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09/04/2002 02:43 PM 21.00
Book - 8643 Pg - 3975-3980
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
FIRST AMERICAN TITLE
BY: KCC, DEPUTY - WI 6 P.

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

Space Above This Line For Recorder s Use

ATC-329844

DEED RESTRICTION

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THIS DEED RESTRICTION (the Restriction) is made and effective as of the 28 Day of Aug, 2002 by UTAH NONPROFIT HOUSING CORPORATION, (Sub recipient), for the benefit of the OLENE WALKER HOUSING TRUST 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 3356 WEST 3800 SOUTH, and 3366, WEST 3800 SOUTH, and 3771& 3775 South Harvey Street, West Valley, Utah . 84119 , 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 AProperty.

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 Trust 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 Trust 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 Trust 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 Trust 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 Trust 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 Trust 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 lessor 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

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- 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.
 - (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 Trust 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, AAdults 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-R AV 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

EXHIBIT "A"

Escrow No. **322440** ()
A.P.N./Tax ID: **15-32-277-029**

Commencing 990 feet West from the Southeast corner of the Northeast quarter of Section 32, Township 1 South, Range 1 West, Salt Lake Base and Meridian, and running thence West 70 feet; thence North 154.75 feet; thence East 70 feet; thence South 154.75 feet to the point of beginning.

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EXHIBIT "A"

Escrow No. 329078 ()

A.P.N./Tax ID: 15-32-277-028

Beginning at a point 1060 feet West from the East Quarter Corner of Section 32, Township 1 South, Range 1 West, Salt Lake Base and Meridian; and running thence West 70 feet; thence North 154.75 feet; thence East 70 feet; thence South 154.75 feet to the point of beginning.

E X H I B I T A

LEGAL DESCRIPTION

The land referred to is situated in Salt Lake, and is described as follows:

PARCEL 1:

THE NORTH 35.42 FEET OF LOT 10, AND THE SOUTH 35.58 FEET OF LOT 11, STANSBURY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN BOOK Z OF PLATS AT PAGE 14, RECORDS OF SALT LAKE COUNTY, STATE OF UTAH.

PARCEL 2:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, STANSBURY SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED IN BOOK Z OF PLATS AT PAGE 14, RECORDS OF SALT LAKE COUNTY, STATE OF UTAH; RUNNING THENCE NORTH 89 DEGREES 55 MINUTES 20 SECONDS EAST 140.00 FEET; THENCE NORTH 70.98 FEET; THENCE WEST 140.00 FEET; THENCE SOUTH 71.17 FEET TO THE POINT OF BEGINNING.

Tax Parcel(s): 15-32-277-035, 15-32-277-036

ORDER NO. 329844

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