

2014 Entry Form
(Complete one for each entry.)

Fill out the entry name <i>exactly</i> as you want it listed in the program.
--

Entry Name _____

HFA _____

Submission Contact _____

Phone _____ Email _____

Qualified Entries must be received by **Tuesday, July 1, 2014.**

For more information about Qualified Entries, [click here to access the 2014 Entry Rules.](#)

Use this header on the upper right corner of each page.

HFA _____

Entry Name _____

Communications	Homeownership	Rental Housing	Special Needs Housing
<input type="checkbox"/> Annual Report <input type="checkbox"/> Promotional Materials and Newsletters <input type="checkbox"/> Creative Media	<input type="checkbox"/> Empowering New Buyers <input type="checkbox"/> Home Improvement and Rehabilitation <input type="checkbox"/> Encouraging New Production	<input type="checkbox"/> Multifamily Management <input type="checkbox"/> Preservation and Rehabilitation <input type="checkbox"/> Encouraging New Production	<input type="checkbox"/> Combating Homelessness <input type="checkbox"/> Housing for Persons with Special Needs
Legislative Advocacy	Management Innovation	Special Achievement	Are you providing visual aids?
<input type="checkbox"/> State Advocacy <input type="checkbox"/> Federal Advocacy	<input type="checkbox"/> Financial <input type="checkbox"/> Human Resources <input type="checkbox"/> Operations <input type="checkbox"/> Technology	<input type="checkbox"/> Special Achievement	<input type="checkbox"/> YES <input type="checkbox"/> NO

RECOGNIZING UNMET HOUSING NEEDS IN KANSAS

Moderate Income Housing Program Summary

Economic development is vital for the growth and health of rural areas. Many small Kansas communities have opportunities for business expansion and job creation. However, a lack of adequate housing is often a primary barrier for the potential in growth. The Housing Tax Credit program is significant because it provides housing for the workforce who earn less than 60 percent of gross area median income, but little or no incentives or programs are available for housing production for the higher income workforce. The traditional laws of supply and demand are not working. The cost of housing development outweighs the moderate income workforce's ability to afford it. In response to this essential need, the Kansas Housing Resources Corporation (KHRC) has initiated a Moderate Income Housing (MIH) Program.

HISTORY: In 2012, recognizing the unmet need for moderate income households not served by Federal programs, Kansas Housing Resources Corporation created the Moderate Income Housing Program after the Kansas Legislature allocated \$2 million to the State Housing Trust Fund (SHTF) for the purpose of administering and supporting housing programs in rural communities. KHRC supplemented the new state funding with \$330,000 in existing SHTF resources. In 2013, and again in 2014, \$2 million was appropriated.

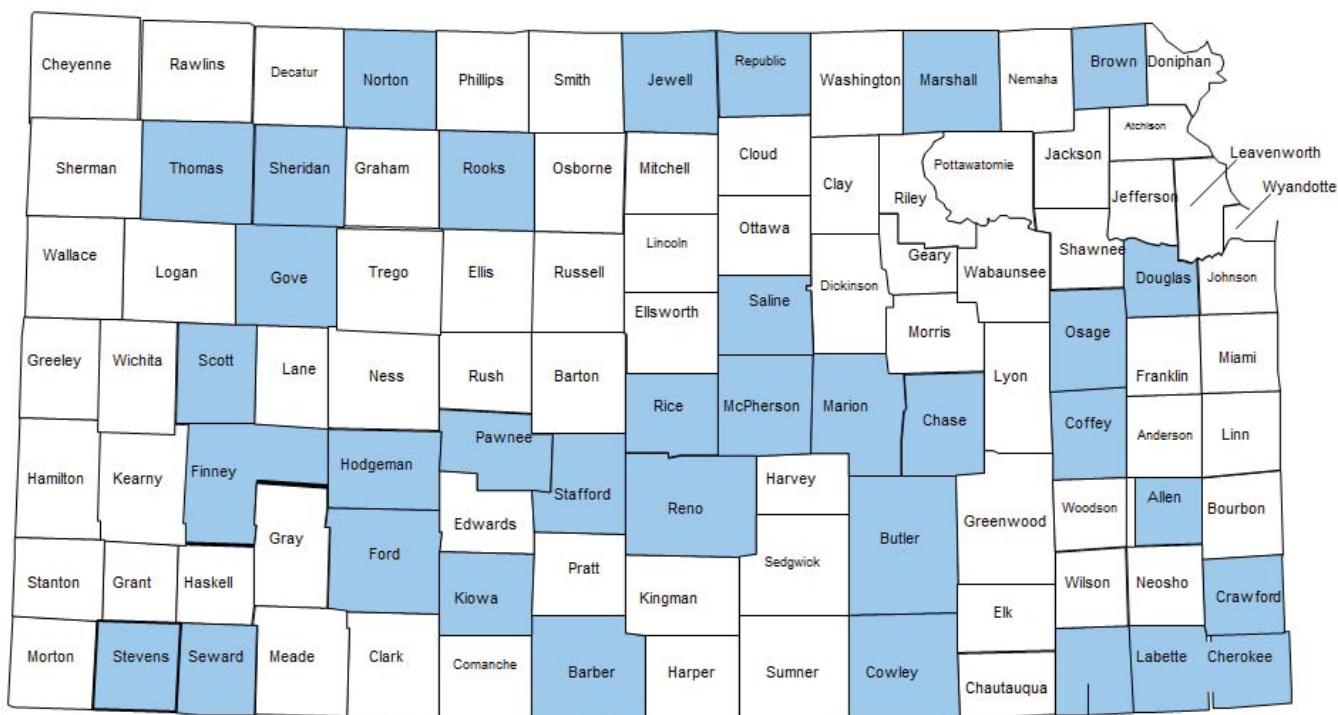
PROGRAM OVERVIEW: The MIH program serves the needs of moderate income households, those families that cannot afford market-rate housing, yet do not qualify for federal housing assistance. MIH grants and/or loans are awarded to cities and counties to develop multi-family rental units, single-family for-purchase homes, and water, sewer

and street extensions in communities with populations fewer than 60,000 people. MIH awards also help finance construction costs, rehabilitate unsafe or dilapidated housing, and offer down-payment and closing-cost assistance to homebuyers.

NOFA PROCESS: Each year KHRC issues a Request for Proposal (RFP) for the MIH program, which details eligible applicants and activities, application procedures, grant/loan structuring, award criteria, compliance monitoring and reporting requirements. In addition, KHRC annually hosts several public hearings throughout the state, conducts online webinars and accepts written public comments in an effort to give citizens the opportunity to provide input on the proposed RFP.

APPLICATIONS RECEIVED

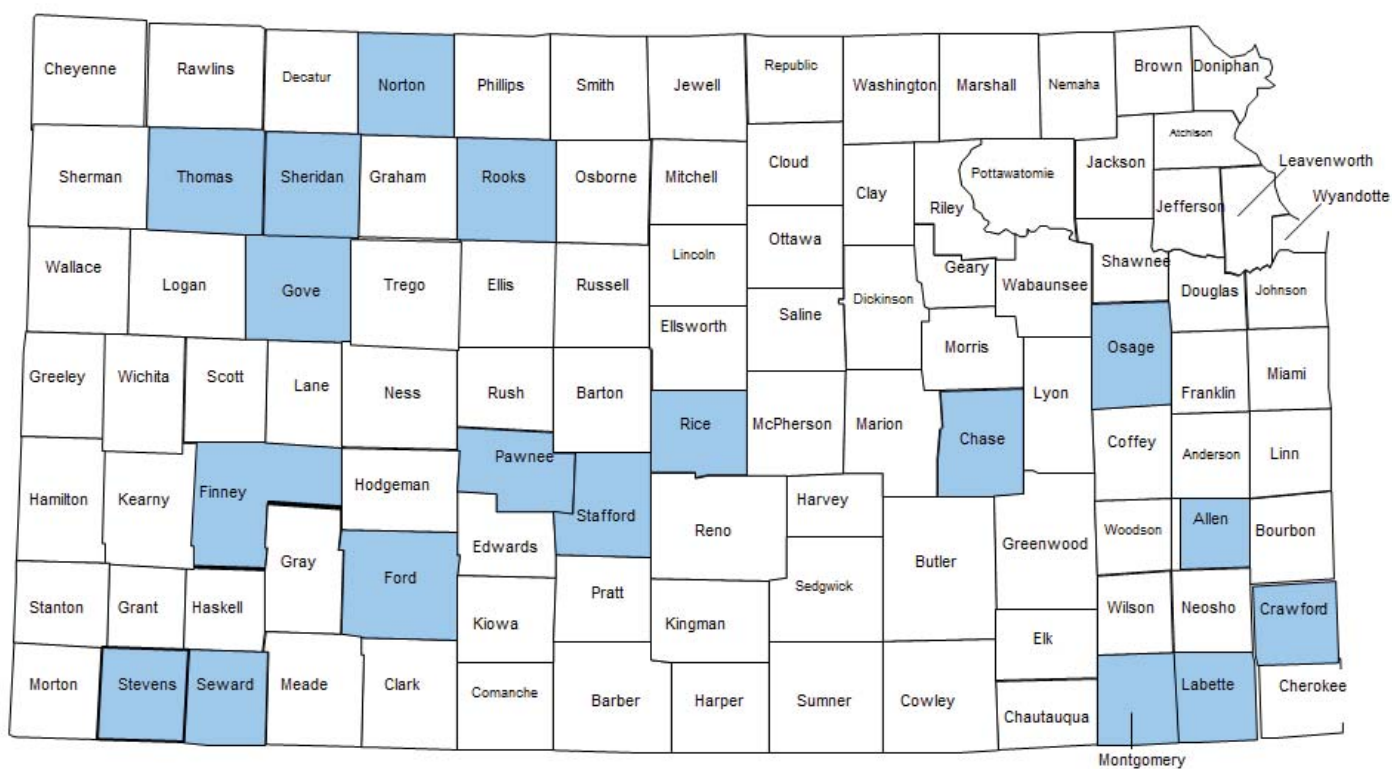
The following map indicates the communities that applied for MIH funding in 2012 and 2013.



- Since the inception of the MIH Program, KHRC has received 47 applications from cities and counties requesting nearly \$15 million in funding.
- Each year, a review team of KHRC staff evaluates the applications on several criteria, including housing need, readiness to proceed and the ability to leverage funds from other sources.

AWARDS GRANTED

Over the past two years, KHRC has awarded MIH grants and/or loans to 18 Kansas communities.



**\$45 million
investment
from
outside
sources**

LEVERAGE FACTOR: The leverage factor the MIH program has achieved to date is impressive. With only \$4.3 million in state funding, local municipalities leveraged an additional \$45 million in outside sources, a ratio of \$10.5 dollars for every \$1 in state resources.

ELIGIBLE APPLICANTS: Cities and counties with a population fewer than 60,000 are eligible for MIH funding. Applicants are allowed to partner or contract with outside entities or individuals, including but not limited to public housing authorities, non-profits, community housing development organizations, developers and local employers.

**Leverage
ratio:
\$10.5
to
\$1**



ELIGIBLE ACTIVITIES: Housing development activities funded through the MIH program include (1) developing infrastructure necessary to support housing, or (2) housing development, including acquisition of real property, new construction, modular or manufactured housing and/or rehabilitation of existing housing.

Applicants are encouraged to apply for developments with ties to economic activity that leverage funds from both private and public sources. For maximum statewide impact, KHRC limits grants or loans to no more than \$400,000 per award.

**Average
award
amount:
\$247,302**



Kansas Moderate Income Housing (MIH) Request for Proposal

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Background

Kansas Housing Resources Corporation (KHRC) is a public corporation that administers federal and state housing programs on behalf of the State of Kansas. KHRC programs address single and multifamily housing development, down payment assistance for first-time homebuyers, rental assistance and housing with supportive services. A summary of KHRC programs can be found at www.kshousingcorp.org.

In addition, KHRC administers the State Housing Trust Fund (SHTF), a statutorily created fund with the stated purpose of supporting housing programs and services. While limited in resources, KHRC has historically utilized the SHTF to provide loans and grants for affordable housing development.

Recently, Kansas communities and employers have stressed a growing need for affordable moderate income housing (MIH), defined for purposes of this RFP as housing generally for households between 60 and 150 percent of HUD's FY2014 income ranges. Attachment A to this RFP details MIH income targeting based on number of household members. MIH is vital for economic development, yet difficult to achieve given that most federal housing programs serve a lower income bracket, and market supply is limited due to high development costs, low appraisals, tight lending conditions, and lack of investor interest.

In response to the increased need for moderate income housing, \$2 million has been provided to the SHTF for the purpose of administering and supporting

housing programs, resulting in this MIH RFP.

Administration

The primary contacts for MIH are:

Fred Bentley, Rental Division Director
E-mail: fbentley@kshousingcorp.org
Phone: 785-217-2029

James R. Behan, Director of Operations
E-mail: jrbehan@kshousingcorp.org
Phone: 785-217-2009

RFP Overview

Under the MIH RFP, KHRC expects to release up to \$2 million. **Under the legislation, KHRC shall only use the funds for loans or grants to cities or counties for infrastructure or housing development in rural areas.** Further definitions of these terms follow.

This RFP contains information on eligible applicants and activities, application procedures, award criteria, grant/loan structuring, and reporting and compliance monitoring requirements.

Eligible Applicants

To be eligible to apply for MIH funding under this RFP, applicants must be either an eligible city or county. For purposes of this RFP an eligible city is defined as any city incorporated in Kansas with a population under 60,000. An eligible county is defined as any county with a population of less than 60,000.

Applicant cities and counties may partner or contract with outside entities or individuals, including but not limited to public housing authorities, nonprofits, community housing development organizations, developers and local employers. Notwithstanding the preceding sentence, the applicant shall retain full responsibility for compliance with all RFP rules and requirements.

Eligible Activities

Under the MIH RFP, applicants may only use funds for: (1) infrastructure necessary to support housing; or (2) actual housing development, including acquisition of real property, new construction, modular or manufactured housing and/or rehabilitation of existing housing.

This RFP has been structured to allow maximum flexibility to applicants in developing proposed activities within the definitions laid out above. Applicants are encouraged to apply for projects with ties to economic development that leverage funds from both private and public sources, preferably for MIH needs.

Grants or loans will be limited to no more than \$400,000 per awardee. Applicants are encouraged to request

funds in the form of loans over grants. KHRC may give priority to below market rate loans to ensure maximum impact of this RFP.

Application Process

The deadline to submit proposals under this RFP is **noon on Friday, September 5, 2014**. Applications should be sent to:

Kansas Housing Resources Corporation
Moderate Income Housing RFP
611 S. Kansas Ave., Suite 300
Topeka, KS 66603

Applications must be received by KHRC by the September 5, 2014 deadline. Applicants may only submit one application, but may include more than one proposed activity, so long as the application lists the applicant's priorities.

Application Requirements

All applications shall include the following:

1. MIH Application (which details);
 - a. Use of Funds: *Describes the applicant's proposed eligible housing activities with the RFP funds;*
 - b. Budget: *Provides estimated sources and uses of all funds, including any leveraged funds needed for the proposed eligible housing activities;*
 - c. Leveraged Funds: *Provides a certification and supporting documentation of any leveraged funds*

committed in the application, including how in-kind labor or services have been calculated (see Leveraged Funds section for additional information);

- d. *Job Creation: Provide information about job creation, lack of housing and/or inadequate housing in the community.*
2. *Executive Summary: Provides overview of application;*
3. *Housing Needs Statement: Contains narrative describing housing needs of applicant's community and preferably includes specific housing numbers, type of housing desired, etc.;*
4. *Capacity Statement: Describes capacity of applicant to administer the funds, as well as addresses the capacity of any partner or contractor that will be utilized. Applicant must include a resolution from the applicant's governing body giving applicant the authority to apply for and participate in this RFP;*
5. *Community Support: Demonstrates community support for the proposed eligible housing activities; and*
6. *Certifications: Subject to exceptions for older buildings, if proposed eligible housing activities involves construction of residential dwellings, the*

application will include certifications that applicant will:

- a. *Comply with the accessibility standards identified in K.S.A. 58-1401, et seq; and*
- b. *Meet the minimum standards of the 2006 International Energy Conservation Code or Energy Star Program.*

KHRC reserves the right to request additional information as it deems necessary to evaluate the applications.

Leveraged Funds

To maximize the impact of this RFP, KHRC is giving priority to applications that leverage other sources of available funding, both private and public. KHRC will consider the applicant's actual contribution of funds or in-kind labor and services in evaluating the applications. KHRC will also consider leveraged funds realized through applicant's proposed partnerships.

For purposes of leveraged funds under this RFP, in-kind labor and services shall be calculated at an hourly rate of \$10.00 for unskilled labor and \$25.00 for professional or trade services.

Further, if an applicant uses funds for single family housing development or assistance, the applicant must implement a recapture provision. The recapture provision shall require the homeowner to repay a prorated amount of grant/loan funds to the applicant if the

applicant sells the single family housing within five years of its construction or rehabilitation.

RFP Award Process

Applications will be collected and evaluated by a review team of experienced KHRC program staff.

The Kansas Moderate Income Housing RFP Evaluation Guidelines (Attachment B) will be used in the evaluation of the applications.

The review team will make a recommendation for awards to KHRC's Loans and Grants Committee for approval.

KHRC will notify applicants on the results of their application on or around October 10, 2014.

Successful applicants will receive an award letter specifying any additional requirements deemed necessary by KHRC prior to receiving funds. Additional requirements may include but are not limited to: designs, evidence of site control, a Phase I Environmental Report, and/or a site visit by KHRC staff.

Award recipients will be required to sign an agreement prior to beginning any work, detailing the procedures and requirements for proceeding with the approved housing activity, requesting award funds, and reporting the use of awarded funds. The agreement will require that recipients use any income derived now or at a later time from their housing activity solely for housing purposes.

If the awardee receives the funds in the form of a loan, KHRC will require a promissory note and mortgage securing any real property acquired or developed with the funds. The term of the loan is negotiable between the awardee and KHRC.

Project completion is expected within 12 months of the awardee receiving the funds. Prior to making any changes in the approved eligible housing activities during the course of the work, awardees must request written approval from KHRC.

Reporting Requirements

Beginning with the first business day of the month following an award being made to an applicant and each month thereafter, the awardee shall submit in writing monthly status reports to KHRC until the entire project is completed and all funds have been expended. The status report should detail the use of funds to date, along with a self-assessment comparing that use with the recipient's proposed use from its original application to KHRC. The status report shall include an evaluation of the housing activities to date as well as the status of construction and the nature and reasons for any changes in the activities. A monthly status report should be filed even if there has been no progress or activity from the previous month.

When the project has been completed and all funds have been expended, awardees shall provide KHRC a final accounting of funds verified by an independent auditor, including the use of any income generated from the housing

activities within 60 days of project completion.

Compliance Monitoring

KHRC will monitor an awardee's compliance with applicable requirements of this RFP and any agreement entered into with KHRC under this RFP. All financial transactions of the cities or counties relevant to this RFP may be audited by KHRC, Legislative Post Audit and other agencies or agents of the State of Kansas.

ATTACHMENT A



Moderate Income Housing Income Range Guidelines

	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
150%	\$ 67,594	\$ 77,250	\$ 86,906	\$ 96,563	\$ 104,344	\$ 112,031	\$ 119,813	\$ 127,500
120%	\$ 54,075	\$ 61,800	\$ 69,525	\$ 77,250	\$ 83,475	\$ 89,625	\$ 95,850	\$ 102,000
100%	\$ 45,063	\$ 51,500	\$ 57,938	\$ 64,375	\$ 69,563	\$ 74,688	\$ 79,875	\$ 85,000
80%	\$ 36,050	\$ 41,200	\$ 46,350	\$ 51,500	\$ 55,650	\$ 59,750	\$ 63,900	\$ 68,000
60%	\$ 27,038	\$ 30,900	\$ 34,763	\$ 38,625	\$ 41,738	\$ 44,813	\$ 47,925	\$ 51,000

Based upon HUD's FY 2014 State Income Limits

ATTACHMENT B: KANSAS MODERATE INCOME HOUSING RFP EVALUATION GUIDELINES

Applications for grant or loan funds under the Kansas Moderate Income Housing (MIH) RFP will be evaluated based on the following guidelines:

1. Need

- a. Ability to identify housing needs of applicant's community
- b. Urgency of housing need, i.e., areas of significant economic development
- c. Ability of applicant to address housing need with existing funds
- d. Community's response to housing need to date
- e. Receipt of MIH funding previously

2. Capacity: Capacity of applicant (and applicant's partners or contractors, if applicable) to administer RFP funds, including resolution from governing body approving participation in RFP, history of applicant, organizational structure, and experience with similar grant/loan administration activities.

3. Use of Funds

- a. Specifically identified intended use of funds, including allocation of expenditures and expected outcomes
- b. Targets moderate income housing needs of community
- c. KHRC's analysis of impact of funds on housing, economic development, government, etc., in community

4. Community Support: Ability to demonstrate community support

5. Leveraged Funds

- a. Specifically identifies and values sources of leveraged funds
- b. Proportion of leveraged funds as compared to RFP funds

6. Loans Over Grants: Ability to request and utilize RFP funds in the form of loans (below market) over grants

7. Application

- a. Timeliness of application and responses to requests for follow-up information
- b. Thoroughness of application – application completed in its entirety, questions thoroughly answered, supporting documents submitted
- c. Ability to meet minimum RFP requirements
- d. If multiple proposed housing activities in application, applicant's priorities clearly stated

8. Applicant History, Experience and Compliance

- a. For applicants and/or developers who have received awards previously, consideration will be given in part based on the applicant's and/or developer's past history, experience, loan or grant administration activity and compliance with the MIH RFP and grant agreement along with:
 - i. Readiness to proceed
 - 1. Is the previous development underway and at least 50% complete?
 - 2. Did the previous development begin on time?
 - ii. Submission of monthly reports
 - iii. Responsiveness to requests for information



KANSAS HOUSING
RESOURCES CORPORATION

INSTRUCTIONS FOR THE MODERATE INCOME HOUSING (MIH) APPLICATION:

Kansas Housing Resources Corporation encourages this application to be submitted electronically to better facilitate data into a database for application evaluations. Please note that if submitting this application in hard copy, KHRC will enter the information into the database. KHRC cannot be responsible for errors when entering data not submitted electronically. Submitting data electronically is not required and will not affect the merit of the application.

Electronic Submissions: Please save this application as "2014_Name of applicant_MIH". Example 1: Anytown, USA would submit the application as "2014_Anytown_MIH" and attach to an email to: jrbehan@kshousingcorp.org. If an applicant is submitting more than one application for a community, the file should have a number after "MIH". Example 2: "2014_Anytown_MIH_1" and "2014_Anytown_MIH_2". Accompanying documents can also be sent electronically or mailed to the address below. All documents submitted electronically should be sent in PDF.

Hard Copy Submissions: Send three (3) copies of application and any accompanying documents to: Kansas Housing Resources Corporation, Attention: Moderate Income Housing Program, 611 South Kansas Ave, Suite 300, Topeka, Kansas 66603.



APPLICATION FOR MODERATE INCOME HOUSING PROGRAM

Submission Instructions:

By mail: Send three (3) copies of application and any accompanying documents to: Kansas Housing Resources Corporation, Attention: Moderate Income Housing Program, 611 South Kansas Ave, Suite 300, Topeka, Kansas 66603.

By Email: Send one (1) copy of this application to: jrbهان@kshousingcorp.org. Accompanying documents can be sent in hard copy to the address above or by email. If sending by email, send all documents in PDF format.

I. APPLICANT INFORMATION:

Name(s): _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Primary Contact: _____ Email: _____

The primary contact person should be someone that is familiar with the development and application, and can answer questions that arise during the application review.

Kansas Senate District: _____ Kansas House District: _____ Kansas Congressional District: _____

Have you previously applied for MIH funding? : Yes No *If no, skip to Section II. Type of Development.*

If yes, in what years did you apply?: _____ Did you receive funding? : Yes No

If yes, please list amount of funding allocated: \$ _____

II. TYPE OF DEVELOPMENT:

How many total units are in your development (including MIH units)? : _____

Total Units funded by MIH?: _____

What is the type of the development?: *Please check all that apply.*

- | | | |
|---|--|--|
| HOMEOWNERSHIP <input type="checkbox"/> | RENTAL HOUSING <input type="checkbox"/> | INFRASTRUCTURE <input type="checkbox"/> |
| SINGLE FAMILY RENTAL <input type="checkbox"/> | MULTI-FAMILY RENTAL <input type="checkbox"/> | DUPLEXES <input type="checkbox"/> OTHER <input type="checkbox"/> |

What is the anticipated start date of this project?: _____ Completion Date?: _____

III. FUNDING INFORMATION

What is the amount of funding being requested?: _____

How will the funds be used? *Please check all that apply.*

HOMEBUYER ASSISTANCE GAP FILLER FOR CONSTRUCTION FINANCING

COST OF INFRASTRUCTURE OTHER: _____

If applying for infrastructure funding, has the applicant considered a Rural Housing Incentive District (RHID)? Yes No

If no, why not? _____

IV. PARTNERSHIP INFORMATION:

Name _____ Federal ID No. _____

V. DEVELOPMENT INFORMATION:

General Partner(s):

Name _____ Telephone _____ Ownership _____%

Name _____ Telephone _____ Ownership _____%

Name _____ Telephone _____ Ownership _____%

VI. DEVELOPMENT TEAM INFORMATION:

Provide the following information if applicable and attach resume for each team member listed.

Name of Developer: _____ Phone: _____

Address: _____ City, State, Zip: _____

Name of General Partner: _____ Phone: _____

Address: _____ City, State, Zip: _____

Name of Contractor: _____ Phone: _____

Address: _____ City, State, Zip: _____

Name of Management Company: _____ Phone: _____

Address: _____ City, State, Zip: _____

Name of Consultant: _____ Phone: _____

Address: _____ City, State, Zip: _____

Name of Architect: _____ Phone: _____

Address: _____ City, State, Zip: _____

VII. ADDITIONAL DEVELOPMENT INFORMATION:

Construction Type: *Please check all that apply.*

- New Construction Historic Rehabilitation Acquisition & Rehabilitation
Rehabilitation Infrastructure Homeowner Assistance

Other: _____

Project Type: *Please check all that apply.*

- Row House/Townhouse Detached Single Family Detached Multi-Family Garden Apartments
Elevator Stories Slab on Grade Full
Crawl Space Partial Basement Basement

Other: _____

Total Development Costs? (Auto populates from Total Development Costs on pg. 7) _____

Is site properly zoned for the proposed development? Yes No Unsure

Are all utilities presently available to the site? Yes No Unsure

Please submit a general description of the property along with a list of the amenities:

***PLEASE NOTE: The following information must be included with the application. Please check if attached.**

- Proof of site control
Proper zoning or application for proper zoning
Sketch plan
Legal description of site

RELOCATION INFORMATION:

Does this development involve any relocation of tenants? Yes No

If yes, please describe the proposed relocation assistance, if any.

VIII. SOURCE OF FUNDS (Construction & Permanent Financing):

Construction – List individually the source of construction financing.

Source of Funds	Amount of Funds	Contact Name	Phone
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Total Construction Funds _____

Permanent

List Total Source of funds for the Development at Closing (Do not include construction financing).

Name of Lender or Source of Funds	Amount of Funds	Annual Debt Service	Interest Rate of Loan Period	Amortization	Term of Loan
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
Total Permanent Funds (Must equal total development costs.)	_____	_____	Total Annual Debt Service		

IX. LEVERAGING:

Show all funding leveraged by MIH funds including funding for units not financed by MIH funds.

Loans _____

City/County funds _____

Tax rebates through NRP _____

Other state or federal funds _____

Other funds (such as Employer Contributions, Private Investments, etc.) _____

X. PROJECTED INCOME:

Unit Type	Number of Units	Monthly Rent Per Unit	Total Tenant Paid Rent	Gross Rent Per Unit	Square Feet Per Unit
BR	_____	_____	_____	_____	_____
BR	_____	_____	_____	_____	_____
BR	_____	_____	_____	_____	_____
BR	_____	_____	_____	_____	_____

Total Number of Units: _____ Total monthly rental income: \$ _____

Other Income type: _____ Other Income Amount: \$ _____

Less Vacancy Allowance _____ % Total Less Vacancy Allow.: \$ _____

Total monthly income: \$ _____

Multiply by 12 (Annualized): X 12 _____

Total: \$ _____

What is the estimated annual percentage increase in annual income: _____

XI. ANNUAL EXPENSE INFORMATION:

Administrative

Advertising _____

Management _____

Legal/Partnership _____

Accounting/Audit _____

Other _____

Other _____

Other _____

TOTAL ADMIN. COST _____

Operating

Elevator _____

Fuel (Heating & Hot Water) _____

Lighting & Misc. Power _____

Gas _____

Trash Removal _____

Payroll, including taxes _____

Insurance _____

TOTAL OPERATING COST _____

Maintenance

Decorating _____

Repairs _____

Exterminating _____

Ground Expense _____

Other _____

TOTAL MAINT. COST _____

Taxes

Real Estate Taxes _____

TOTAL REAL ESTATE TAXES: _____

TOTAL ANNUAL OPERATING EXPENSES: _____

ANNUAL REPLACEMENT RESERVE FOR UNITS: _____

Estimated percentage increase in annual expenses? _____

XII. JOB CREATION AND ECONOMIC DEVELOPMENT

Please provide documentation^o to support each answer except those marked unknown.

Number of jobs created in the last two years

o Submit letters from employers that have created the jobs as verification

Unknown _____

Narrative (optional):

Number of jobs expected to be created in the next two years

o Submit letters from employers that will create the jobs as verification

Unknown _____

Narrative (optional):

Number of jobs available but not filled due to a lack of housing

o Submit letters from employers that have unfilled openings as verification

Unknown _____

Narrative (optional):

Number of employees living in the community but in substandard or inadequate housing and who would like better housing

o Submit letters of interest from employees as verification

Unknown _____

Narrative (optional):

Number of employees not living in the community but who would like to live in the community if adequate housing existed

o Submit letters of interest from employees as verification

Unknown _____

Narrative (optional):

The Applicant hereby makes application to Kansas Housing Resources Corporation for the Moderate Income Housing Program in the amount of \$_____.

The Applicant agrees that the KHRC shall not be held responsible, or liable, for representations made to the undersigned, or its investors, relating to the KHRC MIH. Therefore, the undersigned Applicant assumes all the risk of damages, losses, costs, and expenses related thereto, and further agrees to indemnify and hold harmless the KHRC against any and all claims, suits, losses, damages, costs, and expenses of any kind and of any nature, that the KHRC may hereinafter suffer, incur, or pay arising out of the use of the information concerning the MIH on the above referenced development.