

Homeownership Certifications and Assurances

The public reporting burden for this collection of information for the Mixed-Finance Project of Public Housing Units is estimated to average 0.25 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to the Reports Management Officer, Paperwork Reduction Project, to the Office of Information Technology, US. Department of Housing and Urban Development, Washington, DC 20410-3600. When providing comments, please refer to OMB Approval No. 2577-NEW. HUD may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

HOMEOWNERSHIP PROPOSAL PROJECT INFORMATION
Official Housing Authority Name ("Authority"):
Name of the Project Described in this HUD Approved Development Proposal ("Project"):
Number of Public Housing Units Assisted with Public Housing Funds:

THESE CERTIFICATIONS AND ASSURANCES are provided by the Authority to the United States Department of Housing and Urban Project ("HUD") in connection with the HUD approved development of low-income homeownership units that are being assisted with public housing funds in the above named project. By signing these Certifications and Assurances, the Authority hereby warrants under penalty of perjury that it:

- 1) Has the legal authority under State and local law to develop low-income homeownership housing units through the establishment or selection of an owner entity, and to enter into all agreements required by HUD in accordance with 24 CFR §941 subpart F ("this subpart"), or successor regulation. In addition, the Authority warrants that it has the legal authority necessary to enter into any proposed partnership and to fulfill its obligations as a partner thereunder, and that it has obtained all necessary approvals for this purpose;
- 2) This Certification may not be altered, modified, or rescinded without the prior written approval of HUD;
- 3) The Project will be included in and be consistent with the Authority's PHA Plan;
- 4) The Authority has the legal authority under State and local law to develop the Project, including through the establishment or selection of an Owner Entity, and to enter into all agreements and provide all assurances;
- 5) The Authority has the legal authority necessary to enter into any proposed partnership (if applicable), and to fulfill its obligations as a partner thereunder, and has obtained all necessary approvals for this purpose;
- 6) The Authority has (1) used an open and competitive process to select its partner and/or Owner Entity, and has ensured that there is no conflict of interest involved in its selection of the Partner and/or Owner Entity to develop and operate the Project; or (2) an Authority agency or instrumentality was selected, in accordance with 24 CFR 85.36(d)(4)(i)(C), as the developer and agrees that it will follow 24 CFR 85.36 in the selection of contractors; or (3) HUD has approved in writing a non-competitive procurement.
- 7) The Authority will require its selected Partner and/or Owner Entity to comply with all applicable State and local procurement and conflict of interest requirements with respect to the selection of entities to assist in the development, and to use a competitive process consistent with the requirements set forth in 24 CFR part 941, subpart F or will obtain a waiver of such requirements from HUD.
- 8) The Authority will require that the Project is developed and sold in accordance with the applicable provisions of the Act, HUD regulations thereunder, the HOPE VI Grant Agreement Addendum, the Declaration of Restrictive Covenants to be

recorded against the Project (the “Declaration”), and all pertinent Federal statutory, regulatory, and executive order requirements, as those requirements may be amended from time to time;

- 9) The Authority will maintain records that reflect or include compliance with the eligible program activities for the homeownership option that has been selected by the Authority and approved by HUD (the “Homeownership Option”), including, but not limited to:
 - a) Evidence that the Project is in compliance with the requirements for eligible purchasers (i.e. public housing residents, low-income residents) for the Homeownership Option;
 - b) Evidence that all homebuyers satisfy the income and downpayment requirements for the Homeownership Option;
 - c) Evidence that all homebuyers satisfy any requirements related to previous homeownership for the Homeownership Option;
 - d) Any additional eligibility restrictions imposed by the Authority;
 - e) Evidence that the program contains anti-leasing provisions;
- 10) The Authority will only will use proceeds from the sale of units for permitted uses as further defined in the Program Income Certification;
- 11) The Authority assures HUD that any documents needed to establish its rights and responsibilities associated with the development and/or sale of homeownership units to eligible homebuyers shall be consistent with the program requirements of the Homeownership Option. Such documents shall include, but not be limited to:
 - a) A partnership, development agreement, or other agreement between any of the participating parties, including an agreement between the Authority and the owner entity, its partner, or other participating parties, that establishes the rights and liabilities (financial and otherwise) of the parties;
 - b) All financing documents, including mortgages or deeds of trust, loan agreements or such other documents that evidence the availability of the participating party(ies) financing, the amount and source of financing committed to the Project;
 - c) The organizational documents of the owner entity;
 - d) Evidence of control of the site by the Authority, Partner, or Owner Entity; and
 - e) Evidence that all applicable permits and zoning requirements are in place or a certification that permits and zoning will be in place prior to construction start.
- 12) The Authority will record the Declaration of Restrictive Covenants in form approved by HUD, as the first recorded document against the Project or in other order approved in writing by HUD.
- 13) The Authority will keep records in accordance with 24 CFR 85.20 and facilitate an audit to determine compliance with program requirements. All records, including any attachments to this Certification will be available at all times for HUD inspection and review.
- 14) Any capitalized terms used in this Certification but not defined herein shall have the meanings provided in the Grant Agreement Addendum.

(Signatures on following page.)

IN WITNESS WHEREOF, the Authority has caused these Certifications and Assurances to be duly executed.

Date

Authority

By: _____

Name: _____

Title: _____

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).