

## National Housing Trust Fund

Housing Trust Fund Certifications

July 2021



### Application Certification

The Undersigned hereby acknowledges and certifies to Wisconsin Housing and Economic Development Authority (WHEDA), individually, and on behalf of the Applicant and the Development as part of this application for National Housing Trust Funds (HTF) for the \_\_\_\_\_ (the Development) (this Application) as follows:

1. The Development Team is familiar with the National Housing Trust Fund and the related rules and regulations, and the rules and requirements of WHEDA (the Requirements) with regard to the HTF, agrees to be bound by the HTF Requirements and is in compliance with the HTF and the Requirements.
2. The information contained in this Application, including all statements and certifications attached hereto, is true and correct and has been prepared with due diligence. The Development Team has an affirmative duty to notify WHEDA with regard to any changes regarding this Application or the Development. The Development Team knows of no facts or circumstances that would threaten or adversely affect the Development and cause the information in this Application to be incorrect or misleading.
3. WHEDA is subject to Chapter 19 of the [Wisconsin Statutes](#) (the Open Records Law). The Development Team hereby consents to disclosure of this Application and related documentation pursuant to the Open Records Law.
4. The Development Team agrees to indemnify and hold harmless WHEDA, its members, officers, employees and agents, from and against any and all claims, suits, damages, costs and expenses arising out of WHEDA's review of and decision with regard to this Application or WHEDA's disclosure of any information pursuant to the Open Records Law. WHEDA makes no representations regarding compliance with applicable regulations or the effect of those regulations on a particular applicant. WHEDA review of this Application and related documentation is for its own purposes.
5. Misleading information or representations contained in this Application may result in a revocation of the National Housing Trust Fund award, notification to the U.S. Department of Housing and Urban Development, and prohibition from participation in the National Housing Trust Fund program.
6. The execution and delivery of this Application and this document is duly authorized and binding on the Development Team.
7. If requested by WHEDA, the applicant/owner agrees to provide accurate, good faith estimates of permanent and/or temporary (construction) jobs to be created or actually created as a result of the Development.
8. Developments will adhere to the requirements of 24 CFR part 135, which implements section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). Note, the Section 3 form must be submitted on an annual basis and can be found at [WHEDA.com](#).

**Signature Page to Application Certifications:**

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Applicant Entity: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_

If there is a Co-Developer, complete the items below:

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Applicant Entity: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_

## Compliance Certifications:

The applicant certifies that the housing assisted with HTF will comply with all HTF Compliance requirements noted in item VI of the Request for Applications:

1. Fair Housing Act – see [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp](https://www.hud.gov/program_offices/fair_housing_equal_opp)
2. Section 504 of the Rehabilitation Act
  - a. For newly constructed housing, a minimum of five percent (5%) of the total dwelling units or at least one unit in a multi-family housing project, whichever is greater, shall be made accessible for persons with mobility impairments. An additional two percent (2%) of the units (but not less than one unit) in such a project shall be accessible for persons with hearing or vision impairments.
  - b. For rehabilitation of existing housing:
    - i. If alterations are undertaken to a housing facility that has 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility, then five percent of the total dwelling units or at least one unit, whichever is greater, shall be made accessible for persons with mobility impairments. An additional two percent of the units (but not less than one unit) shall be accessible for persons with hearing or vision impairments
    - ii. Alterations to dwelling units in a multi-family housing project (including public housing) shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with handicaps. If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, the entire dwelling unit shall be made accessible
3. Americans with Disabilities Act – see <https://www.ada.gov/>
4. Architectural Barriers Act – see <https://www.access-board.gov/the-board/laws/architectural-barriers-act-aba>
5. Lead-Based paint provisions noted in 24 CFR part 35. For properties originally constructed before 1978:
  - a. HTF recipients will be required to complete an inspection for the existence of lead-based paint.
  - b. If lead-based paint is discovered, the rehabilitation plan must include the removal of the lead-based paint, or a detailed description of how the proposed renovation will comply with the EPA’s Renovation, Repair and Painting Program.
  - c. All rehabilitation must comply with HUD’s Lead Safe Housing Rule (LSHR) – see [https://www.hud.gov/program\\_offices/healthy\\_homes/enforcement/lshr](https://www.hud.gov/program_offices/healthy_homes/enforcement/lshr)
6. Design and Construction requirements noted in 24 CFR 100.205
7. HTF Environmental Provisions
  - a. HTF housing projects must meet all HTF Environmental Provisions noted in the applicable Environmental Checklists for new construction and rehabilitation at project completion. Prior to closing, WHEDA will require evidence that the applicable requirements will be met. Projects that cannot meet the applicable property standards and environmental provisions prior to completion will not receive HTF proceeds.
    - i. Properties combining HTF with other HUD resources – such as HOME – may be subject to additional environmental reporting requirements as described in 24 CFR Part 50 and Part 58.
    - ii. WHEDA will facilitate the Environmental Review process after award. It must be completed prior to closing.

- iii. See <https://www.hudexchange.info/resources/documents/Notice-CPD-16-14-Requirements-for-HTF-Environmental-Provisions.pdf> for a description of the environmental requirements for HTF-funded properties.
- 8. Wisconsin Accessibility Code
- 9. State statutes, local zoning requirements, and all state and local building codes, including the standards for multifamily dwellings established in Administrative Code sections SPS 361-365.
- 10. WHEDA will not permit HTF resources to be used in buildings that are located within a 100-year flood plain. Portions of the site may be located in the 100-year flood plain, but may not include parking areas or the footprint of the residential units or accessory buildings. All properties receiving HTF resources must comply with the State of Wisconsin Hazard Mitigation Plan, the 2009 edition of the International Building Code® and the International Existing Building Code®. The Hazard Mitigation plan can be found at [http://emergencymanagement.wi.gov/mitigation/state\\_plan.asp](http://emergencymanagement.wi.gov/mitigation/state_plan.asp).
- 11. Developments will adhere to the requirements of 24 CFR part 135, which implements section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u). The Section 3 program requires that recipients of National Housing Trust Funds, to the greatest extent feasible, provide job training, employment, and contracting opportunities for low or very low-income residents and for low or very low-income businesses in connection with projects and activities in their communities. The Section 3 report is due annually for the period of October 1 – September 30 upon WHEDA request and can be found at: <https://www.wheda.com/Developers/National-Housing-Trust-Fund>
- 12. WBE/MBE reports must be submitted on a semi-annual basis. Reports for the period October 1 – March 30 and for the period April 1 – September 30 are due upon WHEDA request.

**Signature Page to Compliance Certifications:**

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Applicant Entity: \_\_\_\_\_  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_

If there is a Co-Developer, complete the items below:

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Applicant Entity: \_\_\_\_\_  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_

**Certification of Eligible Activities:**

The applicant certifies that the Housing Trust Fund proceeds will be used only for the following eligible activities as noted in item IX of the Request for Applications and as required in 24 CFR 93.200:

- Real property acquisition
- Site improvements and development hard costs
- Related soft costs
- Demolition
- Financing costs
- Relocation assistance

The applicant certifies that the project submitted for funding includes one of the following:

- Creation of permanent rental housing
- Preservation of permanent rental housing

Date \_\_\_\_\_

Name of Development: \_\_\_\_\_

Applicant Entity: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Print Name: \_\_\_\_\_

If there is a Co-Developer, complete the items below:

Date \_\_\_\_\_

Name of Development: \_\_\_\_\_

Applicant Entity: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Print Name: \_\_\_\_\_

## Property Standards Certification – New Construction

The applicant certifies that the housing assisted with Housing Trust Funds will comply with all requirements noted in Section VII of the Request for Applications:

Newly-constructed properties must contain the following features:

1. Lever-style handles on all interior doors
2. Bath/kitchen faucets being replaced or initially installed must be single-lever type
3. Non-skid tub/shower pattern covering 75% of tub/shower floor
4. All walls within 36" of toilet and in tub/shower area shall have 3/4" plywood behind drywall to provide sufficient support for grab bars or other assist devices
5. Bathtub/shower stalls with offset controls
6. Low-profile thresholds – 1/4" maximum vertical height or 1/2" maximum beveled at 1:2 are required between ALL interior common areas and in all dwelling unit openings when floor transition height differs
7. Broadband infrastructure defined in 24 CFR 5.100 as: cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that is capable of providing access to Internet connections in individual housing units, and that meets the definition of "advanced telecommunications capability" determined by the Federal Communications Commission under section 706 of the [Telecommunications Act of 1996\(47 U.S.C. 1302\)](#).
  - a) This requirement may be waived if the location of the project makes this infeasible, the cost of installation would result in undue financial burden. If any of the waivers apply, please provide a certification as to the specific exception and explanation of applicability

**Signature Page to Property Standards Certification – New Construction:**

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Applicant Entity: \_\_\_\_\_  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_

If there is a Co-Developer, complete the items below:

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Applicant Entity: \_\_\_\_\_  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Project Architect: \_\_\_\_\_  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_



## Property Standards Certification – Rehabilitation of Existing Rental Housing

1. Applicants must submit a Capital Needs Assessment (CNA) to document that the proposed rehab meets HUDs Uniform Physical Condition Standards (UPCS), and to bring all systems up to a reasonable useful life.
  - a. All items identified as Level 3 or Health & Safety deficiencies on the “UPCS Condition Standards – Comprehensive Listing” will be required to be completed as part of the rehabilitation of the property. If Level 2 items are not included in the rehabilitation budget, deposits to a replacement reserve must be sufficient to complete the repairs at the estimated time identified in the Capital Needs Assessment. A detailed description of UPCS deficiencies can be found at [https://www.hud.gov/offices/reac/pdf/pass\\_dict2.3.pdf](https://www.hud.gov/offices/reac/pdf/pass_dict2.3.pdf).
  - b. The CNA must address imminent health and safety issues that must be corrected immediately, the condition of major systems (such as structural support, roofing, and plumbing), and the presence of lead-based paint. WHEDA’s Capital Needs Assessment Policy is updated periodically, and include required formats for the assessment, along with the proposed scope or work. The Capital Needs Assessment policy can be found on <https://www.wheda.com/LIHTC/Allocating/>.
2. All HTF properties will be required to comply with Exhibit A – Wisconsin HTF Rehabilitation Standards.
3. All HTF properties are required to provide broadband infrastructure
  - a. Broadband infrastructure is defined in 24 CFR 5.100 as: cables, fiber optics, wiring, or other permanent (integral to the structure) infrastructure, including wireless infrastructure, that is capable of providing access to Internet connections in individual housing units, and that meets the definition of “advanced telecommunications capability” determined by the Federal Communications Commission under section 706 of the Telecommunications Act of 1996(47 U.S.C. 1302).
  - b. This requirement may be waived if the location of the project makes this infeasible, the cost of installation would result in undue financial burden, or the structure of the housing makes installation infeasible. If any of the waivers apply, please provide a certification as to the specific exception and explanation of applicability
4. The request for HTF resources will include a Scope of Work describing all rehabilitation to be completed. If the rehabilitation Scope of Work does not result in a useful life that is commensurate with the project’s affordability period, the operating budget must show appropriate replacement reserve deposits for their future replacement when needed.
5. All rehabilitation proposals must comply with Wisconsin Administrative Code Chapter SPS 366 for Existing Buildings, which incorporates the 2009 edition of the International Building Code®, the International Energy Conservation Code®, the International Mechanical Code®, the International Fuel Gas Code® and the International Existing Building Code®. Chapter SPS 366 can be found at Admin Code SPS 366 and <http://codes.iccsafe.org/I-Codes.html>.
6. WHEDA will not permit the permanent displacement of residents in properties receiving HTF resources. Temporary relocation of existing residents must comply with the federal Uniform Relocation Act.

**Signature Page to Property Standards Certification – Rehabilitation of Existing Rental Housing:**

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Applicant Entity: \_\_\_\_\_  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_

If there is a Co-Developer, complete the items below:

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Applicant Entity: \_\_\_\_\_  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Date \_\_\_\_\_  
Name of Development: \_\_\_\_\_  
Project Architect: \_\_\_\_\_  
  
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Print Name: \_\_\_\_\_