

**NEW YORK CITY HOUSING DEVELOPMENT CORPORATION
NYCHA PACT PROGRAM
2025 OWNER CERTIFICATION OF COMPLIANCE:**

CERTIFICATION PERIOD: January 1, 2025 through December 31, 2025

PROJECT NAME: _____

In 2019, the New York City Housing Authority and the New York City Housing Development Corporation entered into an agreement to collaborate on financing NYCHA's Permanent Affordability Commitment Together (PACT) Program, and in 2020 launched the Housing Impact Bond Resolution to support the initiative. The HDC PACT Program monitoring procedures implement the requirements of Section 142(d)(*when applicable*) of the Internal Revenue Code of 1986 ("Code") and HDC's Monitoring Procedures. The requirements of Section 142(d) apply to all buildings placed in service that received tax exempt bond financing.

THE UNDERSIGNED HEREBY CERTIFIES TO HDC, UNDER PENALTY OF PERJURY, THAT DURING THE CERTIFICATION PERIOD SET FORTH ABOVE:

1. MINIMUM SET ASIDE: (Check the appropriate box)

The project met the requirements of the minimum set aside test indicated below:

- ☐ The 20-50 test under Section 142(d)(1)(A) of the Code ("20-50 test") or as required by the FHA Risk-Sharing Program (i.e. 20% of the project's rental units are income-restricted and occupied by individuals whose household income is 50% or less of area median gross income);

- ☐ The 25-60 test under Section 142 (d)(6) of the Code ("25-60 test") (i.e. 25% of the project's rental units are income-restricted and occupied by individuals whose household income is 60% or less of area median gross income);

- ☐ The project financing does not include tax-exempt bonds (i.e. new volume cap issuance or recycled) or is not insured by the FHA Risk-Sharing Program and therefore is not required to meet the minimum set aside test under Section 142(d)(1) or Section 142(d)(6).

#2, 3, & 4 ONLY APPLY IF THE PROJECT HAS AN HDC REGULATORY AGREEMENT:

2. INITIAL ELIGIBILITY CERTIFICATION:

An income certification (“Tenant Income Certification”) was received at the time of initial occupancy of a Low-Income Unit certifying the resident’s eligibility pursuant to the requirements of the project’s HDC Regulatory Agreement.

3. ANNUAL ELIGIBILITY CERTIFICATION:

An annual recertification was received for the certification period certifying the resident’s continued eligibility under the appropriate program requirements pursuant to the requirements of the project’s HDC Regulatory Agreement.

4. RENT RESTRICTION:

Each Low-Income Unit is rent-restricted pursuant to the requirements of the project’s HDC Regulatory Agreement. Furthermore, each Tenant’s Actual Rent does not exceed the amount permitted by Law and the HDC Regulatory Agreement.

5. USE BY GENERAL PUBLIC:

All units in the project are for use by the general public pursuant to the project’s HDC Regulatory Agreement.

6. UTILITY PERFORMANCE:

The Owner has entered the utility performance information for the Project for the certification period into the U.S. Environmental Protection Agency’s ENERGY STAR Portfolio Manager system, or such other system as may be designated in writing by the Agency. The Owner shall ensure that the utility performance information is made available to the Agency through an account located on such system.

7. NO FINDING OF DISCRIMINATION:

There has been no finding of discrimination under the Fair Housing Act, 42 U.S.C. 3601-3619, Section 504 of the Rehabilitation Act of 1973, 24 CFR Part 8, the Americans with Disabilities Act, 42 U.S.C. 126, or any other discrimination laws with respect to the project. A finding of discrimination includes an adverse final decision by the Secretary of the Department 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. 3616(a)(1), a State or local human rights commission or an adverse judgment from a federal, state or local court.

- A. As of this certification, is the project being operated in accordance with its accessible housing unit plan?

☐ Yes
☐ No

- B. Were any designated accessible (mobility, visual, or hearing/audio impairment) set-aside units vacated and re-rented/leased during the certification period?

☐ Yes
☐ No

- C. If the answer to B is yes, were accessible units offered first to households who are on the transfer list or the waiting list and who had identified as needing a unit with accessible features?

☐ Yes
☐ No

- D. If the answer to C is yes, were the units rented to a household identified as having accessibility needs?

☐ Yes
☐ No

If “No” is selected for any of the above questions, please attach an explanation for the circumstances that resulted in the negative response.

8. USE ON A NON-TRANSIENT BASIS:

All units in the project are used on a non-transient basis (i.e. the term of the initial lease is at least six months). None of the units shall be used on a transient basis or as a hotel, motel, dormitory, fraternity or sorority house, rooming house, hospital, nursing home, sanatorium, rest home, or trailer park.

9. SUITABLE FOR OCCUPANCY:

Each building in the project and all project units are habitable and suitable for occupancy, in accordance with all applicable federal, state, and local laws, rules, and regulations. These include, but are not limited to, local health, safety, and building codes, and the state or local government entities responsible for conducting local, health, safety, or building code inspections did not issue a violation report for any building or low-income unit in the project

As of this certification, are there any open violations with the following governmental agencies?

- New York City Department of Housing Preservation & Development (HPD)

☐

Yes

☐

No

- New York City Department of Buildings (DOB)

☐

Yes

☐

No

- Environmental Control Board (ECB)

☐

Yes

☐

No

If there is an open violation report or notice issued by any of the aforementioned government entities, attach a copy of the violation report or notice and provide a brief summary explaining the violation or notice and a statement that the condition which caused the violation or notice has been corrected.

10. VACANCIES: (Check all that apply)

☐ There were no vacancies in any Low-Income Unit during this certification period.

☐ There were vacancies in one or more Low-Income Units in the project. When a Low-Income Unit became vacant, reasonable attempts were or are being made to rent that unit or the next available unit of comparable or smaller size to applicants having a qualifying income, before any units in the projects were or will be rented to applicants not having a qualifying income.

☐ There were vacancies in one or more Low-Income Units in the project. When a Low-Income Unit became vacant, reasonable attempts were not or have not been made to rent that unit or the next available unit of comparable or smaller size to applicants having a qualifying income, before any units in the project were rented to applicants not having a qualifying income. *Provide a detailed explanation regarding the nature of the vacant units and a reason as to why rental attempts were not made to rent those units. (Attach additional sheets if necessary.)*

☐ There were vacancies in one or more Low-Income Units in the project, which resulted in the units not being suitable for occupancy. The nature of the vacancy is as follows: *(If any units were placed offline because of necessary repairs, list of the affected unit(s), the reason the unit(s) were unsuitable for occupancy (e.g. fire damage), the date(s) the unit(s) went offline, and the date(s) that all repairs were completed. Attach additional sheets if necessary).*

11. VIOLENCE AGAINST WOMEN ACT (VAWA):

The project has complied with the Violence Against Women Act (VAWA), which provides protections for residents and applicants who are victims of domestic violence, dating violence, stalking and any other situation or incidence mandated by VAWA. Compliance requirements mandated by VAWA include, but are not limited to, honoring civil protection orders, eviction protection, and bifurcation of a lease when required.

12. OWNERSHIP STATUS:

There has been no change in the ownership status of any building in the project.

13. NO FINDINGS OF MATERIAL VIOLATION:

The Owner is not in material violation of the HDC Regulatory Agreement, nor to the knowledge of the Owner, has any event occurred that, with the giving notice or passing of time, would make the Owner in material violation of the HDC Regulatory Agreement. *If a material violation or any such event has occurred, the Owner must provide a detailed explanation of the matter and any corrective actions taken or to be taken.*

14. STATEMENTS OF FACT:

If the Project's HDC Regulatory Agreement includes an Article 11: Statement of Facts, then the Owner certifies that the Statements of Fact in Article 11 remain true as of the date of this certification, except to the extent that any such statement refers to an earlier date. *If Statement of Fact is not true as of the date of this certification, provide a detailed explanation of the matter. (Attach additional sheets if necessary.)*

15. AUTHORITY:

I am authorized to execute this document on behalf of the owner.

The undersigned acknowledges that they are making this certification under penalty of perjury, and further certifies to HDC that all of the information set forth in this Owner Certification is, and for the Certification Period was, true, correct, and is based on a review of the records kept by the project owner pursuant to the IRS Regulations (if applicable) and HDC's Monitoring Procedures.

PLEASE NOTE: IF THE OWNER IS UNABLE TO CERTIFY TO ALL THE ABOVE STATEMENTS, PLEASE SPECIFY IN A SEPARATE SHEET ATTACHED HERETO IN WHAT RESPECT EACH BUILDING IN THE PROJECT DOES NOT CONFORM TO THE FOREGOING CERTIFICATION.

AUTHORIZED SIGNATURE

(PRINT)

NAME: _____

TITLE: _____

DATE: _____

STATE OF NEW YORK)
)
COUNTY OF _____)

On this _____ day of _____, 20____, before me personally came _____, to who being by me duly sworn, did depose and say that they are the _____ of _____, owner of the above-referenced project; and that they are authorized to execute this document on behalf of the owner; and that the above statements are true, correct and are based upon a review of the records kept by the project owner pursuant to the IRS Regulations (if applicable) and the HDC Monitoring Procedures.

NOTARY PUBLIC