

**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 state or 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.

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 35bps:

- 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 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 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.

To qualify for this MIP rate the project owner must also agree to accept voucher holders under the Section 8 Housing Choice Voucher program or other federal program voucher holders as residents for vacancies in units not covered by project based Section 8, and execute a Rider to the FHA regulatory agreement acceptable to HUD evidencing the owner’s agreement to accept Section 8 vouchers for the life of the regulatory agreement.

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 an acceptable, independently verified standard for green building from the industry-recognized green program identified as _____

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

After, and in addition to, meeting the selected standard for green building, 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 a qualified energy professional (see MAP Guide 5.2.C). The required Portfolio Manager® report is the Statement of Energy Performance (SEP).

<i>List of Industry-Recognized Green Programs</i>
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
LEED for Existing Buildings: Operations & Maintenance
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)
Passive Building Certification or EnerPHit Retrofits certification from the Passive House Institute US (PHIUS), International Passive House Association, or the Passive House Institute
Living Building Challenge Certification from the International Living Future Institute
Other (specify):

- Applications for projects where a standard has already been achieved.

When the selected green standard certification has already been achieved, the evidence of achievement and the ENERGY STAR® score must be provided with the FHA loan application, or at HUD's discretion as a condition of Firm Commitment.

- Applications for new construction/substantial rehabilitation projects.

When the green standard certification and the ENERGY STAR® score are prospective as the anticipated result of new construction or substantial rehabilitation, the project architect or his qualified energy professional must: 1) certify that the construction documents have met all pre-construction requirements necessary to conform to the green standard; 2) identify any and all interim construction and post construction milestones required to conform to the selected standard; and 3) must certify that modeling of energy performance based on the proposed construction documents reasonably assures that upon completion and sustaining occupancy the property will achieve or exceed an ENERGY STAR® score of 75. The required ENERGY STAR® score must be provided to HUD not later than 15 months following the achievement of sustaining occupancy.

- Applications for acquisition or refinancing with repairs and alterations.

When the green standard certification and the ENERGY STAR® score are anticipated as the result of repairs and alterations (less than substantial rehabilitation) then the qualified energy professional must: 1) prepare an ASHRAE Level II Energy Audit documenting energy conservation measures; 2) certify that proposed repairs and alterations have met all pre-construction requirements necessary to conform to the green standard; 3) identify any and all interim construction and post construction milestones required to conform to the selected standard; 4) certify that modeling of energy performance based on the proposed construction documents reasonably assures that upon completion of the repairs and alterations the property will achieve or exceed an ENERGY STAR® score of 75. The required ENERGY STAR® score must be provided to HUD not later than 15 months following the completion of repairs and alterations.

- Completing construction per the selected Green Standard

When achievement of the selected green standard is contingent on the completion of construction, the owner must submit to HUD a construction schedule as part of the construction documents that identifies any and all interim milestones required to conform to the selected standard and not later than 3 months after completion of construction must evidence that the specified, independent green building standard has been achieved.

- Mortgagor's obligation to maintain energy performance.

After meeting the above requirements evidencing the achievement of the selected green standard, the owner must annually evidence continuing energy performance by submitting to HUD a Statement of Energy Performance (SEP), prepared or verified by a qualified energy professional and showing a score of 75 or better. The form or means of submission (electronic or otherwise) shall be as HUD may then prescribe.

- 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.

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 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 _____