

WHEN RECORDED MAIL TO:  
STATE OF UTAH, OLENE WALKER  
HOUSING LOAN FUND  
324 S STATE STREET #500  
SALT LAKE CITY, UT 84114-9302



E# 1979066 PG1 OF5  
DOUG CROFTS, WEBER COUNTY RECORDER  
01-OCT-03 9:45 AM FEE \$20.00 DEP SGC  
REC FOR: FIRST.AMERICAN.TITLE

Space Above This Line For Recorder s Use

05-136-0010 ✓  
05-136-0027 ✓  
05-136-0041 F

**DEED RESTRICTION**

THIS DEED RESTRICTION (the Restriction) is made and effective as of the 29th day of September, 2003 by **EDINBURGH PROPERTIES, LLC, a Utah limited Liability Company** (Sub recipient), for the benefit of the STATE OF UTAH OLENE WALKER HOUSING LOAN FUND, ( the State). For good and valuable consideration, Sub recipient hereby agrees as follows for the benefit of the State:

A. Property encumbered. The restriction shall be recorded against that certain real property located at **3757 South Grant Avenue, South Ogden City, Utah**, as more fully described on **Exhibit A** attached hereto and incorporated herein. That real property and all improvements constructed thereon are hereinafter collectively called the Property.

B. Nature of Restriction. The project shall carry a Deed Restriction the term of which shall run from the date of execution hereof and remain in effect during the period of affordability under Section 92.252 or Section 92.254 of 24 CFR Part 92 (HOME Investment Partnership Program) as amended from time to time, as applicable, or until the expiration of the Trust Deed Note of like date, whichever is later. Thereby:

- (1) All Olene Walker Housing Loan Fund monies must be used to assist families whose annual incomes do not exceed 80 percent of the median family income for the area as determined by HUD, with adjustments based on family size. In addition, at least 90 percent of Olene Walker Housing Loan Fund monies used for rental housing must be used to assist families whose annual incomes do not exceed 60 percent of the median family income for the area as determined by HUD;
- (2) Rental housing will qualify as affordable only if the project:
  - (a) has at least 20 percent of the Olene Walker Housing Loan Fund assisted rental units occupied by families who have annual incomes that are 50 percent or less of median income as defined by HUD. These units must sustain the Low rents as described in the following section.
  - (b) has at least 70 percent of the Olene Walker Housing Loan Fund assisted rental units occupied by families who have annual incomes that are 60 percent or less of median income as defined by HUD. These units must sustain the High rents as described in the following section.
  - (c) has the remainder of the Olene Walker Housing Loan Fund assisted rental units occupied by families who have annual incomes that are 80 percent or less of median income as defined by HUD. These units also must sustain the High rents as described in the following section.
- (3) Every Olene Walker Housing Loan Fund assisted unit is subject to rent limitations designed to ensure that rents are affordable to low and very low-income people. These maximum rents are to be referred to as HOME rents. There are two HOME rents established for projects: High HOME rents and Low HOME rents:
  - (a) High HOME rents: 80% of HOME assisted rental units must have rents that are the lesser of: The Section 8 Fair Market Rents (FMR'S) or area-wide exception rents for existing housing minus tenant paid utilities OR rents which are 30% of adjusted income for households at 65% of median income minus tenant paid utilities;
  - (b) Low HOME rents: 20% of HOME assisted units must have rents which equal 30% of annual income for households at 50% of median income minus tenant paid utilities.
- (4) In projects where Low Income Housing Tax Credits are part of the financing, two sets of rent rules apply:
  - (a) Qualified tax credit units must not exceed tax credit rent limits, while HOME-assisted units must meet HOME rent requirements. If a unit is being counted under both programs, the stricter rent limit applies.
    - (1) Low HOME rent units are subject to the lower of the Low HOME rent and the tax credit rent (usually the tax credit rent).
    - (2) High HOME rent units are subject to the lower of the High HOME rent and the tax credit rent (usually the tax credit rent).
  - (b) When tenants receive additional subsidy through rental assistance programs such as Section 8, additional requirements apply.
    - (1) Under tax credit rules, if the rental assistance program rent limit exceeds the tax credit rent, the unit rent may be raised to the higher limit as long as tenants pay no more than 30 percent of their adjusted monthly income for housing costs.
    - (2) HOME allows the rent to be raised to the rental assistance program limit only if the tenant pays no more than 30 percent of adjusted income, the subsidy is project-based (not tenant-based), and tenant's income is less than 50 percent of the area median income.

22478 JB

(3) In a joint tax credit/HOME-assisted unit, the stricter HOME requirements would apply.

C. SEVERELY AND PERSISTENTLY MENTALLY ILL NON-DISCRIMINATION AGREEMENT.

- (1) Rental housing funded with assistance from the State of Utah, Department of Community and Economic Development, Division of Community Development, Trustee for the Olene Walker Housing Loan Fund will be available to adults with a serious mental illness as defined in paragraph D below, who experience serious and persistent mental illness, without barrier and without screening to eliminate these individuals from tenancy and/or tenancy waiting lists.
- (2) Rental housing operators/managers shall maintain a list of Community Mental Health Centers (CMHC'S) and shall make referral information available to tenants. Availability of this information shall be demonstrated by a public posting visible to tenants.
- (3) Rental housing operators/managers shall contact the Community Mental Health Center in the catchments area(s) in which this housing exists, and establish a referral relationship with CMHV staff. This working relationship will include an understanding that the manger shall call upon CMHC staff for consultation before taking any adverse actions against tenants who appear to need mental health services. Evidence of this working relationship shall be demonstrated by existence of written agreements between the owner/operator and the appropriate CMHC, by the presence of written referral information available to operators/managers, and by their ability to name the CMHC staff with whom they work and the use of such working relationships.
- (4) Strategies shall be developed to insure access to this housing for homeless individuals referred to the operator/manager by Public Housing Authorities, Community Mental Health Centers, and Homeless Shelter staff. Evidence of compliance with this requirement shall be the submittal of written strategies for inclusion of homeless individuals, and written working agreements with the appropriate agencies and organizations. It shall also include comparative data of successful referrals into this housing.
- (5) This policy will not supersede the selection process required by HUD for units, including SRO units, assisted with mod-rehab funds.

D. DEFINITION OF ADULTS WITH A SERIOUS MENTAL ILLNESS

For epidemiological estimation pursuant to Section 1912 C of Subpart 1 of Part B of Title XIX of the Public Health Services Act, as amended by Public Law 102-321, "Adults With a Serious Mental Health Illness" are persons:

Age 18 and over

Who currently or at any time during the past year,

Have had a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within DSM-III-R,

That has resulted in functional impairment in one or more major life activities

These disorders include any mental disorder listed in DSM-III-R or ICD-9 or subsequent revisions, (with the exception of DSM-III-RV Codes, substance use disorders, developmental disorders including mental retardation and Alzheimer's related dementias, unless they co-occur with another diagnosable mental disorder).

Examples of major life activities of daily living (eating, bathing, dressing); instrumental activities of daily living (maintaining a household, using money, using public transportation); functioning in social, family and vocational/educational contexts; and coping skills and stress tolerance. Adults who would have met functional impairment criteria during the referenced year without the benefit of treatment or other support services are considered to have serious mental illness. Clearly, any definition of serious mental illness in adults also requires attention to cultural and ethnic norms.

E. STANDARDIZED METHODS FOR ESTIMATION

At the present time, practical methods that can be uniformly applied as a State-by State basis have not been developed for estimating the incidence and prevalence of "serious emotional disturbance in children" and "serious mental illness in adults". It is anticipated that several different types of studies are or will soon be available to facilitate the development of these standardized methods. SAMHSA plans to further consult with the field to develop methods from relevant studies once final definitions of the two populations have been formulated. One potential approach to produce estimates could make use of national rates for prevalence and incidence of the two defined groups, applied to general population counts for each State. Proposed methods will be reviewed, findings compared and summarized, and any issues resolved.

F. ADDITIONAL AGREEMENTS REQUIRED

The Sub recipient has read the foregoing paragraphs C, D and E, and understands that they are to have an agreement with the local Mental Health Center, the local Homeless Shelter, and the local Housing Authority to serve the severely and persistently mentally ill. **ZERO PER CENT (0%)** of the units of the development are to be set aside for the severely and persistently mentally ill, OR ANY OTHER NUMBER OF UNITS DESCRIBED IN THE PARAGRAPH BELOW.

E: 1979066 PG2 OF5



**EXHIBIT "A "**

**PARCEL 1:**

Part of the Southeast Quarter of Section 5, Township 5 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey: Beginning at a point which is North 20.61 chains and West 1757.72 feet and South 165 feet and West 330.52 feet and North 13° East 28.47 feet from the Southeast corner of said Quarter Section; and running thence North 13° East 442.11 feet; thence North 52° West 38.46 feet, more or less, to boundary line fence as described in that certain agreement recorded in the office of the Weber County Recorder on March 29, 1974 as Entry No. 612108; thence South 12°58'19" West 386.90 feet along said fence; thence North 52° West 4.8 feet to property of Frontiers West, Inc.; thence South 12°15' West 55.51 feet; thence South 52° East 42.23 feet, more or less, to the place of beginning.

**PARCEL 2:**

Part of the Southeast Quarter of Section 5, Township 5 North, Range 1 West, Salt Lake Meridian, U.S. Survey: Beginning at a point 22 chains West and South 38° West 1108.8 feet and South 52° East 165 feet and South 12°15' West 388.57 feet from Northeast corner of said Southeast Quarter; and running thence South 12°15' West 55.51 feet; thence North 52° West 179.08 feet; thence North 15°21' East 54.31 feet to a point North 52° West of point of beginning; thence South 52° East 175.86 feet to the point of beginning.

**PARCEL 3:**

Part of the Southeast Quarter of Section 5, Township 5 North, Range 1 West, Salt Lake Meridian, U.S. Survey: Beginning at a point North 20.61 chains and West 1627.53 feet from the Southeast corner of said Quarter Section and running thence West 130.19 feet; thence South 165 feet; thence West 330.52 feet; thence North 13° East 470.58 feet; thence East 138.6 feet; thence North 53° East to the South line of Lot 17, Block 26, Lakeview Addition Subdivision; thence East to the West line of Grant Avenue; thence South 0°58' West 326.70 feet to the point of beginning. Excepting that portion thereof, if any, which lies South of a line which is 13 feet North of and parallel to the South line of 38th Street extended West from Washington Blvd.

Subject to right of way: Beginning at a point North 20.61 chains and West 1627.53 feet from the Southeast corner of said Quarter Section and running thence North 0°58' East 66 feet; thence West 50.19 feet; thence South 0°58' West 66 feet; thence East to the point of beginning.

**Parcels 1, 2 and 3 as surveyed:**

**F** A part of the Southeast Quarter of Section 5, Township 5 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey:

**E# 1979066 PG4 OF5**

Beginning at a point on the West line of Grant Avenue, said point being 1361.65 feet North 0°58'58" East and 1630.14 feet North 89°37'02" West from the Southeast Corner

**EXHIBIT "A" CONTINUED**

of said Section 5; and running thence North 89°37'02" West 139.95 feet; thence South 0°22'58" West 165.02 feet; thence North 89°37'02" West 330.52 feet; thence North 13°22'58" East 28.62 feet; thence North 51°37'02" West 225.52 feet to the Southerly right of way line of Chimes View Circle; thence along said Southerly right of way line, the following two (2) courses: North 16°01'26" East 46.26 feet to a point of curvature along the arc of a 176.09 foot radius curve to the left, through a central angle of 02°33'48, a distance of 7.88 feet; thence South 51°37'02" East 184.71 feet to the West edge of a 10 inch concrete wall with a fence on top as described in an Agreement recorded in the Office of the Weber County Recorders Office on March 29, 1974, as Entry No. 612108; thence North 13°21'17" East along said wall, 386.90 feet; thence South 51°37'02" East 38.46 feet; thence South 89°37'02" East 138.40 feet; thence North 53°27'58" East 54.92 feet to the South line of Lot 17, Block 26, LAKEVIEW ADDITION TO SOUTH OGDEN CITY, Weber County, Utah; thence South 88°43'53" East 187.32 feet to the West right of way line of Grant Avenue; thence South 01°16'07" West 323.65 feet along said line to the point of beginning.

Said property is also known by the street address of  
3757 South Grant Avenue, Ogden, UT

\*\*\*\*