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MULTIPLE PROGRAMS GUIDE

A SIDE-BY-SIDE SUMMARY OF SPECIFIC HOUSING PROVISIONS

with HOTMA Updates Highlighted

Tax Credits | HUD | Rural Development | HOME | Tax Exempt Bonds NOW INCLUDES UPDATED National Housing Trust Fund PROVISIONS Note: This Guide summarizes federal requirements.

Agency policies may differ



Multi-Program Interaction Summary

		Result of Rule Comparison	Action to Take	Examples
Α.		e program has a requirement t the other does not.	Apply the requirement.	 HUD Citizenship, criminal background, and numerous specific forms. RD Complex waitlist requirements. HUD, RD, or HOME Conduct an affirmative marketing plan.
В.		h programs have similar uirements, and:		
	a.	The rules have built-in reconciliation provisions.	Apply the reconciled rule.	LIHTC with HUD or RD Use HUD or RD utility allowances. LIHTC with HOME Do not use income-based rent for HOME over-income households.
	b.	One requirement is more restrictive.	Apply the more restrictive rule.	LIHTC with HUD, RD, or HOME Use the lowest applicable Income limits. LIHTC with HUD or RD Conduct annual income certifications at 100% LIHTC properties. LIHTC with HUD or RD Apply the minimum 1- year lease term. LIHTC with HUD Do not charge application fees.
	c.	The requirements are different and don't reconcile.	Apply both rules.	LIHTC with HUD, RD, or HOME Apply both student rules.
	d.	The requirements conflict.	Contact key people to discuss risks and decide on an approach. • Owners • Investors • The monitoring agencies.	LIHTC with RD or HUD Displacing over-income households per RD rules or per LIHTC rules for existing households at a HUD acquisition/rehab. HUD or RD with LIHTC Use of conservative calculations to determine eligibility (highest-in- range or year-to-date, for example).

Note on the National Housing Trust Fund (NHTF):

NHTF provisions are inserted below similar HOME provisions

Many states have state Housing Trust Funds, which have their own rules and are beyond the scope of this Guide. Often these programs existed before the National HTF and often follow HOME rules.



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Student Eligibility

LIHTC	HUD	RD	HOME (NHTF)	Bond
In general,	HUD Section 8 Rule:	Same as	Same as the HUD	Same as LIHTC.
households made up	Any individual who attends an	HUD	Section 8 Rule	In general,
of full-time students	institute of higher learning (full	Section 8	(regardless of	households
of any age do not	OR part-time) must be one of the	Rule	commitment date).	made up of
qualify. There are	following:		The NHTF statute	full-time
five exceptions to	1) A dependent of the		and regulation have	students of any
this general rule.	household living with a		no student	age do not
They are for	parent		restrictions.	qualify. Before
students who are:	2) Over age 23			HERA, the only
1) Married and	3) A veteran			exception that
entitled to file a	4) Married			qualified a full-
joint tax return*	5) A parent with a dependent			time student
2) Single parents	child in the unit			household was
with dependent	6) A disabled individual who			'married,
child(ren)	was receiving assistance			entitled to file
3) Title IV welfare	before 11/30/2005 or			a joint tax
recipients	7) Be independent from			return'. Per
(TANF or similar	parents or have parents who			HERA, the
program)	are income eligible.			same five
4) Former foster	8) Certain vulnerable youths			student
care recipients	also count as independent			exceptions
5) Participants in a	under HUD and DOE rules.			that apply for
Job Training	Non-Section 8 programs:			LIHTC apply to
Partnership Act	Each student at an institute of			bond
(JTPA) or similar	higher learning must meet ALL of			qualification.
program**	the following requirements			
* Same-sex couples	1) Be of legal contract age			
qualify for "married	under state law			
and entitled to file"	2) Have established a separate			
if legally married	household from parents for			
under any state law.	at least a year OR meet the			
**The "Workforce	U.S. Dept. of Education			
Investment Act" has	definition of an independent			
replaced JTPA.	student			
	3) Not be claimed on a parent's			
	tax return			
	4) Must disclose if they get			
	financial assistance from			
۶۸۵ /i)/۵)/۵۱ و ۱۵۵۵	their parents.			
§42 (i)(3)(D) & 8823 Guide 17-1 & 2 & Exhibit		Unnumbered		§42 (i)(3)(D) §142
17-1; 4350.3 Exhibit 5-1	4350.3 3-13	letter dated 1/11/2007	HOME Reg §92.2 (2013)	(d)(2)(C)
Rev. Rul. 2013-17	I	1, 11, 2007	I	I



Income Eligibility Determinations

	5 7			
LIHTC	HUD	RD	HOME (NHTF)	Bond
Income eligibility is determined using the Section 8 method for determining gross annual income found in the Joint HOTMA Notice 2023-10 and the HUD Handbook 4350.3 Chapter 5, as revised extensively by the HOTMA Notice. No deductions to annual income apply to the tax credit program.	Follow the in the Joint HOTMA Notice 2023-10 and the HUD Handbook 4350.3, as revised extensively by the HOTMA Notice. Allowances and Deductions apply.	Follow the RD HB-2-3560 chapter 6. These rules are based on HUD regulations, as revised extensively by HOTMA.	 HUD allows PJs to choose from two methods for determining income, these will be stated in the HOME regulatory agreement and may include: 1040 tax return definition Section 8 method from the 4350.3 Chapter 5, as revised extensively by HOTMA * The 2013 regulation change eliminated the Census Long Form as an option. *The most widely used and the only option available to tax credit properties. NHTF allows for the same two options as post-2013 HOME. 	Income eligibility is determined using the Section 8 method for determining annual income found in the Joint HOTMA Notice 2023-10 and the HUD Handbook 4350.3 Chapter 5, as revised extensively by the HOTMA Notice. The LURA will determine what method is used to verify income (see verification).
IRS Notice 88-80, Treas. Reg. 1.42-5(b)(1)(vii), 8823 Guide Chapter 4, Joint HOTMA Notice 2023-10	4350.3 chapter 5 and Exhibits 5-1 & 5-2, Joint HOTMA Notice 2023-10	HB-2-3560 chapter 6, Unnumbered Letter and HOTMA FAQ dated 8/19/2024	HOME Guide 3.2 D Home Reg § 92.203(b)(2) (2013) NHTF 24 CFR 93.151 (b), HOTMA Joint Implementation Notice 2023-10	§ 142 (d)(2)(B), Joint HOTMA Notice 2023-10
Children	Adopted		החכ	
LIHTC	HUD	RD	HOME	Bond
Children in the process of adoption and unborn children are included when counting household Pregnancy is verified by self- affidavit by mother.		n of adoption and unborn d children are not included when counting household members.	Older guidance indicated that children in the process of adoptin and unborn children were not included when counting househo members. This guidance is no lor available and appears to have be rescinded. It is HIGHLY suggested that the property's PJ be consult to determine if they still employ policy. Many PJs use the widely accepted policy for other HUD programs to include these childred	of adoption and unborn children are included when ed counting this household members.
8823 Guide 4-3 4350.3 Appendix 3, Page 20	4350.3 Appendix 3, Pag 20	HB-2-3560 Attachment 6-C, page 1 e Unnumbered Letter and HOTMA FAQ dated 8/17/2024	4350.3 Appendix 3, Page 20	



Income Limits

LIHTC	HUD	RD	HOME (NHTF)	Bond
HUD-published Multifamily Tax Subsidy Program (MTSP) income limits are used. 20- 80% MTSP limits apply, depending on the minimum set-aside selected for a project. Income limits are property-specific, and HERA designates a "hold harmless provision" for a specific property, a provision that allows the income limits to never go below the highest limit that has applied to the area since the project was placed in service. Households must qualify based on gross annual	Income limits based on area median income (AMI) are used and vary based on which HUD program and the county location or MSA. Limits may go up or down in any given year. Households must qualify based on gross annual income. For Section 8: the very low-income 50% AMI limits generally apply, but 40% of new move-ins must be at the extremely low-income (30% AMI) limits.	RD multifamily program income limits based on area median income (AMI) are used based on which RD program and the county location or MSA. Limits may go up or down in any given year. Applicants are given priority based on whether they are very low (50% AMI), low (80%), or moderate (low limit + \$5,500) income. Households must qualify based on adjusted income.	HUD HOME income limits based on area median income (AMI) are used. HOME limits are county or MSA- specific and may go up or down any given year. The HUD very low (50% AMI) limits apply to Low HOME units. High HOME limits are the HUD low-income (80%) limits. NHTF income limits are HUD's extremely low-income limits, which are the higher of the 30% limits or the poverty level for an area. Unlike Section 8 ELI, the NHTF limits are NOT capped at the very low (50%) limits.	HUD-published Multifamily Tax Subsidy Program (MTSP) income limits are used. 50 or 60% MTSP limits apply, depending on the minimum set-aside selected for a project. Income limits are property-specific, and HERA designates a "hold harmless provision" for a specific property, a provision that allows the income limits to never go below the highest limit that has applied to the area since the project was placed in service. Households must qualify based on gross annual income.
income.				
Treas. Reg. 1.42- 5(b)(1)(vii), 8823 Guide 4-2	4350.3 3-6	HB-2-3560 6.2	HOME Guide 3.2 A NHTF 24 CFR 93.302 (a)&(b)	§ 142 (d)(2)(B)
Certificati	on Form			

LIHTC	HUD	RD	HOME	Bond
Tenant Income Certification or "TIC" is commonly used.	Form HUD- 50059.	Form RD- 3560-8.	No specific form is required. PJs commonly allow tax credit TICS.	Tenant Income Certification (TIC) or Certificate of Tenant Eligibility (CTE) forms are commonly required by bond monitors.
	4350.3 5- 31 B	HB-2-3560 6.11 A		



Zero-Income Households / Unsecured Income

LIHTC	HUI	C		RD	HOME	Bond	
HUD allows zero-income households but makes provisions for interim certifications when income changes. The tax credit certification must establish a household's income for the next 12-month period with no interim certifications. This difference in program regulations creates a "gray" area that is open to interpretation	HUD allows income households unsecured income is r counted. Changes to status mus reported	s and not o this	incom to qua Basic e that th	ler zero- e households lify. expenses ne household meet are d and	HOME guidance allows zero- income households but does require that the past 12- month	The bond regulations do not speak to this issue. Typically, it is handled per the tax credit	
between the programs, state agencies, and project owners. Some agencies require that future, unsecured income be counted based on the household's income history. While some require that only imminent and verifiable income be counted. The 8823 Guide opts for using a 12-month history for zero or sporadic- income households and thus unknown and unverifiable income is not included on the certification. Check with your state HFA.	immediate an interim certificatio conducted t	n	income. A Zero Income Checklist must be completed to determine cash and non-cash contributions to the household that will be used to meet the expenses.		average income (if any) be included on the certification.	program approach.	
8823 Guide 4-33	4350.3 5- Appendix 3, p Joint HOTMA 2023-10	bage 22, Notice		-3560 6.9 A 4, achment 6B	HOME GUIDE 6.2 E		
Employment Income	Verifica	atio	NS w i	ith a Range	of Hours, V	Vages etc.	
LIHTC	HUD	R	D	HOME	Во	nd	
	HUD uses "average	IUD uses RD doe		HOME uses the HUD	Bond technic HUD "averag	•	

issue.

(for example, 35 hours for 30-40 hours listed on a verification). By regulation, tax credit income is counted consistent with the Section 8 program. However, it has generally been accepted as best practice by some state agencies that the tax credit program should use the more conservative approach of using the HIGHEST in a range (for example, 40 for the 36-40 hours). Some states apply the HUD method, however. The IRS has not addressed this issue.

hours" when determining employment income (for example, 35 hours for 30-40 hours listed on a verification).

4350.3

Appendix 6-C

address this method to calculate Typically, employment the HUD income (that approach is is "average used (for hours", for example, 35 example, 38 hours for hours for 30-40 hours 36-40 hours listed on a listed on a verification). verification).

HOME

Technical

Guide page 6

calculation for employment income. Typically, the best practices accepted by many bond issuers implement the more conservative approach of using the HIGHEST amount listed as a range on the employment verification (for example, 40 hours used for 36-40 hours listed on a verification).



Verification of Assets | Imputing Asset Income

LIHTC	HUD	RD	HOME (NHTF)	Bond
If the household's	If the household's	Assets are	If the household's assets are	The bond
assets are <mark>\$50,000,</mark>	assets are	3 rd -party	<mark>\$50,000, as adjusted,</mark> or less,	regulations do not
as adjusted, or	<mark>\$50,000, as</mark>	verified.	assets may be verified via	specifically address
<mark>less</mark> , assets may be	adjusted, or less,	Imputed	self-affidavit at move in and	asset verification
verified via self-	assets may be	income from	other years, as long as assets	requirements. The
affidavit.	verified via self-	assets using	are "source document"	project LURA may
Household assets	affidavit at move	the HUD	verified at least every 6 th	have specific
that have a total	in and other	passbook	year of the affordability	requirements or
cash value of more	years, as long as	rate is	period. Income self-	allow self-affidavits
than <mark>\$50,000, as</mark>	assets are 3 rd -	calculated on	certification or verification	to be used when
<mark>adjusted,</mark> must be	party verified at	individual	from a PHA voucher provider	household assets
3 rd -party verified.	least once every	assets that	or for project-based rental	are \$5,000 or less,
Imputed income	third year	cannot	assistance must be used for	<mark>or \$50,000, as</mark>
from assets using	thereafter.	otherwise	all years, if applicable.	<mark>adjusted</mark> , or less.
the HUD passbook	Imputed income	have income	Imputed income from assets	This is not
rate is calculated	from assets using	calculated if	using the HUD passbook rate	specifically allowed
on individual	the HUD	assets exceed	is calculated on individual	on a federal level
assets that cannot	passbook rate is	<mark>\$50,000, as</mark>	assets that cannot otherwise	like it is for the
otherwise have	calculated on	<mark>adjusted</mark> .	have income calculated if	LIHTC program.
income calculated	individual assets		assets exceed <mark>\$50,000, as</mark>	
if assets exceed	that cannot		<mark>adjusted</mark> .	
<mark>\$50,000, as</mark>	otherwise have		NHTF allows the same	
<mark>adjusted</mark> .	income calculated		verification methodology	
	if assets exceed		and cycle as HOME.	
	<mark>\$50,000, as</mark>			
	<mark>adjusted</mark> .			
8823 Guide 4-7, 4350.3 5-18 B, Rev. Proc. 94- 65, <mark>Joint HOTMA</mark> Notice 2023-10 F.5	4350.3 5-13, Appendix 3, 24 CFR § 5.659, Joint HOTMA Notice 2023-10 F.5	HB-2-3560 6.11 A, Unnumbered Letter and HOTMA FAQ dated 8/17/2024	HOME Guide 3.2 E 2 & 5, F3, Attachment 3-5 HOME Technical Guide 15 NHTF 24 CFR 93.151 (d)	

PHA or other Means Test Program Income Verification

LIHTC	HUD	RD	HOME (NHTF)	Bond
Check with state	An owner/ agent	Not allowed.	Must be used for	Not
HFA. Some states	may accept a letter		certifications for households	specifically
allow a letter from a	from a PHA voucher		receiving tenant or project-	allowed.
PHA voucher issuer	issuer stating that		based rental assistance.	The LURA
stating that the	the household		Other means tested program	may allow
household income is	income is below the		determinations are also	for this
below the income	income limit. Other		allowed.	type of
limit. <mark>Other means</mark>	means tested		(see "recertifications").	verification
tested program	program		NHTF allows the same	
determinations may	determinations are		verification methods and	
<mark>also be allowed</mark> .	also allowed.		cycles as HOME.	
IRS Reg 1.42-(b)(1)(vii), Joint HOTMA Notice 2023- 10 J.8	Joint HOTMA Notice 2023-10 J.8	Unnumbered Letter/HOTMA FAQ dated 8/19/2024	HOME Guide 3.2 D 3 & F 3 NHTF 24 CFR 93.151 (d) and 93.302 (e)	



Verification Methods (General)

HOME (NHTF) LIHTC HUD RD Bond The regulation requires There are 4 basic types The below At move-in and every The bond a review of income of verification available verification 6th year of the HOME regulations for HUD in order of options are affordability period, do not documentation, such as W-2s or tax returns. preference: generally "source documents" specifically Further informal IRS 1) UIV – Upfront applied to RD must be used. These address guidance provides more **Income Verification** properties: verification are written 1) A 3rd-party detailed verification with the mandatory documents generated requirements by a 3rd party, that rules. The below HOTMA use of EIV after verification . The project verification options are move-in and form from verifies the income LURA may generally applied to tax optional use of UIV the 3rd party. sources that the have specific 2) Documentat credit properties, in the applicant reports. At requirements non-EIV verification, order of preference: such as the Work ion provided least 2 months of and 1) Work Number or by the history must be verification Number 2) 3rd-party other Upfront Income lifespans. household. covered by the Verification database verification provided 3) Household documentation. For (UIV). by the household. selfother years, self-2) 3rd-party verification 3) 3rd-party certification certification is provided by the verification provided Verifications acceptable. Verification from local household. by the 3rd party. are good for 90 3) 3rd-party verification 4) Household selfdays from PHAs or project-based provided by the 3rd certification. receipt and can rental assistance must be extended an be used for all years a Verifications are good party. 4) Household selffor 120 days from additional 90 household receives certification. receipt and must be no days with assistance. Verifications are good more than 120 days old verbal Income clarification. determinations from for 120 days from at the time of receipt. receipt (or a state may Fixed income sources other means tested must be verified every apply HUD's 120 + 120programs may be day standard). 3 years with letters used. Income determinations covering the benefit Verifications are good from PHAs and other year (even if older than for 6 months. means tested programs 120 days at the time of **NHTF** allows the same may be used. receipt). COLAs can be verification methods and cycles as HOME. applied in other years. Income determinations from PHAs and other means tested programs may be used. 4350.3 5-13 A, 5-16 B, HOME Guide 3.2 D 3 & E 3 8823 Guide 4-21, 4350.3 5-16 Appendix 3, HUD MF Notice & 5; 24 CFR 92.203 (2013) HB-2-3560 6.8 & 11 B, Joint HOTMA Notice 2023-H-2016-09, Joint HOTMA NHTF 24 CFR 93.151 (d) 10 J.5 Notice 2023-10 J.5 and 93.302 (e)



Household File Record Retention

LIHTC	HUD	RD	HOME	Bond
Files for households that qualified units in the 1 st year of the compliance period are vitally important for the audit of any year's records. They must be retained for a total minimum of 21 years after the first-year credits are claimed.	Applications must be kept for 3 years after denial. EIV reports and other forms and verifications that go into tenant files must be retained in the tenant file	Tenant certification forms and supporting documentation must be retained in the tenant file for the longer of 3 years or until the next Agency	Individual tenant income, rent, and inspection information must be kept for the most recent 5 years throughout the period of affordability,	Records should generally be kept for as long as the bonds are outstanding, plus 3 years after the final redemption date of the bonds.
Files for households qualified in years 2-15 must be kept for a minimum of 6 years beyond the deadline for filing the tax returns for a year.	for the term of tenancy plus three years. EIV Master Binders keep 3 years of information.	monitoring visit or compliance review.	until 5 years after the end of the affordability period.	
Troop Pog 1 42 5 (b)	HUD 4350.3 4-22; 5-23;	RD HB-2-3560 6-11 B	HOME Guide Exhibit	1.148-5(d)(6)(iii)(E) of

Treas. Reg. 1.42-5 (b)

9-14 5; Attachment 6-J 6-1, 6.2 C 7 & 24

the arbitrage regulations

Adding Household Members | Interim Income Increases

LIHTC	HUD	RD	HOME	Bond
No Interim Certifications are	Adding	Adding	No Interim	No Interim
required. Individuals added to an	household	household	certifications are	certifications are
existing household during a	members	members	required.	required. The
certification year are income-	triggers an	triggers a new	Increases of	regulations do not
certified individually and their	interim <mark>or</mark>	certification.	income do not	discuss adding
income is added to the most	<mark>non-interim</mark>	If this increases	require a	household
recent TIC. The total household	<mark>certification</mark> .	the household's	household to	members. The
income is then checked to	Increases of	income to more	move out.	regulatory
determine eligibility. This may	income do	than the	*See "Increase in	agreement may
trigger the AUR rule. The	not require a	moderate-	Income and	discuss this.
household is considered the	household to	income limit,	Determining	Increases of income
same household so long as one	move out.	(low (80% AMI)	Eligibility" for	do not require a
original member remains. Some		limit + \$5,500)	more	household to move
HFAs do not allow additional		the household	information.	out.
household members to be added		may be		*See "Increase in
during the Initial six months or		required to		Income and
first certification year.		move out.		Determining
*See "Increase in Income and				Eligibility" for more
Determining Eligibility" for more				information.
information.				
8823 Guide 4-4	4350.3 7-10	HB-2-3560 6.28 B, 6.30	HOME Guide 3.5 & 6	



Deductions and Allowances

LIHTC	HUD	RD	HOME	Bond			
Deductions	HUD has 5 types of deductions and allowance	es RD uses the 5	HOME uses	Deductions			
and	used to determine adjusted income and rent.	HUD	HUD's 5	and			
allowances	Open to all applicable households are:	deductions	deductions	allowances			
are not	1) Dependent deduction applicable to the	e and	and	are not			
used. Rent is	year	allowances.	allowances for	used. Rent			
not based	2) Childcare expenses and		those over-	is not			
on income.	3) Disability assistance expenses		income	based on			
	Available to households where the head or co)-	households	income.			
	head is elderly or disabled are:		paying rent				
	4) Health and Medical expenses and		based on their				
	5) Elderly household deduction applicable	2	income.				
	to the year						
	4350.3 Chapter 5 section 2, <mark>Joint HOTMA Notice 2023-</mark> Attach C	HB-2 3560 5.9 C	HOME Guide Attachment 3-4				
Recertification							
LUITC			F	Deed			

LIHTC	HUD	RD	HOME (NHTF)	Bond
Projects that	Recertifications are due on	Recertifications	HOME households must	Projects that
are less than	the certification anniversary	are due on the	be certified at move-in	are less than
100% tax credit	date.	certification	and every 6 th year of the	100% bond
must recertify	Interim certifications must	anniversary	affordability period, with	must
each	be conducted <mark>when</mark>	date. If certain	some annual	recertify each
household's	household unearned	income and	recertification	household's
income and	<mark>income increases or</mark>	household	requirements in years 2-	income and
student status	decreases by 10% of	changes occur	5. The HOME program	student
annually. 100%	adjusted income. Generally,	(including	does not mandate dates	status
tax credit	<mark>increases in earned income</mark>	increases of	for the annual cycle,	annually.
projects must	<mark>are not adjusted until the</mark>	\$100 per month	allowing all	Like the tax
recertify	next annual examination.	or decreases of	recertifications to be	credit
student status	Interim recertification is not	\$50), a new	conducted at once for a	program,
annually.	required in the last 3	certification is	year. There are no	100%
Typically,	months of the certification	done, and all	provisions for interim	projects need
recertifications	year. It is only required that	items are 3rd-	certifications.	to recertify
are due on the	household composition or	party verified.	Households with tenant-	student
original	income items that have	Recertification	or project-based income	status each
certification	<mark>changed since the annual</mark>	must then be	will use the income	year.
anniversary	certification must be re-	completed no	determinations of the	
date. A few	verified. Fixed-source	later than a year	rental assistance program	
states require	income must be verified at	from the	and its cycle.	
one full income	<mark>least every 3 years</mark> .	anniversary of	NHTF applies the same	
recertification.		the new	recertification standards	
		certification.	as HOME.	
§142(d)(3)(A) (see §42(g)(4)), Treas. Reg. 1.42-(b)(1)(vi), 8823 Guide Chap 5	4350.3 chapter 7, 7-11 A 4, <mark>Joint</mark> HOTMA Notice 2023-10 Attach C	HB-2-3560 6.28	HOME Guide 3.2 F 6 NHTF 24 CFR 93.151 (d) and 93.302 (e)	§142(d)(3)(A)



Minimum Required Period in the Program

LIHTC

The tax credit period in the program is generally accelerated to 10 years with a 15year compliance period. State Housing **Finance Agencies** (HFAs) also include an extended use period, which can vary, though it is a 30-year minimum total, including the compliance period. §42(i)(1), (f)(1), (h)(6)(D), 8823 Guide chapter 16

HUD	RD
Program	Program
type,	type,
financing,	financing,
and other	and other
regulation	regulation
s establish	s establish
the	the
required	required
period in	period in
the	the
program.	program.

HOME (NHTF)

The HOME agreement establishes the parameters of the program. The affordability **period** in the HOME program can vary depending on the type of HOME project and the average HOME unit investment. It is at least 20 years for most properties. NHTF has a minimum

affordability period of 30 years. Grantees may impose a longer period.

HOME Guide 7.1 |NHTF 24 CFR 93.302 (d)(1)

RD

project period begins

The bond-qualified

Bond

once 10% of the units in a property are occupied and ends the latest of a) 15 years after 50% of the units are occupied, b) the day no taxexempt bond is outstanding, or c) the day Section 8 assistance, if any, terminates.

§142(d)(2)(A)

HOME

certification. **HOME** Guide

3.2 E 1, 6

Effective Dates of Certifications

LIHTC

The effective date for move-in is the actual date of move-in. The effective date for inplace residents at Acq/Rehab properties is the date of acquisition (for households certified within 120 days of the acquisition date). After 120 days, the effective date is the date of the last signature on the certification. The effective date of recertification is the anniversary of the effective date of the original tenant income certification (for less than 100% LIHTC projects where recertification is required).

HUD

The move-in date is the date of move-in.

The effective date of the initial certification where an in-place resident gets rental assistance is the date that assistance is assigned to the tenant.

Interim Certifications with a rent increase reported timely is the first of the month after the end of a 30day notice.

The effective date of interim certifications with rent decreases or when increases of income are not timely reported is the 1st of the month after the income is verified. The annual recertification effective date is the first of the month on the anniversary of the original move-in certification. HUD may approve alternative anniversary dates.

The effective Effective date of all RD dates are certifications not will always be discussed. the 1st of the Initial month. The income effective date certification of a move-in must be cert is the 1st of completed the month. If no more the tenant did than 6 not move in on months the 1st, the before effective date is moving in. the 1st of the Annual next month recertificatio after move-in. n is The effective necessary date of but does not recertification have to be is the on the anniversary anniversary date of the last date of the certification. last

HB-2-3560 6.28

Effective dates are not discussed. Typically, the Tax credit rules are followed.

Bond

8823 Guide 4-22, 4-25, 5-1

4350.3 7-5, 7-13, 7-5 C



Increases of Income and Determining Eligibility

LIHTC	HUD	RD	HOME (NHTF)	Bond
For less than 100% tax credit properties, household income that is over 140% of the current income limit at recertification is "over- income". Over-income households continue to qualify as Tax Credit households if the next available unit of the same or smaller size IN THE BUILDING is rented to a qualified tax credit household. This continues until the applicable fraction is restored not counting the over-income households. Once the applicable fraction is restored, the household may be raised to market rent but cannot be required to vacate the unit. This is often called either: • the AUR "Available Unit Rule," • the NAUR "Next Available Unit Rule," or • the "140% rule"	Rent increases up to the maximum rent. Households that are at the maximum rent and not receiving RA are NOT required to move out of the unit.	Rents increase up to the maximum rent. Households that exceed the moderate- income limits must vacate the unit. Overage (the amount of the tenant's rent that exceeds Basic Rent up to Note Rent) must be paid to RD.	Income and subsequent rent increases may result in re- classification from LOW to HIGH HOME rents. Rents switch to 30% of adjusted income once the household's income exceeds the 80% limit. LOW HOME households that exceed the HOME 50% limits and HIGH HOME households that exceed the HOME 80% limits are "over- income". Resulting actions are then determined by the program and depend on whether the project is "fixed" or "floating" HOME. Households at the maximum rent are not required to move out of the unit. For projects that have tax credit funding also, rent for over- income households is not based on adjusted income but may be raised to tax credit limits. NHTF units that exceed the NHTF limits are in temporary non-compliance and the next available comparable unit must be rented to an NHTF-eligible tenant for floating NHTF units. If fixed NHTF, the unit(s) will need to be re-occupied with an NHTF-eligible household once the over-income household chooses to vacate.	For less than 100% bond properties, household income that is over 140% of the current income limit at recertification is "over- income". Over- income". Over- income households continue to qualify as bond households if the next available unit of the same or smaller size IN THE PROJECT is rented to a bond household. NOTE: For bond/tax credit projects, this rule becomes a BUILDING rule to conform to the tax credit regulations.
§42(g)(2)(D)(ii), Treas. Reg. §1.42-15, 8823 Guide Chapter 14	4350.3 chapter 8	HB-2-3560 6.30	HOME Guide 3.5 & 6, Attachment 3-4 & Attachment 3-5 §92.25 3 (c) (2013) NHTF 24 CFR 93.302 (f)	§142(d)(3)(B) & (C)





Transferring Households

LIHTC

For less than 100% tax credit properties, households with income above the 140% limit at recertification may only transfer to units in the same building. At 100% tax credit properties and for households with income below the 140% limit, transfers can take place between buildings in the project without the household qualifying under current income limits. See IRS form 8609 to determine which buildings are in a project. Transfers between units cause the units to switch status, especially for purposes of initial tax credit rent up.

HUD

Transfers are allowed between buildings within a project. Households that overcrowd or under occupy a unit may be required to move to an appropriately sized unit (if that unit is available) or stay and pay contract rent. The effective date of the household's recertification after the transfer is the anniversary date of their original move-in date to the property. 4350.3 chapter 7 section 3

RD Transfers are allowed between buildings in a project. Households that overcrowd or under occupy a unit may be required to move to an appropriately sized unit (if that unit is available). If an appropriate unit is not available, the tenancy may be terminated. Recertification is completed at transfer, and the transfer date becomes the new anniversary date.

HUD guidance does not discuss unit transfers for HOME. Generally, households must requalify at transfer for the new unit. "Floating" **HOME** units can switch their designation. "Fixed" HOME units do not switch.

HOME

Bond

Bond rules do not discuss unit transfers.

Treas. Reg. 1.42-15(d), Rev. Rul. 2004-82, Q&A #8, 8825 Guide 4-24

Subsidy and Rent Limits

HB-2-3560 6.21, 6.30 A

LIHTC

HUD N/A

Rental

RD

assistance, if

available at a

property, pays

rent up to basic

rent. When

tenant rent

paid to RD

difference

basic rent.

equal to the

between the

tenant rent for

a unit and the

exceeds basic

rent, overage is

HOME (NHTF)

Include any subsidy when determining compliance with HOME rent requirements. There is an exception for project-based subsidy in LOW HOME units where tenants pay 30% of their income toward rent. For these units, the full subsidy program rents may be collected. For NHTF units with PROJECTbased federal or state subsidy, maximum rents are the rents allowable under the subsidy

Bond

The bond program does not impose rent requirements. The bond agreement may have some project-specific requirements.

Section 8 RA and RA from similar programs are exempt when determining household income. Household rent may exceed the tax credit max rents for households receiving assistance and whose income has increased. Tenant rents may also exceed the tax credit limit for households receiving RD assistance for which RD "overage" is paid.

§42(g)(2)(B)(i) & (iv), 8823 Guide 11-5 & 6

HB-2 7.4 C, 7.11 A-C

HOME Guide 3.3 C | NHTF CFR 24 93.302 (b)(ii)(2)

program.

HUD

contract)

rents are

will be

and HAP

agreements.



Rent Limits

Rent limits are calculated based on income limits. There is a gross rent "floor," established at the date of allocation or placed in service date so that the rents do not have to fall below the "floor" for a project, even if the HUD published Income Limits go down from year to year. Rent limits are calculated imputing 1.5 persons per bedroom.

§ 42 (g)(2)(C), Rev Proc 94-57, 8823 Guide 11-2 Example 1

Utility Allowances

Market (or Basic and market rents calculated for a specific for a specific property and out in spelled out in regulatory regulatory and other

RD

HOME (NHTF) are calculated property and will be spelled agreements.

HUD publishes the HOME high and low rent limits. Rents do not decrease below the originally approved HOME rents. 2013 HOME regulation requires that PJs approve all rents annually at each HOME project that they monitor.

For the NHTF the grantee must approve rent each year.

HOME Guide 3.3 §92.2 52(f)(2) (2013) |NHTF 24 CFR 93.302 (a) - (c)

Bond

The bond program does not have rent limits. Specific bond agreements may impose limits.

LIHTC	HUD	RD	HOME (NHTF)	Bond
Projects with RD or HUD	UA for a	UA for a	The PJ establishes a UA. Since	The bond
funding use the UA for	property is	property is	the 2013 change in HOME	program
those programs. There are 5	calculated	calculated	regulations, UAs provided by	does not
additional choices for other	based on	based on RD	Public Housing Authorities are	impose rent
properties:	actual	policy. If there	no longer acceptable. UAs must	limits; thus, a
1) Local PHA-published	consumpti	is more than a	now be:	UA is
UAs	on at a	15% rate	1) Calculated based on actual	irrelevant.
2) Estimate from a Utility	property	increase,	project consumption; or	The bond
Company	every 3 rd	owners should	2) Use the HUD Utility	agreement
3) Estimate from an HFA	year and	collect a	Schedule Model (HUSM)	may impose
4) HUD Utility Schedule	adjusted by	"significant	NOTE: This is only applicable to	further rent
Model (HUSM)	a HUD-	sampling" of	HOME projects committed	restrictions.
5) Engineer Model	published	tenant data. If	funds after 8/23/2013. The	
For non-RD/HUD-regulated	rate the	any increase is	method for HUD projects is also	
buildings, the UA for	other	15% or less, "a	acceptable. Tax credit options	
voucher-holding	years.	sampling" is	are also acceptable except for	
households is the PHA-		required. Each	PHA estimates.	
published UA that their rent		state Agency	For the NHTF, the grantee must	
calculation is based on.		may set	establish UAs each year.	
Note: many, but not all,		further		
states consider HOME to be		policies.		
a HUD-regulated program.				
Treas. Reg. 1.42-10, 8823 Guide Chapter 18	MF Notice H- 2015-4	7 CFR 3560.202 HB-2-3560 4.26/ 4-29; 7.3 / 7-3	HOME Guide 3.3 D; 24 CFR 92.252 (d) (2013) CPD HOME FAQ 11-13, Homefires Vol. 13 No. 2 NHTF 24 CFR 93.302 (c)	
		4 23, 713 7 7-3	93.302 (c)	•



Legal Authority and Program Guidance

–				
LIHTC	HUD	RD	HOME (NHTF)	Bond
Legal Code: Internal Revenue Code §42, Treasury Regulation 1.42, Revenue Rulings, Revenue Procedures, and IRS Notices. Although not regulatory, "The Guide for Completing Form 8823, Low- Income Housing Credit Agencies Report of Noncompliance or Building Disposition" AKA "The 8823 Guide" and IRS Newsletters provide additional guidance. Private Letter Rulings indicate IRS thinking but cannot be cited as precedent for any, but the individual cases involved.	HUD Handbook 4350.3 "Occupancy Requirements of Subsidized Multifamily Housing Programs" as amended by the Joint HOTMA Notice 2023-10. Additional MF Housing Notices provide updates. HUD also has an RHIIP Listserv where guidance and announcements are often first published.	HB-2-3560 "Multi-Family Housing Asset Management Handbook," RD also provides updates through Administrative Notice (AN) and Unnumbered Letters (UL).	24 CFR Part 92 regulation, "Compliance in HOME Rental Projects: A Guide for Property Owners" AKA the "HOME Guide." A HOME Technical Guide and Online Calculator provide income calculation guidance. The NHTF regulations are at 24 CFR Part 93	Internal Revenue Code §142, Revenue Rulings, Revenue Procedures, and IRS Notices.
www.irs.gov	www.hud.gov	www.rd.usda.gov	www.hudexchange. info	www.irs.gov

Vacancies

LIHTC	HUD	RD	HOME	Bond
Vacant units are	Vacant units	Vacant units do	A few short-term	Vacant units are
considered tax credit units	do not impact	not impact	vacant units do not	considered bond
if: A) the unit was	program	program	impact program	units if the unit
previously occupied by a	compliance	compliance unless	compliance.	was previously
qualified household; B) the	unless vacant	vacant units are	NOTE: HOME units	occupied by a
unit was ready to lease in a	units are	excessive in	that are not leased	qualified
reasonable amount of	excessive in	quantity or	within 6 months of	household. When
time, and C) the	quantity or	duration. Rental	project completion	the next
owner/manager can prove	duration.	Assistance that	could become an	household leases
that the unit was marketed	Vacancy	remains unused	issue. Within 18	the unit,
before any non-tax credit	claims can be	after 6 months	months HOME funds	qualification is
units of the same or	made to HUD	due to vacancies	must be paid back on	determined for
smaller size were leased.	to recoup lost	may be removed	those units that were	that household.
(Vacant Unit Rule, or VUR)	rent.	from a property	not leased to HOME-	
		by RD.	qualified households.	
Treas. Reg. 1.42-5(c)(1)(ix), Rev. Rul. 2004-82, Q&A #9, 8823 Guide Chapter 15		HB-2-3560 9.15/9-33	§92.525 (2013)	IRS Reg. 103.8 (b)(5)(ii)



Minimum Set-Aside and Required Number of Units in The Program

LIHTC	HUD	RD	HOME	Bond
Historically, properties had a 20-50 or 40-60 minimum set- aside. The first number designates the minimum percentage of units at the property that must be designated "tax credit" units. The second number represents the MTSP income and rent limit for those units. Tax credits are claimed based on the actual percentage of tax credit units to all the units in a building; this is called the "applicable fraction." Starting for new set-aside elections starting in 2018, the 40-60 set-aside option includes an "Average Income Test" (AIT) version where units may be designated at 20 to 80% MTSP (in whole 10% increments), as long as these average 60%. NOTE: New York City adds minimum set-aside options of 25-60 and 25-60 (AIT). State agencies can determine additional set-asides, but federal tax credits are not at- risk if these set-asides are noncompliant.	This is based on the HUD program type and the regulatory agreement in place for the property.	This is based on the RD program type and the regulatory agreement in place for the property.	The HOME units in a property are determined by the amount of HOME Funds given to the property in proportion to the cost to build. These are designated "low" and "high" HOME units. Typically, 20% of units must be "low" HOME units with a 50% income and rent limit. The remainder of the HOME units are "high" HOME with an 80% rent and income limit.	Typically, properties have a 20- 50 or 40-60 minimum set-aside. The first number designates the minimum percentage of units at the property that must be designated "bond" units. The second number represents the MTSP income and rent limit for those units. The bond units must meet the minimum set- aside at the property, but do not need to exceed the minimum. During lease-up once a property reaches 10% occupancy the minimum set- aside must be maintained among the occupied units. This may cause a hold on leasing to non-bond households until the bond minimum set-aside is reached. NOTE: New York City projects have a fourth minimum set- aside option of 25-60 and a fourth AIT (25-60 average) option. State agencies can determine additional set-asides.
§42(g)(1), 8823 Guide chapter 10, IRS form 8609(s) line 10C shows the designation			HOME Guide 1.8	§142(d)(1) Rev. Proc. 04-39



Initial Lease and Lease Term

LIHTC	HUD	_	RD	_	HOME (NHTF)	_	Bond	
Other than in SRO or transitional housing projects, households must not be "transient." This generally means that the initial lease term must be at least 6 months. Termination or non- renewal must be for good cause under state law.	The initial lease term must be 12 months. The HUD lease must be used. Termination or non- renewal must be for good cause.	terr mol end con soo is d the mu by t atto app Ter nor be f	the initial lease The erm must be 12 typ nonths or the less and of the HAP wh ontract, if day ooner. The lease to for a developed by pro- he owner and developed by pro- he owner and developed by pro- he owner and developed by RD. remination or cau- on-renewal must NH e for good and ause. app		HOIVLE (NHTF) The initial lease term is typically 12 months unless a lesser term is agreed upon, which can't be less than 30 days, except in cases of threat to the tenants, employees, or property. The lease is developed by the owner avoiding 9 prohibited clauses. The lease must be approved by the PJ. Termination or non- renewal must be for good cause. NHTF has the same initial term and prohibited lease terms as apply to HOME. Termination of tenancy must be for cause and in a timeframe dictated by local law.		Bond The bond program leaves the lease and initial lease term up to other program funding unless the bond agreement mandates some lease requirements. The minimum term is generally at least 31 days.	
§ 42(i)(3)(B)(i) & "Blue Book" 8823 Guide chapter 20; § 42 (i)(3)(B)(iv)	4350.3 chapter 6, Appendix 4 A- G	Atta	HB-2-3560		HOME Guide 4.3 B, Attachment 4-1 24, CFR 92.253 (b) (2013) NHTF 24 CFR 93.303 (a) - (c)		Bond Agreement	
Applicatio	n, Scree	ni	ng, and	M	onthly Fees			
LIHTC	HUD		RD		HOME (NHTF)		Bond	
Applicants can be charged a fee for the actual average out-of- pocket costs to run the checks. Non- optional monthly fees must be added when determining gross rent compliance.	NOT be charg for the costs screening. Monthly fees	Applicants mustFees toNOT be chargedapplicants andfor the costs ofdiscouragedscreening.allowed andMonthly feeslimited to themust beactual cost ofapproved byscreening.		ut the Participating Jurisdiction (PJ). Any allowed monthly fermust be deducted from the HOME rent limit to determin the maximum rent charged a unit. Fees that are not customary		es ne or d. the	Application fees and costs to screen applicants are not addressed.	
8823 Guide 11-2 to 11-3	4350.3 4-7 A-C,	E 2	HB-2-3560 6.18 6.19	В,	Home Guide 3.3 D 4 HOME Regs 92.214(b) (2013) NHTF: 24 CF 93.204(b)			



Criminal Background Checks

		CHECKS	2									
LIHTC	HUD		RD	H	IOME	Bond						
Owners may screen for criminal backgrounds.	Owners are required to screen for criminal and drug-related criminal activity. Applicants must be screened for lifetime sex offender registration and those registered are prohibited entry.	Owners may screen for criminal backgrounds. Owners may deny admission for criminal activity. If rejected for occupancy, the letter must outline the reason.		criminal backgrounds. Owners may deny admission for criminal activity. If rejected for occupancy, the letter must outline the		criminal backgrounds. Owners may deny admission for criminal activity. If rejected for occupancy, the letter must outline the		criminal backgrounds. Owners may deny admission for criminal activity. If rejected for occupancy, the letter must outline the reason.		scree crim back Appl rejec recei	grounds. icants cted must ive a	Criminal backgrour checks are not addressed
8823 Guide 11-2 to 11- 3	4350.3 4-7 A-C, E 2	HB-2-35	60 6.18 B, 6.19		OME Guide xhibit 4-1							
Release of Information Forms												
LIHTC	HUD		RD		НОМ	E Bon						
No specific form is required.	HUD uses forms 9887 and 9887-A. Individual verification forms must be signed, not just a blanket release. These are signed once by all adults. 4350.3 3-11, Joint HOTMA Notice 2023-10 J.1	The owner is required to deve a Release of Information form specific form is required. HB-2-3560 6.11 2			No specif form is required	form is						
Citizenshi	p Requireme	ents										
LIHTC	HUD		RD	HC	DWE	Bond						
The Internal Revenue Service (IRS) does not establish citizenship requirements. The HFA or the owner may establish non- citizen restrictions.	Only U.S. citizens or eligible non- citizens may receive assistance. Non- citizens must provide documentation that is verified through the Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services' SAVE system. Households that consist of non- eligible and eligible members will have their assistance pro-rated.		Only U.S. citizens or eligible non- citizens may receive benefits. RD guidance on how to establish this is still pending.	The multi- family HOME program does not have established citizenship requirements.		The bond program doe not have established citizenship requirement						
8823 Guide 13-2	4350.3 3-5 F, 3-12, Exh	ibit 3-5	§3560.152 (a)(1)									



Race / Ethnicity Reporting Requirements

		,					
LIHTC		HUD		RD		HOME (NHTF)	Bond
Race and ethnicity data collection and reporting procedures are established by the State Housing Finance Agency (HFA). The HFA is required to report this data to HUD.		Applicants have the option to report their race and ethnicity using the form HUD-27061-H, though this is NOT a required form. Management must NOT complete the form on the applicant's behalf. Race and ethnicity data is NOT placed on the waiting list.		Application forms and waiting lists must include race and ethnicity data. If the applicant will not supply the data, management is required to complete the race and ethnicity information based on observation.		The PJ must establish race and ethnicity data collection and reporting procedures. The PJ must review the data collected each year. As affirmative marketing rules apply, NHTF would require monitoring of race and ethnicity.	The bond program does not have race and ethnicity data collection or reporting procedures.
The Housing and Economic Recovery Act of 2008 (HERA) section 2835			1350.3 2-11 A, 4-14 A 4, Exhibit 4- 3, 4-16 D 4		,	HOME Guide 4.2 B 5 NHTF 24 CFR 93.350	
Affirmativ	Je	Fair Hous	sing	Market	tiı	ng	
LIHTC		HUD		RD		HOME (NHTF)	Bond
The Internal Revenue Service (IRS) and tax code do not require affirmative marketing. Some state agencies have AFHMP requirements.	Aff Ho Pla HU Thi the at l and app the	UD requires an firmative Fair busing Marketing an (AFHMP) on UD form 935.2A. his is updated by e owner/manager least every 5 years of must be oproved by HUD or e Contract dministrator (CA). RD req Affirmat Housin Plan (A HUD for This mu approv update years.		quires an Th aative Fair af ng Marketing pr AFHMP) on re orm 935.2A. su nust be es ved by RD and m ed every 5 fo G es af p		ne PJ must establish firmative marketing rocedures. The PJ is esponsible for making are that the stablished affirmative arketing plan is illowed by the site. rantees must stablish and monitor firmative marketing ans for NHTF roperties.	The Internal Revenue Service (IRS) does not address affirmative marketing.
	н	UD.gov Form 935.2A		560 6.17, HUD.gov Form 935.2A	H	OME 4. 2 B NHTF 24 CFR 93.350	



Online System Used by Program

onnie Syste							
LIHTC	HUD	RD	HOME	Bond			
The Internal Revenue Service (IRS) does not have an online system. Individual State Housing Finance Agencies (HFAs) may have a unique online system.	HUD has Tenant Renta Assistance Certification (TRACS) and Enterprise Income Verification (EIV).	n Agent	The Participating Jurisdiction (PJ) uses the Integrated Disbursement and Information System (IDIS) to report to HUD.	The IRS does not have an online system.			
Administering Agency							
LIHTC	HUD	RD	HOME (NHTF)	Bond			
The Internal Revenue Service (IRS) and State Housing Finance Agencies (HFAs). NOTE: Each state has an HFA; however, they are not all specifically called Housing Finance Agencies.	Housing and Urban Development (HUD) Multi-family Division and Contract Administrators (CAs) which are 'contracted' by HUD.	Rural Development (RD) / Rural Housing Services (RHS) under the United States Department of Agriculture (USDA).	Housing and Urban Development (HUD) under the Office of Community Planning and Developmen (CPD). CPD appoints Participating Jurisdictions (PJs) that commit the HOME funds to owners an monitor compliance. HUD CPD. CPD appoints state Grantees that comm the NHTF funds to owner and monitor compliance.	nt Revenue Service (IRS) and bond issuers. nd nit rs			
IRS.gov and individual state HFA websites	HUD.gov and individual CA websites	RurDev.USDA.gov	HUD.gov and individual PJ an Grantee websites NHTF 24 C 93.100 and 92.404				

Reporting Requirements

LIHTC	HUD	RD	HOME	Bond
IRS form 8609 must be filed with the IRS after the first year of the credit period. Form 8609A is filed in the other years of the compliance period. An annual owner certification of program compliance must be submitted to the state HFA.	Reporting and HAP processing are submitted monthly through TRACS.	Reporting and RA processing are submitted to RD monthly through MINC by the 10 th of the month.	Annual occupancy and other reports are submitted to the PJ.	Form 8703 must be filed with the IRA annually.



Inspections – File Review and Physical

LIHTC HUD HOME (NHTF) RD Bond Inspections are **MORs** (Management Annual Physical Reviews are based on the No Occupancy Reviews) Inspections: 5% of total number of units in a inspection done on a minimum 3-year are performed on a occupied units property, NOT just the schedule is risk-based cycle of 1-3 (minimum of 2) and HOME units, with a 3-year required cycle. At least one aspect of ALL vears. REAC Physical 5% of vacant units inspection cycle. The by the tax buildings is inspections use UPCS (minimum of 2). inspector selects a code. inspected (such as and are conducted on a Tri-annual "Reasonable Sample." The NOTE: the building 1 to 3-year schedule Supervisory Visits PJ must choose between Section exterior or HVAC). based on the previous review units based local and state codes or 504 does The number of files **REAC** score: on size: NSPIRE* for the physical not apply 1-5 units = all units >89 = 3-year schedule and units inspected reviews. Section 504 and to bond is the lower of 20% 80-89 = 2-year inspected Fair Housing standards funding. or the number schedule 6-30 units = 6 apply for a review of Fair listed on a chart <80 = 1-year schedule inspected accessibility. Housing published in IRS **NSPIRE** (National 31-74 units = 10 *NSPIRE replaced UPCS standards regs (based on Standards for the inspected and HQS in 2023. Further apply. >74 units = 15 guidance is forthcoming. HUD REAC Physical Inspection of standards). NSPIRE Real Estate) is the inspected **NHTF tri-annual** (National protocol used for the Vacant units = 5% inspections are based on a sample, as set forth by Standards for the Physical Review. inspected Physical Inspection Section 504 and Fair (minimum of 2 HUD notice. For projects of Real Estate) or Housing standards units) with 1-4 NHTF units, all of local standards are apply for a review of RD 3560-11 is the the NHTF units are used for the accessibility. form used for inspected. NHTF Physical Review. properties must meet the Physical reviews. **HUD NSPIRE standard** NOTE: Section 504 Section 504 and Fair and Section 504. is not applicable to Housing standards tax credit funding apply for a review of where other accessibility. federal funding is not involved. Fair Housing standards apply. 4350.1 chapter 5, see also www.hud.gov for further REAC and NSPIRE HOME Guide Exhibit 6-1. 6.2 C Treas. Reg. §1.42information. HUD Final Rule HB-2-3560 9.9 F, 9.10 F, 7; HOME Guide Exhibit 5- 1 24 5(c)(1)(vi) & (2) 8823 RD 3560-11 "Streamlining MORs for Sec. CFR 92.504 (d) (2013) | NHTF 24 Guide 6-1 & Exhibit 6-1 8 Housing Assistance CFR 93.301 (e) and 404 (d) Programs" 6-26-22 effective 9-26-2022.



Violence Against Women Act (VAWA)

LIHTC	HUD	RD	HOME (NHTF)	Bond
VAWA applies to tax credit properties since 2013. The IRS is unlikely to issue guidance. HUD guidance may be used as a model and state HFAs often issue guidance based on the HUD model. A lease addendum is not required by law, but a state agency may require one.	Applies since 2005 to Section 8 and since 2013 for most other HUD programs. HUD has issued a sample notice of rights (Form HUD-5380), victim cert. (5382), a model emergency transfer plan (5381), and a model emergency transfer request (5383). A lease addendum (91067) is required.	The VAWA statute covered RD in 2013. In 2017 RD adopted the HUD 2016 VAWA Rule and forms. The 2023 VAWA reauthorization covered RD vouchers.	HUD 2016 guidance applies to HOME. The PJ must develop a VAWA lease addendum. The HUD 2016 guidance applies to NHTF. The VAWA statute explicitly includes NHTF starting with the 2022 VAWA reauthorization. The grantee must develop a VAWA lease addendum.	VAWA does not apply.
	Fed Reg Vol 81 No. 221 Wed Nov 16, 2016	Admin Notice 4814 dated 1-18-17; Fed Reg Vol 81 No. 221 Wed Nov 16, 2016	Fed Reg Vol 81 No. 221 Wed Nov 16, 2016 NHTF 24 CFR 93.356	

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