

(8) CERTIFICATION REGARDING ACQUISITION CREDIT

PROJECT NAME: _____ TC or OID # _____

I, _____, the Undersigned, being first duly sworn, hereby represent and certify under penalties of perjury that the information contained in this statement, including any attachments hereto, is true, correct, and complete. I further certify that I have the requisite authority to execute this certification.

I am executing this certification as/on behalf of the Applicant/Owner

Name of Applicant/Owner

Type of entity (e.g., Limited Partnership, Limited Liability Company, corporation, individual)

State of incorporation or formation

The Applicant/Owner understands that in order to be allocated acquisition tax credit, the Applicant/Owner must be able to certify, with regard to each building, that items 1 - 4 below are true or alternatively, that item 5 below is true.

1. The Applicant/Owner acquired all of the building(s) included in the Project by “purchase.” “Purchase” is defined in Internal Revenue Code Section (“Code §”) 179(d)(2) and Code § 42(d)(2)(D)(iii)(I) and generally means a building was acquired in exchange for cash or other consideration and was not acquired from a related or affiliated party or inherited from a decedent.

2. None of the buildings included in the Project were “placed-in-service” during the ten years immediately preceding their acquisition by the Applicant/Owner. The Applicant/Owner understands that any “placement-in-service” during this ten year period will count, whether it was as residential rental property, trade or business property, tax-exempt activity property or personal use property. Consequently, any change in ownership during the ten year period will constitute “placement-in-service” unless the property was boarded up or similarly out of use during the entire ten year period.

3. None of the buildings included in the Project have had a “nonqualified substantial improvement” during the ten years immediately preceding their acquisition by the Applicant/Owner. “Nonqualified substantial improvement” is defined in Code § 42(d)(2)(D)(i) and generally means expenditures for capital improvements, (a) over any 24 month period which equal or exceed 25% of the building(s)' adjusted basis, and (b) with regard to which certain depreciation methods were elected.
4. None of the building(s) included in the Project were previously placed-in-service, (a) by the Applicant/Owner, or (b) by any person who was “related” to the Applicant as of the time the building(s) were previously placed-in-service by such related person. “Related” to the Applicant/Owner has the meaning set forth in Code § 42(d)(2)(D)(iii).
5. With respect to any building in the Project to which the Applicant/Owner cannot give the certifications set forth in 1-4 above, the Applicant/Owner certifies with respect to such building(s), that one of the following is true:

(Place an “X” in the applicable box)

- One or more of the special, placed-in-service rules set forth in Code § 42(d)(2)(D)(ii) apply and, therefore, the building(s) identified below meet the requirements of Code § 42(d)(2)(B). The Applicant/Owner has attached a letter from legal counsel, addressed to the Commission, discussing the application of Section 42(d)(2)(D)(ii) to the specific facts and opining that it is more likely than not that each of the buildings in the Project satisfy the requirements of Code Section 42(d)(2)(B). The Applicant/Owner understands that this letter must be in a form acceptable to the Commission.

Building(s): _____

- The building(s) identified below have received a waiver of Code § 42(d)(2)(B)(ii) from the IRS pursuant to Code Section 42(d)(6) and the building(s) meet all of the other requirements of Code § 42(d)(2)(B). A copy of the letter is attached to this Certification.

Building(s): _____

The Applicant/Owner understands that the Commission may not independently determine whether the building(s) included in the Project qualify for acquisition tax credit and that the Commission is reserving and/or allocating credit to the Project based solely on this Certification. The Applicant/Owner must therefore ensure that the acquisition tax credit that is claimed is allowed under Section 42 of the Code. Even though the Commission reserves and/or allocates credit in reliance on this Certification, the IRS or the Commission will disallow or revoke a reservation or allocation of credit if it is later determined that any building in the Project does not qualify for acquisition tax credit.

DATED this _____ day of _____, _____.

Name of entity or individual submitting this certification (Applicant)

By (sign): _____

Its: _____

Name (print): _____

Title: _____

SUBSCRIBED AND SWORN before me this _____ day of _____, _____.

NOTARY PUBLIC in and for the State of _____,

residing at _____.

My commission expires _____.