

Owner's Certification and Acknowledgement of Program Obligation
for Broadly Affordable, Affordable and Green/Energy Efficient Multifamily Housing
Mortgage Insurance Premiums (MIPs) and the Acceptance of Housing Choice
Vouchers
Form HUD-92013-D

Owner/Sponsor Name: _____

Project Name: _____

Project Number: _____

Project Location: _____

Broadly Affordable Housing

The owner, by signing this certification, acknowledges the obligation to comply with program requirements below and provide independently from this certification the documents necessary for verification by HUD.

To access the broadly affordable MIP of 25bps:

- Certify that the project have at least 90% of units covered by a Section 8 Project Based Rental Assistance (PBRA) contract or other federal rental assistance program contract serving very low income residents, with a remaining term of at least 15 years;
OR
Have at least 90% of its units covered by an affordability use restriction under the Low Income Housing Tax Credit program or similar state or locally sponsored program, with rents sized at no greater than 30% of the income eligibility requirement for occupancy under the Low Income Housing Tax Credit program, with achievable and underwritten tax credit rents at least 10 percent below comparable market rents, with a recorded regulatory agreement in effect for at least 15 years after final endorsement and monitored by a public entity.

- Certify that loans using this MIP rate are limited in the total loan fees they may charge on any loan greater than \$2,000,000, to no more than five percent (5%) of the insured loan amount. Loan fees include (a) origination and placement fees as permitted by the MAP Guide, plus (b) trade profit, trade premium or marketing gain earned on the sale of the GNMA security at a value above par, even if the security sale is delayed until after endorsement, minus (c) loan fees applied by the Mortgagee to its legal expenses incurred in connection with loan closing.

Affordable Housing

The owner, by signing this certification, acknowledges the obligation to comply with program requirements below and provide documentation independently from this certification for verification of program compliance by HUD on the following:

To access the affordable housing MIP of 35pbs:

- At the submission of a complete FHA mortgage insurance application, certify and provide evidence of a deed covenant or housing ordinance on “inclusionary zoning” for the subject property to evidence the requirement for affordable unit set-asides under Inclusionary Zoning, Density Bonus Set-asides, and Other Local Affordability Restrictions. A minimum of 10% of the units must be affordable to, at most, a family at 80% AMI, with rents sized to be affordable at 30% of the income at that level. The affordability set-aside must be in effect for at least ~~30~~45 years after final endorsement of the FHA-insured mortgage, be monitored by competent public authority, and be recorded in a regulatory agreement;

OR

Project has between 10% and 90% of units covered by a Section 8 PBRA contract or other state or federal rental assistance program contract serving very low income residents, with a remaining term of at least 15 years;

OR

Project has between 10% and 90% of its units covered by an affordability use restriction under the Low Income Housing Tax Credit program or similar state or locally sponsored program, with rents sized at no greater than 30% of the income eligible for occupancy under the Low Income Housing Tax Credit program, ~~with achievable and underwritten tax credit rents at least 10 percent below comparable market rents,~~ with a recorded regulatory agreement in effect for at least 15 years after final endorsement and monitored by a public entity.

OR

Project has at least 90 percent of its units covered by an affordability use restriction under the Low Income Housing Tax Credit program or similar state or locally sponsored program, but without the rent advantage required to qualify as Broadly Affordable (achievable and underwritten tax credit rents at least 10 percent below comparable market rents), and with a recorded regulatory agreement in effect for at least 15 years after final endorsement and monitored by a public entity.

- Agree to execute a Rider to the FHA regulatory agreement acceptable to HUD agreeing to accept Section 8 voucher holders (non-PBRA) or other federal program voucher holders as residents for vacancies in units not covered by project PBRA for the life of the regulatory agreement.

- Certify that loans using this MIP rate are limited in the total loan fees they may charge on any loan greater than \$2,000,000, to no more than five percent (5%) of the insured loan amount. Loan fees include (a) origination and placement fees as permitted by the MAP Guide, plus (b) trade profit, trade premium or marketing gain earned on the sale of the GNMA security at a value above par, even if the security sale is delayed until after endorsement, minus (c) loan fees applied by the Mortgagee to its legal expenses incurred in connection with loan closing.

Green/Energy Efficient Housing – MIP of 25 bps

The owner, by signing this certification, acknowledges the obligation to comply with program requirements below and provide documentation independently from this certification for verification of program compliance by HUD on the following:

To access green/energy efficient housing of 25bps:

- At the time of submission of a complete FHA loan application, the owner must evidence that the project has achieved, or the owner must certify to pursue and-achieve ~~and maintain~~-an acceptable, independently verified standard for green building from the industry-recognized green program identified, _____ -

_____.

(enter the name of industry-recognized green program from the list below)

A minimum score of 75 or better on the 1-100 ENERGY STAR score, using EPA's Portfolio Manager, is required and must be verified by the independent conclusion of the qualified assessor preparing the physical condition assessment, and supported by the physical condition assessment report and recommendations, ASHRAE level II energy audit (required for existing structures only), and plans for new construction, or rehabilitation, repairs, and operations and maintenance. ~~and must be verified by the independent conclusion of the physical condition assessment qualified assessor, and supported by the physical condition assessment report and recommendations, ASHRAE level II energy audit, and plans for the new construction, rehabilitation, or repairs, and operations and maintenance.~~

<u>List of Industry-Recognized Green Programs</u>
Enterprise Green Communities Criteria
U.S. Green Building Council's LEED-H
U.S. Green Building Council's LEED-H Midrise
U.S. Green Building Council's LEED-NC
ENERGY STAR Certification
EarthCraft House
EarthCraft Multifamily

Earth Advantage New Homes
Greenpoint Rated New Home
Greenpoint Rated Existing Home (Whole House or Whole Building label)
National Green Building Standard (NGBS)

- The physical condition assessment report submitted with the mortgage insurance application must include a certification from the architect, engineer, ~~or~~ energy auditor; ~~or CNA provider~~ that the planned scope of work is reasonably sufficient to achieve and maintain the specified certification.
- Additionally, the owner must submit to HUD evidence that the specified, independent green building standard has been achieved, and provide a copy of the Portfolio Manager report showing building performance at or above 75, when those standards have been achieved, and no more than 15 months after completion of new construction, substantial rehabilitation or renovations, or 15 months after break-even occupancy. ~~and no more than 12 months after completion of new construction, substantial rehabilitation or renovations.~~
- Properties of less than 20 units may qualify for this MIP rate by achieving an industry-recognized standard for green building, as described above, but are exempt from the requirement to achieve a score of 75 or better on the 1-100 ENERGY STAR score.
- Certify that loans using this MIP rate are limited in the total loan fees they may charge on any loan greater than \$2,000,000, to no more than five percent (5%) of the insured loan amount. Loan fees include (a) origination and placement fees as permitted by the MAP Guide, plus (b) trade profit, trade premium or marketing gain earned on the sale of the GNMA security at a value above par, even if the security sale is delayed until after endorsement, minus (c) loan fees applied by the Mortgagee to its legal expenses incurred in connection with loan closing.

Warning: Title 18 U.S.C. 1001, provides in part that whoever knowingly and willfully makes or uses a document containing any false, fictitious, or fraudulent statement or entry, in any manner in the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

I, the undersigned owner/sponsor of the subject project, hereby ~~agree~~ recognize the obligations to submit upon request from HUD any documentation necessary for verification for the benefit of the _____ rate and the terms and conditions made for the issuance of a commitment to insure a FHA-insure mortgage covering the project identified above.

Signed by _____

Date _____