
MIXED-FINANCE EVIDENTIARY MATERIALS

The following lists the evidentiary materials required in conjunction with a HOPE VI Mixed-Finance public housing development. Separate evidentiary materials must be prepared for each phase of a HOPE VI mixed-finance development project.

1. **Regulatory and Operating Agreement** : The legal agreement between the PHA and the owner entity that governs the affordability of units, the methodology for the provision of operating subsidy, and the terms of operating and maintaining the project in accordance with all public housing requirements.
2. **Declaration of Trust or Restrictive Covenant** : The first document to be recorded, it assures HUD that the public housing units will be subject to a covenant obligating the owner entity and the PHA (and any successors in title) to:
 - a. maintain and operate the public housing units for the period required by law in compliance with all applicable public housing requirements, including the ACC and the Mixed-Finance ACC Amendment, and
 - b. not to encumber, demolish, or sell the public housing units without HUD approval.
3. **Ground Lease** : A contract in which the PHA transfers the right of exclusive possession of the land to a third party for a specified period of time in exchange for rental payments or other consideration. The third party is obligated to comply with public housing requirements, including HUD's low-income use restrictions.
4. **Partnership Agreement** : A document that describes the relationship between two or more entities entering into a business or investment and their respective rights and responsibilities.
5. **Development Agreement** : A document that establishes the business relationship and terms between a PHA and its developer.
6. **Management Agreement** : Documents which govern how the project will be managed.
7. **Project Financing** : Loan and Grant Agreements, notes, mortgages, assignment of rents and leases, security agreements, and any other documents related to the project's financing.
8. **Evidence of Title/Site Control** .

9. **Opinions of Counsel**: Legal opinions that the documents are valid and legally enforceable and that the parties are authorized to execute the documents.
10. **Subsidy Layering Analysis**: A statutorily-required review, performed by HUD or a HUD designee, of all financial transaction documents associated with the mixed-finance project. The analysis ensures that public resources committed to the project are used prudently and that the project has not been Federally over-subsidized.
11. **Guarantee of Completion** .
12. **Other Documentation** as required by HUD. These documents may include:
 - a. Certification of government approvals and permits
 - b. Form of public housing resident lease
 - c. Cooperation Agreement between the PHA and the unit of local government concerning local tax exemptions and the payment of PILOT (payment in lieu of taxes), in return for the local government's agreement to provide necessary services on behalf of the public housing units in the project.

EVIDENTIARY MATERIALS CHECKLIST

PHA NAME: _____

DEVELOPMENT NAME: _____

DOCUMENT (as Appropriate)	YES	NO	NA
Regulatory and Operating Agreement			
Declaration of Trust or Restrictive Covenant			
Ground Lease			
Partnership Agreement			
Development Agreement			
Management Agreement			
Project Financing			
Evidence of Title/Site Control			
Opinions of Counsel			
Subsidy Layering Review			
Guarantee of Completion			
Other Documentation as required by HUD:			
Government approvals and permits			
Form of PH Tenant Lease			
Cooperation Agreement			