

# OWNER'S CERTIFICATION OF CONTINUING PROGRAM COMPLIANCE

*New Jersey Housing and Mortgage Finance Agency*

<b>Certification Dates:</b>	<b>From:</b> January 1, 2020	<b>To:</b> December 31, 2020	
<b>Project Name:</b>			<b>LITC No:</b>
<b>Project Address:</b>			<b>City:</b> <b>Zip:</b>
<b>Tax ID # of Ownership Entity:</b>			
<b>Ownership Entity Address:</b>			
<b>Ownership Entity Phone Number:</b>	<b>Fax Number:</b>		
<b>Ownership Entity E-Mail Address:</b>			

The undersigned \_\_\_\_\_ on behalf of \_\_\_\_\_ (the "Owner"), hereby certifies that:

1. The project meets the minimum requirements of: (check one)
  - 20 - 50 test under Section 42(g) (1) (A) of the Code
  - 40 - 60 test under Section 42(g) (1) (B) of the Code
  - 15 - 40 test for "deep rent-skewed" projects under Section 42(g) (4) and 142(d) (4) (B) of the Code
  - Income Averaging (please attach unit designations)
  
2. There has been **no change in the applicable fraction** (as defined in Section 42(c)(1)(B) of the Code) for any building in the project:
 

**NO CHANGE**                       **CHANGE**

If "**Change**", list the applicable fraction for each building in the project for the certification year on page 4:
  
3. The owner has received an "Annual" Tenant Income Certification from each low-income resident and documentation to support that certification and/or an "Initial" Tenant Income Certification from each low-income resident, and documentation to support the certification at initial occupancy.
 

**YES**                                       **NO**

**If "No" please provide explanation on page 4.**

**(If the "Annual" Tenant Income Certification was completed but not signed by the tenant prior to vacating the unit, please attach a copy of the TIC with backup documentation, recertification notices, Notice to Cease/Quit and provide explanation on page 4. If the tenant failed to recertify, please attach court documents and provide explanation on page 4.)**
  
4. Each low-income unit in the project has been rent-restricted under Section 42(g)(2) of the Code:
 

**YES**                                       **NO**
  
5. All low-income units in the project are and have been available for use by the general public and used on a non-transient basis (except for transitional housing for the homeless provided under Section 42 (i)(3)(B)(iii) of the Code):
 

**YES**                                       **NO**                                       **HOMELESS**
  
6. No finding of discrimination under the Fair Housing Act, 42 U.S.C 3601-3619, has occurred for this project. A finding of discrimination includes an adverse final decision by the Secretary of Housing and Urban Development (HUD), 24 CFR 180.680, an 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:
 

**NO FINDING**                                       **FINDING**

7. Each building in the project is and has been suitable for occupancy, taking into account local health, safety, and building codes (or other habitability standards), and the state or local government unit responsible for making building code inspections did not issue a report of a violation for any building or low income unit in the project:

YES

NO

**If "No", state nature of violation on page 4 and attach a copy of the violation report as required by 26 CFR 1.42-5 and any documentation of correction.**

8. There has been **no change in the eligible basis** (as defined in Section 42(d) of the Code) of any building in the project since last certification submission:

NO CHANGE

CHANGE

**If "Change", state nature of change (e.g., a common area has become commercial space, a fee is now charged for a tenant facility formerly provided without charge, or the project owner has received federal subsidies with respect to the project which had not been disclosed to the allocating authority in writing) on page 4:**

9. All tenant facilities included in the eligible basis under Section 42(d) of the Code of any building in the project, such as swimming pools, other recreational facilities, parking areas, washer/dryer hookups, and appliances were provided on a comparable basis without charge to all tenants in the buildings:

YES

NO

10. If a low-income unit in the project has been vacant during the year, reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to tenants having a qualifying income before any units were or will be rented to tenants not having a qualifying income:

YES

NO

11. If the income of tenants of a low-income unit in any building increased above the limit allowed in Section 42(g)(2)(D)(ii) of the Code, the next available unit of comparable or smaller size in that building was or will be rented to residents having a qualifying income:

YES

NO

12. An extended low-income housing commitment as described in section 42(h) (6) was in effect, including the requirement under section 42(h) (6) (B)(iv) that an owner cannot refuse to lease a unit in the project to an applicant because the applicant holds a voucher or certificate of eligibility under Section 8 of the United States Housing Act of 1937, 42 U.S.C. 1437s. Owner has not refused to lease a unit to an applicant based solely on their status as a holder of a Section 8 voucher and the project otherwise meets the provisions, including any special provisions, as outlined in the extended low-income housing commitment (not applicable to buildings with tax credits from years 1987-1989):

YES

NO

N/A

**If "No" or "N/A" please provide explanation on page 4.**

13. The owner received its credit allocation from the portion of the state ceiling set-aside for a project involving "qualified non-profit organizations" under Section 42(h)(5) of the code and its non-profit entity materially participated in the operation of the development within the meaning of Section 469(h) of the Code.

YES

NO

14. There has been no change in the ownership or management of the project:

NO CHANGE

CHANGE

**If "Change", complete page 4 detailing the changes in ownership or management of the project.**

15. The owner has notified each applicant and tenant, via Form HUD – 5380, of their rights under the Violence Against Women Act, Pub. L. No. 103-322, tit IV, 108 Stat. 1902 (1994), VAWA 2005, Pub. L. No. 109-162, 4402, 119 Stat. 2960, 3041-49 (2006), VAWA 2013, Pub. L. 113-4, 601, 127, Stat. 54 (2013) and if applicable VAWA 2013: Implementation in HUD Housing programs, 81 Fed. Reg. 80, 724 (Nov. 16, 2016) "HUD VAWA Final Rule" and distributed Form HUD-5382, VAWA self-certification form:

YES

NO

**If "No" please provide explanation on page 4.**

16. The owner has not increased the rent charged to each existing tenant (excluding rental assistance) by more than 5.00 percent annually, including due to changes in utility allowance calculations:

YES

NO

**If “No” please provide explanation on page 4.**

17. The on-site Property Management office had office hours of at least 20 hours every week:

YES

NO

**If “No” please provide explanation on page 4.**

18. The owner has registered and posted the property on our Housing Resource Center (<https://www.nj.gov/njhrc/>) and actively updated property information.

YES

NO

**If “No” please provide explanation on page 4.**

**Note: Failure to complete this form in its entirety will result in noncompliance with program requirements. In addition, any individual other than an owner or general partner of the project is not permitted to sign this form, unless permitted by the state agency.**

The project is otherwise in compliance with the Code, including any Treasury Regulations, the applicable State Allocation Plan, and all other applicable laws, rules and regulations. This Certification and any attachments are made UNDER PENALTY OF PERJURY.

\_\_\_\_\_  
(Ownership Entity)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

**Note: this document should not be completed, signed or dated prior to the expiration date of December 31, 2020**

