least likely to apply and then specific marketing techniques have been formulated to reach the persons identified. An Affirmative Fair Housing Marketing Plan has been created using HUD Form 935-2A and is updated at least once every five (5) years. (Resources for this targeted outreach may include, but are not limited to, community organizations, places of worship, employment centers, fair housing groups, housing counseling agencies, and social service centers);
- (4) The housing market has been re-assessed at least annually to determine persons who are least likely to apply for housing;
- (5) Each year, the marketing techniques utilized in the previous year have been analyzed to determine effectiveness in reaching those persons identified. Based on the annual analysis, marketing efforts have been modified to increase participation from those persons identified as being least likely to apply for housing.
- (6) A file documenting all marketing efforts (e.g..copies of newspaper ads, memos of phone calls, copies of letters, etc.) is being maintained throughout the Development's affordability period, compliance period, and/or extended use period and is available for inspection by IHCD and/or HUD.
- (7) Each beneficiary has been given a fair housing brochure. Documentation of each beneficiary's receipt of the brochure is being maintained throughout the affordability period and is available for inspection by IHCD or HUD.
- (8) A listing is being maintained of all residents from the time of application submittal through the end of the affordability period, compliance period, and/or extended use period. This list includes but is not limited to each resident's age, race, sex, and income and is available for inspection by IHCD and/or HUD.

(vii) Please mark the appropriate certification:

- ☐ No RHTC, HOME-assisted and/or HOME-eligible, CDBG, CDBG-D, NSP, or Development Fund units in the Development became vacant during the applicable reporting period.
- ☐ One or more RHTC, HOME-assisted and/or HOME-eligible CDBG, CDBG-D, NSP or Development Fund units in the Development became vacant during the applicable reporting period. Reasonable efforts were or are being made to rent such units or the next available (if HOME units are floating) unit or units of comparable size in the building to tenants having qualifying income.

- (viii) The Development has at least on (1) smoke detector on each level of the rental dwelling unit.
- (ix) **For RHTC with HOME, CDBG, CDBG-D, NSP and Development Fund Developments**, the lease between the tenant and the owner of the HOME-assisted or HOME-eligible rental housing is not for less than one year, unless by mutual agreement between the tenant and the owner.
- (x) **For RHTC Developments only**, the initial lease between the tenant and the owner of the RHTC rental housing is not for less than six months, unless the building's primary use is transitional housing or the unit is single room occupancy.
- (xi) **For HOME, CDBG, CDBG-D, NSP and Development Fund Developments only**, the lease between the tenant and the owner of the HOME-assisted or HOME-eligible rental housing is not for less than one year, unless by mutual agreement between the tenant and the owner.
- (xii) **For HOME, CDBG, CDBG-D, NSP and Development Fund Developments only**, the lease between the tenant and the owner of the HOME-assisted or HOME-eligible rental housing does not contain any of the prohibited lease terms as set forth in 24 CFR 92.253(b).
- (xiii) **For HOME, CDBG, CDBG-D, NSP and Development Fund Developments only**, the owner of the HOME-assisted or HOME-eligible rental housing has adopted written tenant selection policies in accordance with 24 CFR 92.253(d).
- (xiv) The owner has not terminated the tenancy or refused to renew the lease of a tenant except for serious or repeated violations of the terms and conditions of the lease; for violation of applicable Federal, State, or local law; for completion of the tenancy period for transitional housing; or for other good cause.
- (xv) **For HOME, CDBG, CDBG-D, NSP, and Development Fund Developments only**, when terminating or refusing to renew tenancy, the owner has served written notice upon the tenant specifying the grounds for the action at least 30 days before the termination of the tenancy.
- (xvi) **For HOME, CDBG, CDBG-D, NSP and Development Fund only**, Fair housing, equal employment opportunity, and lead-based paint informational posters, as required by IHCD, are conspicuously displayed at the Development. Additionally, each beneficiary of the CDBG and HOME assistance has been given lead-based paint and fair housing brochures as required by IHCD. Documentation of each beneficiary's receipt of the brochures is being maintained throughout the affordability period and is available for inspection by IHCD and/or HUD.
- (xvii) The Development is otherwise in compliance with the Code and/or the Act, including any IRS and/or HUD Regulations pursuant thereto, and applicable laws, rules, regulations, and ordinances.
- (xv) The Development is in continuing compliance with the Declaration of Extended Rental Housing Commitment / Lien and Restrictive Covenant Agreement applicable to the Development and filed in the office of the Recorder of the applicable County in the State of Indiana; and
- (xvi) There have been no changes in the ownership entity or if there have been, IHCD has been provided with all details and all necessary documentation.

Each person signing on behalf of the undersigned entity certifies that (a) he/she, personally, is fully empowered and duly authorized by any and all necessary action or consent required under any applicable articles of incorporation, bylaws, partnership agreement, articles of organization, operating agreement or other agreement applicable to the owner to execute and deliver this certification for and on behalf of the undersigned; (b) the undersigned entity has full capacity, power and authority to enter into and execute this certification for and on behalf of the owner; (c) this certification has been duly authorized, executed and delivered; (d) this certification and any attachments, including the Development Compliance Tenant Report (may be submitted through IHCD's automated compliance reporting system) are true, accurate, complete, and made under penalty of perjury.

The undersigned has executed this certification this \_\_\_\_\_ day or \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Printed/typed name Chief Executive Officer)

By: \_\_\_\_\_  
(Signature of Chief Executive Officer)

Title: \_\_\_\_\_  
(Title of the Chief Executive Officer within Ownership entity)