

WEST VIRGINIA HOUSING DEVELOPMENT FUND  
LOW-INCOME HOUSING TAX CREDIT PROGRAM  
COMMITMENT TO UTILIZE THE APPLICABLE  
PUBLIC HOUSING AUTHORITY'S WAITING LIST

THIS AGREEMENT, MADE this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between \_\_\_\_\_ ("Taxpayer"), and \_\_\_\_\_ ("Public Housing Authority" or "PHA") the applicable public housing authority for the jurisdiction in which the building(s) in the property described below is (are) or will be located.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the representations and mutual promises contained herein, the receipt of which are hereby acknowledged, the undersigned parties agree as follows:

1. The Taxpayer is or will be the owner of \_\_\_\_\_ (Property Name), a residential rental housing property which contains or will contain \_\_\_\_\_ building(s) located or to be located at \_\_\_\_\_ (Address of Building(s)) which is (are) or will be located in \_\_\_\_\_ (Location), West Virginia.
2. The Taxpayer will apply to the West Virginia Housing Development Fund, the housing credit agency for the State of West Virginia, for an allocation or for allocations of housing credit dollar amounts for the building(s) in the above-described property out of West Virginia's State Housing Credit Ceiling, pursuant to Section 42 of the Internal Revenue Code (Low-Income Housing Credit).
3. The Taxpayer, in connection with its application to the West Virginia Housing Development Fund for an allocation or for allocations of housing credit dollar amounts for the building(s) in the above-described property, will represent to the West Virginia Housing Development Fund that the owner (Taxpayer) of the property described above, has entered into a written commitment with the applicable Public Housing Authority to utilize the Public Housing Authority's waiting list and to target the persons appearing on the Public Housing Authority's waiting list to occupy the vacant low-income units in the property on an on-going basis, provided that such persons are qualified low-income tenants (such income qualification is defined under Section 42(g)(1) of the Internal Revenue Code).

4. The location of the property described above is included within the PHA's jurisdiction.
5. The PHA will maintain a waiting list of eligible tenants who are waiting to receive subsidized rental housing (Section 8 Voucher, Certificate or Property Based Assistance).
6. The Taxpayer will notify the PHA, in writing, on an on-going and on an as needed basis, of any vacant low-income units in the above-described property.
  - A. The Taxpayer will furnish, in the written notification to the PHA, at a minimum, the following information:
    - (1) Property Name and Address,
    - (2) Property Manager and Telephone Number,
    - (3) The number of vacant low-income units in the property, by the number of bedrooms in the units, and
    - (4) Date of the availability of the low-income unit(s) and the date the Notification of Availability was prepared.
  - B. The Taxpayer may elect to furnish, in the written notification to the PHA, the following additional relevant information:
    - (1) Occupancy type (Family, Elderly, Handicapped, Other),
    - (2) Building type (Detached, Elevator, Townhouse, Condominium, Garden),
    - (3) The income limits applicable to the family sizes that may occupy the vacant low-income unit(s), based upon the number of bedrooms in such unit(s), and
    - (4) The applicable rent restriction for the vacant low-income unit(s) (including the tenant paid portion of rent and the appropriate utility allowance for the tenant paid portion of utilities), based upon the number of bedrooms in such unit(s).
7. The PHA, upon receipt of the Taxpayer's written notification, described under paragraph 6 above, will promptly notify, in the proper order, the persons appearing on the PHA's waiting list of the vacant low-income unit(s) in the above-described property. The PHA will furnish to the wait-listed applicant the information that was received from the Taxpayer, as described in paragraph 6 above, that is applicable to any vacant low-income unit, described in the Taxpayer's written notification, that such wait-listed applicant is eligible to occupy.
8. The Taxpayer will handle all components of any prospective tenant inquiry received as a result of these notifications (by the Taxpayer of the PHA and then by the PHA of the persons appearing on the PHA's waiting list) in a similar manner as all components of other prospective tenant inquiries are handled.

9. The Provisions of this Agreement shall not be construed in any manner that could be interpreted to encourage or permit discriminatory housing practices on the part of the PHA, the Taxpayer, or any agent of either party to this Agreement.
10. This Agreement is a binding contract under and shall be construed in accordance with the laws of the State of West Virginia.
11. This Agreement is binding on the PHA, the Taxpayer, and on all successors in interest to the PHA and the Taxpayer.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

PHA

TAXPAYER

\_\_\_\_\_  
 Name of the Applicable  
 Public Housing Authority

\_\_\_\_\_  
 Legal Name of Taxpayer

By: \_\_\_\_\_  
 Authorized Representative

By: \_\_\_\_\_  
 Authorized Representative

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

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