



State Housing Trust Funds
TRIBAL PROJECTS
Notice of Funding Availability

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Table of Contents

Introduction	2
I. 2	
1.1 Changes to the NOFA	2
II. Application	3
2.1 Application Selection Criteria and Fees	3
2.2 Application and Submittal Format	4
2.3 Eligible Projects and Other Eligibility Requirements	4
A. Application Submission	5
B. Authorized Signatures	5
C. Eligible Recipients/Applicants	5
D. Project Team Disqualification	6
E. Eligible Projects and Activities	6
All projects must be in the State of Arizona	6
Only the following Project types are eligible under this NOFA:	6
F. Eligible Area Median Income Requirements	6
G. Maximum Award per Project	7
H. Equitable Distribution	7
2.4 Threshold	7
Tribal Jurisdiction Consent and Limited Waiver of Sovereign Immunity	7
Site Control	7
Appraisals	8
Applicant Experience	8
Floodway	8
Financial Ability to Proceed	9
3.2 Financing Closing	10
A. Financing Documentation	10
III. General Regulations	11
4.1 False Filing	11
4.2 Satisfactory Progress, Inspections, and Monitoring	11
4.3 Disclaimer and Limitation of Liability	12
4.4 ADOH Funding Agreement	13
4.6 Definitions	13
IV. Underwriting	13
4.7 Underwriting Requirements	13

I. Introduction

The Arizona Department of Housing (ADOH) is pleased to announce a FY2024/25 State Housing Trust Fund Notice of Funding Availability (NOFA). Tribal projects proposing transitional, rental or single-family homebuyer housing will be eligible for Gap Financing from the State Housing Trust Fund. The available resources under this NOFA include \$10 million dollars in State Housing Trust Funds (SHTF) from FY2024/25. The SHTF funds will be awarded in one competitive funding round and the application submission deadline is Friday, March 21, 2025 at 4 p.m. MT.

Funding Availability

Fund Type	Total Amount Available in NOFA
State Housing Trust Fund	\$ 10,000,000
<i>TOTAL</i>	<i>\$ 10,000,000</i>

This NOFA will remain in effect until further notice is posted on the Publications page of ADOH’s website.

Additional Documents Incorporated Herein by Reference. The following documents provide additional compliance requirements for the funding sources in this NOFA and are incorporated herein by reference. If this funding is coupled with Low Income Housing Tax Credits, please note the Qualified Allocation Plan application to that funding source, as is it will be referenced and in full force and effect. If this funding is coupled with other federal funding, please note the CFR’s applicable to that funding source, as is it will be referenced and in full force and effect. The NOFA may be more restrictive than the regulations in these documents. In the event that these or other requirements are inconsistent, the most restrictive requirements shall govern.

- All Arizona Department of Housing loan documents including the Funding Agreement, Financing Documents, and Subordination Agreements

1.1 Changes to the NOFA

Modifications to the NOFA. ADOH may modify this NOFA, including its compliance and monitoring provisions, from time to time, or for any other reasons as determined by ADOH: 1) to reflect any changes, additions, deletions, interpretations or other matters necessary to comply with the Code of Federal Regulations; 2) to respond to changes in the market for Affordable Housing; 3) to insert such provisions clarifying matters or questions arising under this NOFA as are necessary or desirable and that are contrary or are inconsistent with this NOFA; or 4) to cure any ambiguity, supply any omission or correct any defect or inconsistent provision with this NOFA or the laws and regulations governing the funding sources being made available in this NOFA.

NOFA Clarifications. ADOH will periodically post written clarifications to this NOFA on its website. The clarifications elaborate on the meaning of the text within this NOFA and may sometimes add additional guidance on how to interpret this NOFA. NOFA clarifications are to be considered a part of this NOFA. Applicants are responsible for checking the clarifications and submitting an Application that is in conformance with the clarifications. Requests for clarification must be made in writing via email or letter via US Mail and will be responded to in the written clarifications to the NOFA on ADOH's website.

II. Application

2.1 Application Selection Criteria and Fees

Projects deemed eligible pursuant to this NOFA will be awarded in accordance to the following Priorities until the funding has been exhausted:

1. First Priority: Transitional Housing Projects in the following order:
 - a. Acquisition and Rehabilitation of Housing Units into Transitional Housing Units will be awarded first;
 - b. New Construction of Transitional Housing Units will be awarded next.
2. Second Priority: Rental Housing Projects in the following order:
 - a. New Construction of Rental Housing Units will be awarded first;
 - b. Acquisition and Rehabilitation of Rental Housing Units will be awarded next.
3. Third Priority: Single Family Homebuyer Projects in the following order:
 - a. New Construction of Single-Family Homes will be awarded first;
 - b. Acquisition and Rehabilitation of Single-Family Homes will be awarded next.

In the event a project proposes a mixed priority housing project, the Department will prioritize it based on the majority of the type of units in the project.

Tiebreaker

In the event more than one application falls into the same priority, and there are not enough SHTFs remaining for all, ADOH will make awards based on the following in descending order:

1. Length of applicable housing authority waiting list;
2. Contains the greatest number of housing units.

Please note: partial award(s) may be made if funds are available.

Administrative Fee

A non-refundable gap financing administrative fee in the amount of \$1,500 is due before closing on the ADOH gap financing. Fees may be remitted through the ADOH Payment Portal or via check with the hard copy materials specified in Section 2.2 below to the following address:

Arizona Department of Housing
Attn: Rental Programs Administrator
1110 West Washington Street, Suite 280
Phoenix, AZ 85007

Application Due Date

Applications are due by **4:00 PM MT on March 21, 2025** via the Rental Development Upload Portal on the Department's website.

2.2 Application and Submittal Format

Applicant must submit one electronic copy of the complete Application pursuant to Section 2.3(A) with all exhibits and forms via the ADOH Portal.

Any workbooks must be submitted in both Excel and PDF formats.

Each Tab shall be one separate easy to read document in PDF format and named as follows: "Project name - Tab # - Name of Section." Tabs with multiple documents should be bookmarked to clearly show each exhibit required in the Tab.

Each Application must comply with the format and content of this NOFA. ADOH may reject any Application or Application information that does not conform to the requirements of this NOFA.

Applicants shall make every effort to ensure that documents submitted are easy to read, and wherever possible shall convert original electronic documents to a PDF format, rather than scan them. Documents that are not easy to read, in ADOH's sole discretion, shall be rejected by ADOH. ADOH, in its sole discretion, may request that such documents be replaced with legible documents.

ADOH may engage a third party or cost estimator to verify cost reasonableness. Funding will be allocated up to the verifiable gap, which is not to exceed the State Maximum Investment Per Unit.

2.3 Eligible Projects and Other Eligibility Requirements

ADOH will evaluate all Applications in accordance with this NOFA. ADOH shall deny any Application that fails to meet eligibility requirements regardless of its score. **The following criteria must be met in order to meet the eligibility requirements:**

A. Application Submission

1. Cover letter (maximum 2 pages) describing the project, organization capacity and applicant experience;
2. One complete Tribal Gap Application Workbook and supporting documentation;
3. One complete Tribal Gap Underwriting Workbook;
4. Confirmation of Selection Criteria form and supporting documentation (attached to this NOFA);
5. Confirmation of NOFA Requirements form (attached to this NOFA);
6. Applicable Threshold documents:
 - a. Tribal Jurisdiction Consent
 - b. Site Control
 - c. Appraisal(s)
 - d. Applicant Experience
 - e. Floodway
 - f. Historic Structures
 - g. Financial Ability to Proceed
7. Any other requirements found in this NOFA.

B. Authorized Signatures

All documents that require a signature must be signed by the Applicant's authorized representative. Electronic signatures are permitted if preceded by "/s/" or other indications that an electronic signature is intended. Applicant must be an existing legal entity authorized to conduct business in Arizona and in good standing with the applicable Arizona state agency for the type of Applicant entity. ADOH will not consider forms signed on behalf of an entity that is not duly formed or by a representative without authority. The Applicant's authorized representative must sign the ADOH forms rather than an attached signature page.

C. Eligible Recipients/Applicants

1. Tribes
2. Tribally Designated Housing Entities
3. Parent/Holding Companies of Tribes or Tribally Designated Housing Entities
4. Non-Profits working directly with a Tribe on Tribal Trust Land

D. Project Team Disqualification

ADOH may disqualify any Applicant, Owner, or Person with a Controlling Interest in either such entity, Agent, or management agent who:

1. Is not an existing legal entity authorized to conduct business in Arizona and in good standing with the applicable Arizona state agency for the type of entity;
2. Has been found to be directly or indirectly responsible for any other project within the past five (5) years in which there is or was uncorrected noncompliance with state or federal rules, regulations or standards for more than three (3) months from the date of notification by the ADOH;
3. Has outstanding compliance issues with ADOH;
4. Has been involved in any ADOH project where there has been a Material Change in the project, general partners, or managing members, that ADOH did not approve in writing;
5. Has been removed by the ADOH from the ownership of a project that is subject of an Application;
6. Has failed to make Satisfactory Progress on previous and/or current projects; or
7. Has past due ADOH loan payments for which no deferral is currently pending.

E. Eligible Projects and Activities

All projects must be in the State of Arizona.

Only the following Project types are eligible under this NOFA:

- a) Transitional Housing
(up to 24 months stay) must be located in the State of Arizona and provide non-congregate housing for individuals/families which, include but are not limited to veterans, domestic violence survivors, individuals with substance abuse disorder, individuals/families experiencing homelessness, youth, etc.
- b) Rental Housing
- c) Single-Family Homebuyer Housing

F. Eligible Area Median Income Requirements

Fund Type	Application Deadline	AMI Requirements for Set-aside Units
State Housing Trust Fund	March 21, 2025 4:00 PM MT	80% AMI

G. Maximum Award per Project

The maximum award per project is \$2,500,000.

H. Equitable Distribution

The maximum amount of projects awarded under this NOFA will be limited to one per Tribe, Tribally Designated Housing Entity (TDHE), Parent/Holding Companies of Tribes or TDHEs, or Non-Profits working on Tribal Trust land or any related parties or affiliates. *I.e. a Tribe and the Tribe's TDHE would be limited to one award.*

Further, a non-profit working on tribal trust land will be ineligible if the Tribe, TDHE, or Parent/Holding Company of that Tribe or TDHE applies and the non-profit would be providing services on that tribe's trust land. *I.e. Tribe A and a Non-Profit apply for separate projects for Tribe A members on Tribe A's trust land. Tribe A will be eligible for award and the Non-Profit will be ineligible.*

2.4 Threshold

Applications must include a minimum "Threshold" of information in the Tribal Gap Application including supporting documentation to advance to the underwriting stage. Additional requirements and exhibits pursuant to the Tribal Gap Financing Application are listed below. ADOH may make written inquiries in order to verify and or clarify the information submitted. ADOH may also verify representations, information, and data in an Application with public information, independent reports, and statistics available through recognized subscription services.

The following must be met:

Tribal Jurisdiction Consent and Limited Waiver of Sovereign Immunity

- 1) Applicant has written consent of the tribal jurisdiction: If any eligible activities will take place on tribal lands, the applicant must submit a letter documenting the consent of the tribal jurisdiction.
- 2) Applicant will agree to a Limited Waiver of Sovereign Immunity for breach of contract, declarative or injunctive relief brought by the Department or State for enforcement of the obligations, covenants, and agreements of the Owner under this NOFA and as outlined in the financing documents.

Site Control

- 1) **Fee Land:** Applications must include a legally binding contract of either current ownership or the legal ability to purchase the real estate for the proposed property (may be a long-term ground lease). *Acceptable forms of site control are: Deeds, Purchase Agreements, Purchase Options, Lease Agreements, and Lease Options.*

- 2) **Tribal Trust Land:** For projects located on Tribal Land, where the Applicant has not yet entered into a lease agreement, Applicant must establish legal control of the property by submitting: (a) an agreement between the **ownership entity** and the Tribe to enter into a lease of specific real property for a term at least 25 years (b) a resolution of the Tribe (or **TDHE** as applicable) authorizing the Tribe (or **TDHE**) to enter into the submitted agreement. The agreement to enter into a lease must also specify a rental amount and reference that the Tribe (or **TDHE**) will execute the **CCRs**.

For projects located on Tribal Land where the Applicant has entered into a lease agreement, attach evidence that the Tribal land has been leased and all necessary approvals from the Tribe, the Bureau of Indian Affairs, and other governmental approvals (as applicable) have been secured. The lease must specify the specific real property being leased, a specific rental amount, 25 years term, and that the Tribe (or **TDHE**) will execute the **CCRs**.

Appraisals (Fee Land)

- 1) Applicants showing cost to purchase real estate must submit a real estate “as is” appraisal that is:
- dated no more than six months from the application deadline;
 - prepared by an independent, state certified appraiser; and
 - complies with the **Uniform Standards of Professional Appraisal Practice**.

Applications may include no more than the lesser of appraised value or the purchase price. Appraisals for properties with existing structures not to be demolished must break out the land and building values.

Applicant Experience

- 1) Applicant must have experience developing at least one housing project of a similar nature. Experience must be provided.

Floodway

- 1) Projects in a Floodway or 100-Year Floodplain
- a) Projects with any improvements located in a Floodway (crosshatched in the A zone of a Flood Insurance Rate Map (“FIRM” map) are ineligible for an award of ADOH funding under this NOFA.

- b) Projects on parcel(s) of land that include a floodway, but in which the portion of the parcel that is a floodway remains undeveloped are not eligible for ADOH funding under this NOFA.
- c) Projects located in a 100-Year Floodplain (dark shaded A zone of a FIRM map) may not be eligible for ADOH funding under this NOFA.

Historic Structures (as applicable)

1) Historic Structures

Projects with Historic Structure(s) must submit the documentation evidencing that the Section 106 review process under 16 U.S.C. 470 *et seq.* has been completed and that there is No Adverse Effect, and that the scope of work meets the Secretary of the Interior’s Standards for Rehabilitation.

Financial Ability to Proceed

- 1) Funding Sources must be provided and match the total Uses. Letters of Interest or Intent shall agree to the terms and conditions of the ADOH Gap Financing included in this NOFA and ADOH financing documents. The project must be fully sourced other than the ADOH gap funding being applied for.
- 2) Applicant must insert a Certification that there is no pending litigation against the Owner, Developer and (if applicable) Co-Developer that could affect the Project.
- 3) Insert a Management Plan prepared by the Property Manager that includes:
 - a) Financial Plan – indicating how rents will be collected, and how the Project’s financial operations will be managed;
 - b) Physical Management – indicating how the physical project will be managed by describing planned/preventative maintenance activities, work order system response, ongoing unit inspections, and maintenance of Uniform Physical Conditions Standards;
 - c) Occupancy Management – describing how the units will be advertised/ marketed, the intake and application process in accordance with the Tenant Selection Policies and Criteria (including certification and documentation of eligibility to occupy the unit), if an how a waiting list will be maintained, how occupancy standards (i.e., house rules or standards of conduct) will be enforced, and how re-certification and turnover will be managed.
- 4) Evidence of Rental Assistance award, if applicable.

3.2 Financing Closing

A. Financing Documentation

Applicant will be required to execute the following documents in connection with ADOH's financing:

- ADOH Funding Agreement
- Conditions, Covenants and Restrictions ("CC&Rs")
- Promissory Note (as applicable)
- Deed of Trust (as applicable)

The Department's financing documents will be used on all transactions. The Department is only open to reviewing minor changes to the approved documents. Any major changes to the Department's documents will be denied. Applicant may request to review these documents ahead of applying for ADOH gap financing by contacting RentalLoans@azhousing.gov.

Prior to the closing on ADOH financing, Applicant is not permitted to close on any other financing pursuant to the Project or begin construction (this only applies to applicants that have not closed at the time of applying for gap financing). If applicable, other financing will be required to close in conjunction with the ADOH loan.

Qualified Contract

LIHTC only projects. By submitting an application for gap financing under this NOFA, the Applicant waives the right to request a qualified contract under Section 42(h)(6)(E)(i) of the IRC in its LURA for the project.

ADOH Subordination Agreement

The Department will execute ADOH's form of subordination agreement to a senior lender. ADOH requires each lender that is providing financing requesting the Department to subordinate the funding under this NOFA to execute ADOH's form of subordination agreement. In the event that Freddie Mac or Fannie Mae are lenders, the Department may use their form of subordination agreement subject to the Department's modifications.

ADOH Funding Agreement and CC&Rs

The Funding Agreement will expire when the Project passes final inspection by ADOH after construction is completed and all State-assisted Units are leased or sold to a qualified buyer. Upon expiration of the Funding Agreement, all real property under Applicant's control that was acquired or improved in whole or in part with SHTF funds must be fully compliant with the encumbrances and obligations described in the

Declaration of Conditions, Covenants and Restrictions (“CC&Rs”). **The CC&Rs will be recorded in a superior position to any other financing on the property for a Period of Affordability based upon the most restrictive source of ADOH funding to the Project.**

1. Applicant must submit the following documents (as applicable) for ADOH’s review at least ten business days prior to closing:
 - a. Executed ADOH Funding Agreement;
 - b. Executed Payment and Performance Bond or Completion Guaranty Agreement that is acceptable to ADOH;
 - c. Executed construction contracts (general contractor and subcontracts);
 - d. If on fee land, title company acceptance of final escrow instructions that includes the recording priority of all documents to be recorded in conjunction with the closing;
 - e. If on tribal trust land, final recording priority of all documents to be recorded in conjunction with the closing at the BIA to be established;
 - f. Acceptance of the ADOH Subordination Agreement (as applicable).
2. In addition to the above, ADOH will require that all financing documents from other sources are executed and deposited into escrow at least 48 hours prior to closing.

III. General Regulations

4.1 False Filing

An Application, including all exhibits, appendices, and attachments thereto, made to ADOH for an award of funding including any materials filed at a later time with ADOH in connection with an Application, is considered to be an “instrument” for the purposes of A.R.S. § 39-161. According to that statute, knowingly including any false information in or with the Application is a class 6 felony. Such an act may also result in barring the Applicant and Development Team members from future awards of ADOH funding and low-income housing Tax Credits. In addition, false filing may be subject to the provisions of A.R.S. § 13-2311 (designating as a class 5 felony the conduct of business with any department or agency of this state by knowingly using any false writing or document).

4.2 Satisfactory Progress, Inspections, and Monitoring

- A. Applicants who have previously received ADOH funding and or Tax Credits must make Satisfactory Progress and be in substantial compliance with the requirements

of federal law with respect to all prior Projects before ADOH may consider a new Application.

- B. ADOH shall monitor both the progress and quality of construction. If progress or quality has not been satisfactory to the ADOH, ADOH shall require corrective action be undertaken by the Applicant. ADOH may also report significant deficiencies to any other funding source or other members of the Project team, and the Project may be subject to revocation of funding due to lack of Satisfactory Progress.
 - a. Applicant will be required to submit to the Department Monthly or Bi-Monthly Performance Reports, along with Architect Field Reports or Work in Place Inspection Reports, and any other 3rd party inspection reports available.
 - b. ADOH will have an ADOH selected third party inspector complete inspection of the project at the following percentages of completion:
 - i. If a related General Contractor or Architect: four times at approximately 25%, 50%, 75%, and 100% of project completion.
 - ii. If an unrelated General Contractor or Architect: Two times at approximately 50% and 100% of project completion.
 - c. Applicant will be required to obtain a final cost certification at project closeout.

4.3 **Disclaimer and Limitation of Liability**

- A. ADOH makes every effort to ensure that the references in this NOFA are accurate. All references in this NOFA to cells, line items and columns on forms are subject to amendments as forms are updated periodically. All references to URL webpages are subject to amendment as they are periodically updated by their webmasters.
- B. Applicants, Development Team members, and other financing sources participate in ADOH programs at their own risk. No member, officer, agent, or employee of ADOH or the State will be liable for any claim arising out of, or in relation to, any Project, including claims for repayment of construction, financing, carrying costs, or consequential damage or loss of any kind incurred by an Applicant, Development Team member, lender or any other Person.
- C. **Disclosures.** Public disclosure of Applications shall be as provided by Title 39, Chapter 1 Article 2 of the Arizona Revised Statutes. Applicants must only enter confidential information such as taxpayer identification numbers at the specific locations required by the Application materials. All information included in an Application submitted to ADOH is subject to disclosure to the public unless specifically exempted from disclosure by statute. Applicants must redact confidential information from documents if the information is not specifically

required by ADOH. ADOH may redact information or withhold records that are protected from disclosure pursuant to Arizona law.

4.4 ADOH Funding Agreement

Terms between Owner and ADOH will be further memorialized in the executed ADOH Funding Agreement. Template Funding Agreements are available for interested parties to review by contacting rentalloans@azhousing.gov.

4.6 Definitions

Definitions in the QAP applicable to the funding year shall apply to this NOFA. Terms that are not specifically defined in the QAP shall be interpreted using common meanings typically accepted in the multi-family housing development industry, but will be ultimately be interpreted by ADOH in its discretion.

Gap Financing: Source of funds to help fill the financing stack to make a project come to fruition or to help a project that has completed their financial stack but are experiencing a shortfall due to increased costs

IV. Underwriting

ADOH will underwrite the Project for feasibility as outlined in the Tribal Gap Application Workbook and Application Checklist. Where additional requirements are applicable, they are noted below.

4.7 Underwriting Requirements

Conditionally awarded applications shall be subject to underwriting by the Department and the project must be deemed financially viable. In addition, the Department will require due diligence documents including but not limited to title status reports or title reports, Phase 1 environmental reviews (as applicable), and capital needs assessments (as applicable).

A. ADOH Financing Terms.

ADOH Gap Financing must be used for acquisition, construction or rehabilitation and/or permanent financing.

1. Terms: All funds awarded under this NOFA shall be issued as a grant or forgivable loan.
2. Period of Affordability: The required Period of Affordability for Projects is 20 years. Exceptions may be made on a case by case basis.
3. Income and Rent Requirements Per Unit: Area Median Income per Unit is 80% or less.

Transitional Housing Projects: If transitional housing project does not charge rent, but only a program fee, the program fee paid by the Low-Income Household to the Owner cannot exceed 30% of a household's income.

5. Residency Requirements:

Rental Housing Projects: Minimum six-month leases are required.

Transitional Housing Projects: Maximum period of residency cannot exceed twenty-four months unless permission is given by the Department to achieve programmatic goals of the household.

B. Development Budget

Applicants shall disclose all uses of development funds. Costs are limited to those that are necessary to acquire or build the Project. All sources, including reserves and contingency items, must be funded from cash sources that are dedicated to the Project. Letters of credit and cash from operations are not acceptable financing sources to cover financing gaps in the Development Budget.

C. Pro-Forma

A 20-year operating pro forma is required. Projects must cash flow positively or provide an Operating Guaranty for the period of affordability.

D. Developer Fee

Projects may include up to a 10% Developer Fee.

E. Project Schedules and Completion

Projects must close on ADOH financing and begin acquisition, rehabilitation, and/or construction within twelve months of award. Projects must complete acquisition, rehabilitation, and/or construction within 24 months from closing on ADOH financing. These deadlines must be met or funding may be rescinded from the ADOH.

F. Eligible Uses of SHF and Funding Distribution

SHTF may be used only for reasonable and customary construction costs (or acquisition and rehabilitation costs of properties to be improved). Acquisition funding may be approved to be provided at closing at ADOH discretion. SHTF will be distributed on a reimbursement basis. Awardee will be expected to provide all supporting documentation to request reimbursement. Up to 10% of the award will be held as retainage until project completion.



**NOFA Section 2.1
Confirmation of Application Selection Criteria**

Project Name: _____

Please place a checkmark to confirm your project type:

- ___ 1. Transitional Housing Units
 - a) ___ new construction
 - b) ___ acquisition/rehabilitation
- ___ 2. Rental Housing Units
 - a) ___ new construction
 - b) ___ acquisition/rehabilitation
- ___ 3. Single Family Homebuyer Units
 - a) ___ new construction
 - b) ___ acquisition/rehabilitation

The project has the following amount of affordable housing units (80% AMI or below): _____

The length of the applicable housing authority waitlist is: _____

Please submit the applicable housing authority waitlist in your application.

I hereby certify that I am authorized to bind the Applicant and the foregoing statement is true and correct as of the date signed below.

Applicant Signature: _____ Date: _____

Printed Name: _____

Title: _____



Confirmation of NOFA Requirements

Project Name: _____

I certify that I have read the Notice of Funding Availability in which my project has applied including but not limited to the Financing Terms, Financing Closing Documents, and Underwriting Standards as outlined in the NOFA in addition to the Qualified Allocation Plan (if applicable). I agree to the terms as outlined under this NOFA.

I hereby certify that I am authorized to bind the Applicant and the foregoing statement is true and correct as of the date signed below.

Applicant Signature: _____ Date: _____

Printed Name: _____

Title: _____