# ELECTION OF APPLICABLE PERCENTAGE

**THIS ELECTION** is made as of the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**,** a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“Owner”).

**WITNESSETH:**

**WHEREAS,** Owner is, or will be, the holder of legal title to certain real property in the State of Minnesota legally described in **Exhibit A** attached hereto (the “Land”) and the buildings identified in **Exhibit B** attached hereto, which are located thereon (the “Buildings”); and

**WHEREAS,** the Buildings will contain qualified low-income housing units as defined in the Internal Revenue Code of 1986, as amended (the “Code”); and

**WHEREAS,** the City of Minneapolis, a Minnesota municipal corporation (the “City”) has issued and delivered as of the date hereof those certain Multifamily Housing Revenue Bonds (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Project), Series 20\_\_\_ in the original principal amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (the “Bonds”), the proceeds of which are being used to finance \_\_\_.00% of the aggregate basis of the land and buildings constituting the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ project (“Project”); and

**WHEREAS,** Owner wishes to make an election to use the appropriate percentage for the month that the Bonds are issued as permitted by Treasury Regulations Section 1.42-8(b) and Section 42(b)(2)(A)(ii)(II) of the Code; and

**WHEREAS,** Treasury Regulations Section 1.42-8(b)(4)(i) requires that, if the issuer of the Bonds is not the same person as the applicable housing credit agency for the Project, Owner also must provide to the housing credit agency a statement from the issuer of the tax-exempt bonds that certifies certain information regarding the issuance of the tax-exempt bonds.

**NOW, THEREFORE,** Owner elects and states as follows:

1. The Bonds were issued by the City in the month of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_.
2. The applicable percentage for the month of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_ was \_\_\_\_\_\_**%**.
3. Owner elects to have the applicable percentage for the Project determined based upon the month in which the Bonds were issued.
4. Owner agrees that this election shall be binding on all successors in interest to Owner and all successors in interest to any future owner or owners of the Project.

[*The remainder of this page has been left blank intentionally*.]

Acknowledged, agreed and accepted as of the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

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| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, | |
| a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |
|  |  |
| By: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a |
|  | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Its: | General Partner |
|  |  |
|  |  |
| By: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Its: | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
|  |  |

STATE OF MINNESOTA )

) ss

COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the general partner of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, on behalf of said \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Notary Public

[*Signature Page to Election of Applicable Percentage*.]

**EXHIBIT A**

**LEGAL DESCRIPTION**

**EXHIBIT B**

**Applicable Fraction**

BIN # BUILDING ADDRESS Applicable Fraction\*

|  |  |  |
| --- | --- | --- |
| MN-\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_% |
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**\*** THE BUILDING APPLICABLE FRACTION STATED ON THIS FORM MUST MATCH THE BUILDING APPLICABLE FRACTION STATED ON HTC 28, BUILDING MAP.

**CERTIFICATION**

Based on the Owner’s Election of Applicable Percentage attached hereto and incorporated herein, the undersigned, as issuer of the Bonds, certifies to the Minneapolis/Saint Paul Housing Finance Board that:

1. The percentage of the aggregate basis of the Land and Buildings that is financed with the Bonds (which are obligations described in Section 42(h)(4(A) of the Code) is approximately \_\_\_\_.00%.
2. The Bonds were issued by the City in the month of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_.

[SIGNATURE PAGE ON THE NEXT PAGE]

CITY OF MINNEAPOLIS

By:

David Frank

Director, Department of Community Planning and Economic Development

[*Signature Page to Certification - Election of Applicable Percentage – City of Minneapolis*]