



Low Income Housing Tax Credits (LIHTC)

Virtual Training

December 1-2, 2025



The U.S. Department of Housing and Urban Development (HUD) and the Office of Native American Programs offer this training through a cooperative agreement with FirstPic, Inc.

This material is based upon work supported by funding under an award with the U.S. Department of Housing and Urban Development. The substance and findings of the work are dedicated to the public. Neither the United States Government, nor any of its employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed, or represents that its use would not infringe privately-owned rights. Reference herein to any specific commercial product, process, or service by trade name, trademark, manufacturer, or otherwise does not necessarily constitute or imply its endorsement, recommendation, or favoring by the U.S. Government or any agency thereof. Opinions expressed in this document are those of the authors and do not necessarily reflect the official position of, or a position that is endorsed by, HUD or by any HUD program.

Introductions

Robin Thorne

Vice-President, Training & Asset
Management

- Who I am:

- RTHawk is 100% owned by a member of the Standing Rock Sioux Tribe.
- We are a relationship driven company.
- I have been in the Affordable Housing Industry since 2002.
- I codeveloped the LIHTC / NAHASDA compliance certification program.



Introductions

Lorna Fogg

Vice-President, Finance &
Development

- Who I am:

- RTHawk is 100% owned by a member of the Standing Rock Sioux Tribe.
- We are a relationship driven company.
- I have been in the Affordable Housing Industry since 1995.
- I helped bring the LIHTC program to Indian Country.
- I worked for an LIHTC investor for over seven years.



Agenda

DAY 1:

9:00 am – 11:00 am

**Introductions & Course Description
Planning Considerations
LIHTC Overview and Examples**

11:00 am – 12:00 pm

Lunch BREAK

12:00 pm – 3:00 pm

**LIHTC Overview and Examples (cont.)
LIHTC Steps
BREAK
Tax Credits to Homeownership
How do the Numbers Really Work
Q & A and End Day 1**

DAY 2:

9:00 am – 11:00 am

**New Questions from Previous Day's Training
LIHTC Compliance Overview**

11:00 am – 12:00 pm

BREAK

12:00 pm – 3:00 pm

**LIHTC Compliance Overview (cont.)
Special Rules
BREAK
HOTMA / VAWA / NSPIRE Highlights
Inspections
Files, Forms, and Reports
Q & A and End Day 2**

Training Objectives

1. Provide an overview of Low-Income Housing Tax Credit (LIHTC) development and compliance considerations
2. Provide tools to help guide decisions
3. Provide a basic understanding of financial and other considerations

Why LIHTC?

- It is the largest federal program for affordable housing
- It is responsible for over 48,000 properties and ~3.2 million units to date
- If you are building affordable housing for households that make at or less than 60% AMI, the program can pay for up to 80% of costs (depending on project type and location)

Planning Considerations: *Population*

Determine Housing Needs – Population:

- Elderly
- Families
- New Households
- Veterans
- Disabled
- Students
- Workforce
- Homeowners
- Renters
- Supportive Housing
- Homeless
- Low / Moderate / High Income

Population – Overview of Permanent Supportive Housing

A cost-effective, outcome-driven, and more humane solution to ending homelessness for families and individuals struggling with addiction, mental health, and/or other disabilities who can benefit from and thrive in ***subsidized housing with supportive services***.



Population – Overview of Permanent Supportive Housing

Housing that is.....

- Permanent: Not time-limited; not transitional
- Affordable: Residents pay no more than 30% of their income for rent
- Independent as possible: Resident holds a lease with normal rights and responsibilities



Population – Overview of Permanent Supportive Housing



Who lives here? Families & Individuals

- Serious chemical dependency and/or mental health issues who need supportive services to maintain stable housing
- “Burned their bridges” in other housing or service programs because of associated behaviors
- Frequently utilize emergency services in the community because of a lack of stable housing

Population – Overview of Permanent Supportive Housing

Benefits of Supportive Housing

- Reduces stress caused by doubled-up and overcrowding
- Reduces use of crisis and institutional services
- Produces better outcomes than the more expensive crisis care system
- Significantly reduces recidivism rates
- Ends cycles of homelessness



Planning Considerations: *New Construction*

Determine Housing Needs – New Construction:

- Reduce your Waiting List
- Demand
- Alleviate Overcrowding
- Homeownership
- Rental
- Green components
- Availability of Land
- Environmental Review
- Soils / Site Suitability
- Infrastructure
- Infill

Determine Housing Needs – Site Selection

- Fee Land
 - Jurisdiction
 - Real estate taxes
 - Zoning and other approvals
 - Other nearby housing
 - Special rules for combining or leveraging federal funds
- Trust Land
 - Access to financing programs
 - Tribal support for land lease
 - Special rules for combining or leveraging federal funds

Determine Housing Needs – Site Selection

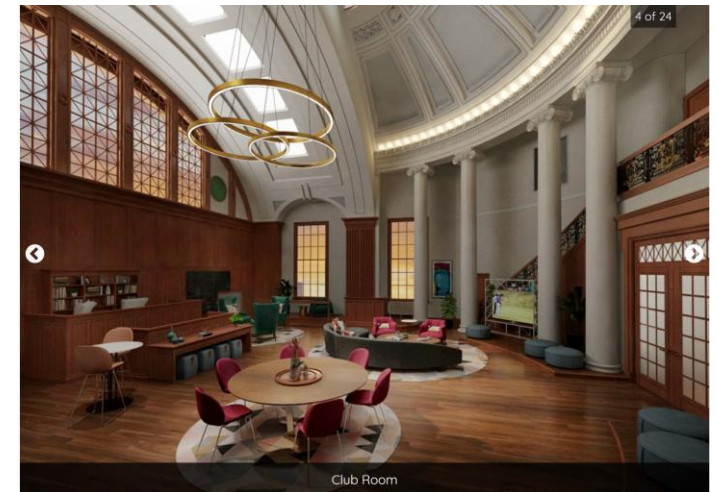
- Competitiveness
 - Distance to amenities
 - Walkability / other metrics
 - QCT / DDA
 - Funding availability
 - Marketability
- Acquisition / Rehabilitation
 - Adaptive reuse
 - Historic Tax Credits (HTC)
 - Acquisition versus Current Assisted Stock
 - Stigma / Vacancies
 - Tenant Relocation
 - BABA requirements may apply for both acquisition, rehabilitation, and public infrastructure

Adaptive Reuse

- Use of old, abandoned buildings repurposed into housing projects
- Removes blight
- Allows for use of existing infrastructure
- Usually lower construction costs
- May also preserve historic features



Courthouse Lofts, Worcester, Massachusetts



Planning Considerations: *Rehabilitation*

Determine Housing Needs – Rehabilitation:

- Homeowner Rehab
- Rental Rehab
- Manage Maintenance Costs
- Improve Energy Efficiency
- Environmental Concerns
- Increase Space
- Increase Amenities
- Accessibility

Rehabilitation – How does it Work?

- Units must be at least 10 years old
- Appraisals
- Capital Needs Assessment (CNA)
- Acquisition credits
- Non-cash contribution/leverage
- Current Assisted Stock (CAS) for formula
- Existing tenants need to income qualify

Planning Considerations: *Community Space*

Determine Housing Needs – Community Space:

- Fencing
- Housing Office
- Community Facility Building
- Playground / Basketball Court
- Walking Trails
- Social / Resident Services
- Swimming Pool
- Community Gardens
- Police/Fire Substation
- Resident Manager Unit

Planning Considerations: *Determine Housing Reasons*

Determine Housing Reasons:

- Economic Development
- Workforce Housing
- Reduce Waiting List
- Serve Homeowners or Future Homeowners
- Serve Hard to House Households
- Serve Low Income Tenants
- Serve Over Income Tenants
- Use Existing Vacant Buildings
- Take care of elders or disabled
- All of the Above

Planning Considerations: Finances

Determine Financing Programs:

- Tribal
- NAHASDA
- ICDBG (grant)
- Low Income Housing Tax Credits (LIHTC) (equity)
- Housing Trust Funds (typically grant)
- HOME Funds (both)
- Affordable Housing Program (grant)
- CDFIs or similar
- Title VI (loan)
- Section 184 (loan)
- BIA / IHS (typically grant)
- Rural Development (both)
- New Markets Tax Credits (NMTC) (equity)
- Solar Tax Credits (equity)
- IHBG Competitive (grant)
- Historic Tax Credits
- Conventional Loans
- Other

Financing Strategies

- Money that doesn't have to be paid back - grants and equity
- Funding Available
- Compliance Requirements including BABA requirements for construction of infrastructure
- Competitiveness of Program
- Gap or Leverage Required
- Predevelopment and/or Bridge Funds
- Economies of Scale

Priorities and Timing

- Develop Wish List
- Prioritize Projects
 - Importance
 - Difficulty
 - Logistics
 - Funding Programs
 - Political
- Funding Application Cycles
- Use of Funds - Deadlines

Planning Tools/Strategies

- Strategic Planning / Needs Assessments
- Training/Technical Assistance
- Networking
- Visit successful projects
- Revisit policies and procedures
- Bulk up the waiting list – Community Outreach
- Build confidence in staff
- Enlist a trusted advisor or consultant
- Be specific on how the program(s) would impact YOUR project
- Give it a try

Support for the Project

- Is the Tribal Council and Housing Board supportive of the project?
- Is the State Housing Agency supportive of Tribal Projects?
- What funds are available to commit to the project?
- Have your annual audits been good?
- What training has your staff had to prepare for the project?
- Have all essential staff been included in project planning?
- Did the community / prospective tenants have input?

Planning Considerations: Realistic

Determine Housing Needs – Realistic Goals & Timelines:

Develop a “real” budget to include all line items needed for your project including:

- **Soft Costs** – Fees for: legal, accounting, architect, market study, environmental, capital needs assessment
- **Hard Costs** – Infrastructure and Construction Costs, including the costs of implementing the Build America Buy America requirements. NOTE: when developing estimates, utilize recognized construction estimating resources as well as internal and local knowledge of current building costs.

Realistic Goals and Timelines

- What are the deadlines for the funding sources you wish to apply for?
- What is a realistic construction schedule based on your local weather seasons?
- What is a realistic schedule for when you will need the actual funds?
- Is your staff prepared to implement the requirements for BABA?
- Do your contractors understand their compliance requirements for BABA?

Project Considerations: Define the Project

- Project Location(s)
- New Construction or Rehabilitation
- Number of Units
- Single Family, Duplex, or Apartments
- Rental or Homeownership
- Distribution of Bedroom Types
- Square Footages of each Bedroom Type
- Community Space
- Populations Served
- Amenities
- Green / Energy Efficient Components
- Primary Financing Source(s)
- Tribe or TDHE's Contribution up front
- Tribe or TDHE's Contribution after Completion

Low Income Housing Tax Credit (LIHTC) - EQUITY

- Developed by Congress in 1986 to privatize affordable rental housing and allow the federal government to administer funding opportunities rather than manage housing IRS Program
- Treasury Department (IRS) program – Not HUD
- Section 42 of the Internal Revenue Code (IRC) defines the LIHTC Program
- Generates tax credits for investors
- Dollar for Dollar reduction in tax liability
- Partnership Structure

LIHTC - EQUITY

- New construction, rehabilitation, acquisition/rehabilitation, community space (as part of a housing project)
- The LIHTC is a permanent part of the code – not subject to appropriation.
- Primarily used by institutional investors
- Not a tax deduction
- The credits offset an investor's taxes over a 10-year period
- Recapture period is for the initial 15-year period

Equity

Form 1040 (2014)

Page **2**

Tax and Credits

Standard Deduction for—

- People who check any box on line 39a or 39b or who can be claimed as a dependent, see instructions.

- All others:
Single or Married filing separately, \$6,200
Married filing jointly or Qualifying widow(er), \$12,400
Head of household, \$9,100

38	Amount from line 37 (adjusted gross income)	38	
39a	Check ☐ You were born before January 2, 1950, ☐ Blind. ☐ Spouse was born before January 2, 1950, ☐ Blind. Total boxes checked ▶ 39a ☐		
b	If your spouse itemizes on a separate return or you were a dual-status alien, check here ▶ 39b ☐		
40	Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40	
41	Subtract line 40 from line 38	41	
42	Exemptions. If line 38 is \$152,525 or less, multiply \$3,950 by the number on line 6d. Otherwise, see instructions	42	
43	Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	
44	Tax (see instructions). Check if any from: a ☐ Form(s) 8814 b ☐ Form 4972 c ☐	44	
45	Alternative minimum tax (see instructions). Attach Form 6251	45	
46	Excess advance premium tax credit repayment. Attach Form 8962	46	
47	Add lines 44, 45, and 46 ▶	47	
48	Foreign tax credit. Attach Form 1116 if required	48	
49	Credit for child and dependent care expenses. Attach Form 2441	49	
50	Education credits from Form 8863, line 19	50	
51	Retirement savings contributions credit. Attach Form 8880	51	
52	Child tax credit. Attach Schedule 8812, if required	52	
53	Residential energy credits. Attach Form 5695	53	
54	Other credits from Form: a ☐ 3800 b ☐ 8801 c ☐	54	
55	Add lines 48 through 54. These are your total credits	55	
56	Subtract line 55 from line 47. If line 55 is more than line 47, enter -0- ▶	56	

LIHTC - EQUITY

- Apply through the state allocating agency
- Typically funds 80% or more of project costs
- Income and rent restrictions
 - Federal rule – Maximum of 60% AMI income and gross rent levels
 - Competition for tax credits may require lower income and rent levels – 30% - 50% AMI
 - Income averaging – up to 80% AMI
 - Gross rents include a utility allowance
- Incomes must be certified at move-in, but may increase after that time with no penalty
- Must include 100% of the per-capita income from gaming.
- The first \$2,000 in per-capita income generated trust assets is excluded.

Low Income Housing Tax Credits (LIHTC)

- Congress added income averaging as an option to the LIHTC program on March 23, 2018.
- The 80 percent of AMI standard is consistent with long-standing federal affordable housing policies, which define “low income” as households earning no more than 80 percent of AMI. The 80% AMI limit also conforms with NAHASDA income limits.
- Income averaging allows LIHTC developers to choose to serve households with incomes up to 80% of the Area Median Income (AMI), as long as at least 40% of the units are both rent-restricted and occupied by households with incomes that do not exceed the “designated income limits,” which may range from 20% of AMI in 10% increments up to 80% AMI.
- The rent for a unit must not exceed 30% of the designated income limit, for example, 30% of 20% AMI, 30% of 30% AMI, etc.

Low Income Housing Tax Credits (LIHTC)

- Credits are allocated on a building-by-building basis
 - If not 100% affordable units, then design should be apartment-type dwelling
- 15-Year mandatory compliance period and a 15-year extended use period
 - The project could be structured as a homeownership which requires rental for the first 15 years and then allows the tenants to purchase their units

LIHTC – How does it work?

- Developers compete for tax credits through their state allocating agency
- Investors purchase the credits and provide equity for the construction of the project
- The project is built with a limited amount of NAHASDA and/or other Tribal debt
- Allows for more units for less money and more units over less time

LIHTC – How does it work?

- Credits are initially awarded based on the lower of the cost caps or the estimated construction costs
- Credits are reevaluated at final close out and the final allocation will be the lesser of the credits initially awarded or the final construction costs
- Credits are calculated depending on project type
 - 9% credits - New construction and rehabilitation
 - 4% credits - Bond projects or acquisition

LIHTC – How does it work?

- Tribal loan (Gap) = total dev. cost (TDC) less investor equity
- Investor equity = annual credits x 10 x price per credit
 - (i.e. \$0.74 - \$0.76)
- Tribal loan will typically consist of NAHASDA or other Tribal funds and/or the value of assets for a rehab project
- A developer's fee is paid (typically to the Tribe or housing authority) for completing the various tasks necessary to bring the project to fruition
- Usually paid 3 months after the project completes rent up
- Other gap financing sources may be available:
 - AHP, ICDBG, HOME, RD, other state housing funds, etc.

LIHTC – How does it work?

- If your project is in a QCT or a DDA, then you receive 30% more credits.
- Qualified Census Tract (QCT)
 - Based on income levels – Defined by Census data
- Difficult Development Area (DDA)
 - Based on costs of development – Designated by HUD
- The Housing and Economic Recovery Act (HR 3221), enacted in 2008 allows states to determine DDA's

LIHTC – Structure

- IRS requires tax credits to go through a partnership structure
- Credits and losses flow based on percentage of ownership
- Limited Partner is the investor and receives a 99.99% interest
- General Partner is the managing partner and receives an 0.01% interest

LIHTC – Structure

- Limited Partner = Limited Liability
- Limited ability to direct – should only do so through the Limited Partnership Agreement (LPA) and Exhibits to the LPA
- Provides \$ for development only
- Visits the property on an annual basis to ensure compliance with the program
- Collects documents quarterly and annually

LIHTC – Structure

- Tribal Entity = General Partner = Managing Partner
- Managing Partner = Decision maker
- Depended on for the day-to-day operations of the project (may contract out some of the work to a management agent or compliance consultant, but is ultimately responsible)
- Provides \$ for development (fills the gap - also funds the pre-development phase) and helps fund the operations in the event that the rent collected is not enough to pay for the expenses
- Ensures compliance with the program by submitting quarterly and annual reports to the investor and state agency

LIHTC – Syndicator / Investor

- Syndicator – Intermediary between developers and investors. They establish funds in which investors contribute equity that is managed by the syndicator.
 - May be for-profit or non-profit
 - May be publicly owned or privately owned
- Investor – The entity that contributes equity to the affordable housing project, through a syndicator.
 - Economic investor
 - CRA investor

LIHTC – Investor

- Willing to invest, but considers risk and return
- Provides \$ for development phase, but receive their return over 15 years
- Has to predict that they will have a sizable tax liability for the next 10+ years
- Must depend on the capacity of the general partner to perform and comply with the program requirements
- Depends on guarantees from the Tribal Entity to alleviate risk

Guarantees

- **Title Guarantee** - If on trust land
- **Construction Completion Guarantee** - The Program requires that units are placed in service within two calendar years after the year of credit allocation
- **Tax Credit Guarantee** - The investor is paying up front for a 10-year stream of credits
- **Operating Deficit Guarantee** - The investor is only providing development funds
- **Compliance Guarantee** - If a project falls out of compliance, its tax credits are at risk

New Construction Example

	<u>Your Project</u>		<u>TC Project</u>		<u>Difference</u>
Cost	\$ 7,500,000		\$ 9,225,000		
Less: Ineligible Costs			\$ (300,000)		
Equals: Basis			\$ 8,925,000		
Basis Boost			\$ 11,602,500		
Times: Credit Rate (9%) x 10			\$ 10,442,250		
Cost from above	\$ 7,500,000		\$ 9,225,000		\$ 1,725,000
Less Investor Equity @ \$0.72	\$ -		\$ (7,518,420)		\$ (7,518,420)
Less AHP or ICDBG					\$ -
Equals: Tribal Contribution	\$ 7,500,000		\$ 1,706,580		\$ (5,793,420)
Less: Developer Fee (15%)	\$ -		\$ (1,125,000)		\$ (1,125,000)
Equals: Final Cost	\$ 7,500,000		\$ 581,580		\$ (6,918,420)
# of units	30		30		
Cost/Unit	\$ 250,000		\$ 19,386		\$ (230,614)

Rehabilitation Example

	<u>Your Project</u>		<u>TC Project</u>		<u>Difference</u>
Cost	\$ 4,500,000		\$ 7,275,000		
Less: Ineligible Costs			\$ (300,000)		
Equals: Basis			\$ 6,975,000		
Basis Boost			\$ 8,617,500		
Times: Credit Rate (9%/4%) x 10			\$ 7,005,750		
Cost from above	\$ 4,500,000		\$ 7,275,000		\$ 2,775,000
Less Investor Equity @ \$0.74	\$ -		\$ (5,184,255)		\$ (5,184,255)
Less AHP or ICDBG					\$ -
Less Value of CAS			\$ (1,500,000)		\$ (1,500,000)
Equals: Tribal Contribution	\$ 4,500,000		\$ 590,745		\$ (3,909,255)
Less: Developer Fee (15%)	\$ -		\$ (675,000)		\$ (675,000)
Equals: Final Cost	\$ 4,500,000		\$ (84,255)		\$ (4,584,255)
# of units	30		30		
Cost/Unit	\$ 150,000		\$ (2,809)		\$ (152,809)

LIHTC History

- 1st Tribal LIHTC project was after NAHASDA enacted
- Early projects were sporadic
- Investor interest was limited
- Perceived risk
- Promises and trust
- Structure

LIHTC Currently

- Hundreds of tribal LIHTC projects have been completed
- Investor interest is still limited, but not for the same reasons
- Perceived risk
- Promises and trust
- Structure

LIHTC - Steps

- Pre-Application
- Application
- Reservation
- Choose an Investor
- Due Dilligence
- Legal
- Closing
- Construction
- Lease Up
- Close Out
- Operations
- Post 15 Year

LIHTC – Pre-Application

- The state housing agency creates a Qualified Allocation Plan (QAP) or similar document
- There are public comment periods and meetings
- QAP is adopted
- QAP, application documents, important dates, etc. are posted on the web

LIHTC - Application

- Planning
 - Defining the project
 - Development Team
 - Cost Estimates
- Application Submittal
 - Threshold
 - Scoring
 - Required Exhibits
 - Throw Away Documents
- Wait
- Deficiency Corrections (if allowed)

Example: LIHTC – NM Info

2025 Dates & Numbers

- Draft QAP Posted – 8/15/2024
- Final QAP – 10/18/24
- Required Training – 10/23/24
- Intent to Submit Due – 12/20/24
- Applications Due – 1/21/25
- Preliminary Award Letter – 3/21/25
- Notice of Awards – 5/22/25
- Approximately \$2.90 per capita in annual credits available
- Maximum LIHTC per Project - \$1.7 million

Example: LIHTC – NM Info

Tax Credit Round Results

- 2025 \$10,810,020 in credits requested
- 2024 Average TDC for new construction was \$298,898
- 2025 Five awards totaling \$6,607,608
- 2024 All projects received points for locational efficiency, sustaining affordability, income levels of tenants, extended use period, leveraging resources, public housing authority marketing, smoke-free properties, and other scoring points available
- 2024 No project received points for rehabilitation projects, special needs households, tenant ownership, historic significance, blighted buildings/brownfields, or adaptive reuse

Example: LIHTC – NM Threshold

- Site Control
- Zoning
- Fees
- Market Study
- Applicant Eligibility / Development Team in Good Standing
- Financial Feasibility
- Submit Intent to Submit

Example: LIHTC – NM Scoring

- TDHE Participation - 3 Points if \$250,000 net assets - 5 Points if \$1 million net assets.
- Locational Efficiency - Up to 6 Points
- Rehabilitation Projects - Up to 5 Points
- Sustaining Affordability – Up to 10 Points
- Income Levels of Tenants – Up to 16 Points
- Projects that Incorporate Market Units - 2 Points
- Extended Use Period – 8 Points
- Households Reserved for Specific Populations - Up to 10 Points
- Leveraging Resources - Up to 10 Points
- Public Waiting List - 2 Points
- QCT/Revitalization – Up to 5 Points
- Eventual Tenant Ownership - 2 Points
- Historic - 2 Points
- Blighted Buildings - 5 Points
- Areas of Statistically Demonstrated Need - 10 Points
- Efficient Use of Tax Credits – Up to 5 Points
- Non-Smoking Properties – Up to 6 Points
- Adaptive Reuse - 2 Points
- Underserved Communities - Up to 9 Points
- Other – Up to 9 Points

Example: LIHTC – NM Scoring

2025 Housing Tax Credit Awards For The State of New Mexico								
Project Name Address	Developer Contact	General Partner(s)	Tax Credits Awarded	Low Income Units	Total Units	Project Type	HNM Score	Population
Nueva Acequia 9% 0 Camino de Jacobo Santa Fe, NM 87507	TwG Development, LLC Megan Adams 1301 E Washington St, Suite 100 Indianapolis, IN 46202 (619) 889-3085 madams@twgdev.com	Santa Fe County Housing Authority Denise Benavidez P.O. Box 276 Santa Fe, NM 87504 (505) 986-6264 debenavidez@santafecountynm.gov	\$ 1,288,621	53	53	New Construction	77	Seniors
San Mateo Manor 612 San Mateo Blvd SE Albuquerque, NM 87108	Spire Development, Inc. Thomas Grywalski 330 W Spring St, Suite 430 Columbus, OH 43215 (614) 350-0391 ext 1 tom@livespired.com	Spire Development, Inc.	\$ 1,392,905	50	50	New Construction	76	Seniors
Villa de Tularosa 1205 Monte Vista Avenue Tularosa, NM 88352	Tierra Del Sol Housing Corporation Rose Garcia 210 E Idaho Ave Las Cruces, NM 88011 (575) 541-0477 roseq@tdshc.org	Tierra Del Sol Housing Corporation	\$ 535,747	22	22	Acquisition/ Rehabilitation	75	Special Needs
Desert Hope II dba Paseos SEC Colorado Ave & S Campo St Las Cruces, NM 88001	Mesilla Valley Public Housing Authority Art Marrujo 926 S San Pedro St Las Cruces, NM 88001 (575) 528-2007 amarrujo@mvpha.org	Mesilla Valley Public Housing Authority	\$ 1,700,000	80	80	New Construction	72	Workforce & Veterans
Plaza Luna Lofts 1111 Ocote Road Santa Fe, NM 87507	Spire Development, Inc. Thomas Grywalski 330 W Spring St, Suite 430 Columbus, OH 43215 (614) 350-0391 ext 1 tom@livespired.com	Spire Development, Inc.	\$ 1,690,335	57	57	New Construction	66	Seniors
			\$ 6,607,608					

LIHTC - Reservation

- Preliminary Award
- Final Award
 - Reservation Letter
 - Additional Documentation Submittals
 - Reservation Fees
 - State Reporting Requirements
 - Timelines and Milestones

LIHTC – Choose an Investor

- Provide updated numbers and schedules to multiple investors
- Schedule needs to be more specific with a building-by-building breakdown of construction start, construction completion, and lease up.

Receive Letters of Intent (LOI)

- Price
- Equity Schedule
- Fees
- Adjusters
- Report Requirements
- Other Terms

Select Investor or Syndicator

- Price
- Equity Schedule
- Indian Country Experience
- Fees

LIHTC – Due Diligence Checklist

- **Project Based Due Diligence**

- ALTA Survey
- A & E
- Environmental Report
- TSR
- Land Lease / Sublease
- Insurance

- **Development Team Due Diligence**

- Capacity
- Background
- Financials / Insurance
- Construction Contract

- **Sponsor Based Due Diligence**

- Financials
- Capacity
- Policies / Procedures
- Questionnaires

LIHTC – Legal

Attorneys

- Investor's Attorney
- Syndicator's Attorney
- General Partner's Attorney
- Partnership's Attorney
- Special Counsel
- (if needed)

Documents

- Loan Documents
- Management Agreements
- Title Guaranty
- Housing Assistance Payments
- Resolutions
- Acquisition Documents
- Partnership Documents

LIHTC – Closing

- Due Diligence Materials
- Legal Documents
- Investor / Syndicator Internal Approvals
- Amended and Restated Limited Partnership Agreement
- Partnership Checking Account
- Attorneys' Opinions

LIHTC – Construction

- General Contractor vs. Subcontractors vs. Construction Management
- Monthly Draws
- Monthly Architectural Inspections
- Reporting to State Agency
- Communication with the Accountant
- Change Orders
- Contingency Account
- Placed In Service Requirements
 - Federal
 - Investor
- Certificates of Occupancy
- Internal Coordination with Occupancy and Resident Services
- Compliance with Federal requirements for any grant funds used in the project

LIHTC – Lease Up

- Internal Coordination with Development / Construction Team
- Wait List
- Special Populations
- Selection of Tenants
- Pre-Leasing
- Paperwork
- Move-In Inspections

LIHTC – Close Out

- Punch List
- Accountant's Cost Certification
- Form 8609 Application
- As Built Surveys
- Other Documentation
- Final Pay (Developer's Fee)

LIHTC Operations

- Rent
- Expenses
- Rental Assistance
- Housing Authority Responsibilities versus Tenant Responsibilities
 - Population
 - Project Type
- Inspections
- Compliance/Reporting

Operational Sources for Housing Projects

Tribal HUD VASH (THVASH)

- Rental assistance and support for Native Veterans who are homeless or at risk of homelessness, living on a reservation or within an authorized service area.
- Subsidy can be used for Non-CAS Units, LIHTC New Construction Units, Private Landlord Units
- Administered by TDHE which has been awarded THVASH funds
- Subsidy can be used to assist with rental payments up to 110% of Fair Market Rent (FMR)

Operational Sources for Housing Projects

Section 8 (Project vs. Tenant Based)

- Administered through local Public Housing Agency (PHA)
- Project Based & Tenant Based Housing Vouchers
- Voucher can be used for LIHTC New Construction Units, Private Landlord Units
- Section 8 requirements are identical to many Tribal Housing Authority qualification requirements if the Tribal HA has adopted Section 8 rules for their IHBG program.

Warrior Ridge Supportive Housing Project

Financial Snapshot – Rents

30 units – Mix of single-family, duplexes, & Apartments

Awarded 20 Project Based Vouchers

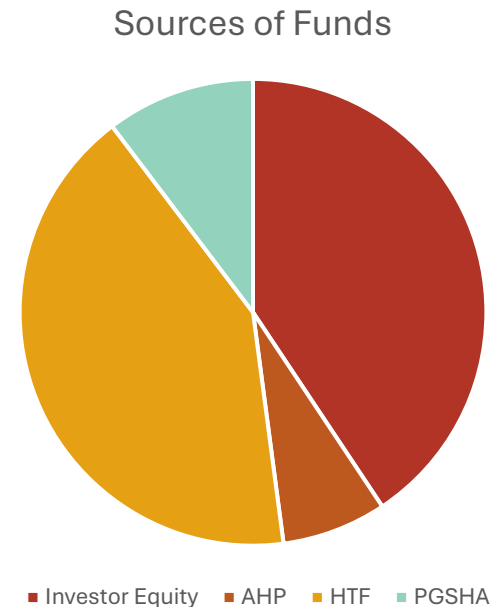
- 16 – 1BR
 - Rents range from \$X - \$1,568
- 14 – 2BR
 - Rents range from \$X - \$2,025



Warrior Ridge Supportive Housing Project

Financial Snapshot – Development

- Total Development Cost: \$13,778,274
- Investor Equity: \$5,600,879
- AHP funds: \$1,000,000 - FHLB of DM
- Housing Trust Funds - \$5,756,259
- PGSHA Gap Financing: \$1,421,136
- Developer Fee - \$680,000



LIHTC – Post 15 Year

- Conversion to homeownership vs. long-term affordable housing units
- Closing out initial partnership
 - Resignation of investor/limited partner
 - Moving units back into HA books/inventory
 - Termination of lease/sublease
 - Reserve Account Funds
- Rehabilitation of units / Re-syndication using the LIHTC program

Path to Homeownership

Traditional Homeownership Programs

- Fee land
- Realtor
- Must qualify / good credit
- Bank financing
- Market pricing
- Foreclosure risk

Path to Homeownership

Tax Credits to Homeownership

- Trust land / fee land
- TDHE or Tribe involvement in policies / procedures
- Reduced costs
- May work on qualification and credit repair over time
- Little or no foreclosure risk

Path to Homeownership

Individual Mortgage

○ Purchase Price for a House	\$135,000
○ Less: Down Payment Assistance	\$13,500
○ Total Financing Needed	\$121,500
○ Payment assuming 30-year term/amortization and 4.5% interest rate	~\$615 per month
○ Total paid for the house in year 30	~\$222,000

- Do you really own the home?

Path to Homeownership

- Tax Credits to Homeownership
- Must be rental for first 15 years
- Tenants must initially income qualify
- Income may increase over time
- Year 15
 - Conversion to Homeownership
 - Keep in Rental Stock

Path to Homeownership

- Tax Credits to Homeownership - Considerations
- TDHE or Tribe's policies
- Allocating Agency criteria
- Must be affordable
- Tenants' ability to convert to homeownership
- Financing homeownership conversion

Path to Homeownership

Best Practice Examples

- Reward existing good tenants
- Develop a homeownership waiting list
- Develop policies at the beginning of the project
- Orientation about the LIHTC to homeownership
- Annual status report to tenants wanting to be homebuyers
- Homeownership training
- Incentives

LIHTC – Re-syndication

- How does it work?
 - Original LP applies for new LIHTC allocation – provides additional funds to rehab/repair existing LIHTC units
- What are the benefits?
 - Original tenants can be protected even if over income at the time of re-syndication

LIHTC – Risks

- Health and safety issues that make the unit uninhabitable
- Incorrectly determining rents and/or incomes
- Complete loss of unit and no rebuild
 - Unit not suitable for occupancy at end of calendar year
- Failure to meet certain deadlines during the credit award through project close out stages

How do the numbers really work?

- Project Type
 - New Construction
 - Infrastructure vs infill
 - Rehabilitation
- State Allocating Agency
 - Threshold items
 - Scoring items
 - TDC Caps
 - Credit Caps
- Investor
 - Project Location
 - Market
 - Construction & Lease Up Schedule
 - Timing of Equity
- Construction
 - Project Location
 - Market
 - Bids
 - Flexibility
 - Final Costs
 - Timing of Funds
 - Construction & Lease Up Schedule
- Economies of Scale
- Investor Pricing / Additional leveraging sources
- May need to be creative

Example: How do the numbers really work?

- Cost caps
 - 130% of the current years' projects for new construction
 - 100% of the current years' projects for rehabilitation
 - 2024 average was \$298,898 per unit

- Credit efficiency scoring category
- Minimum Construction Standards

Tribal Projects

New Construction	<\$28,772/LI unit	AND	<\$26.95/LI sf	=5 Points
	<\$30,452/LI unit	AND	<\$29.56/LI sf	=3 Points
	<\$28,772/LI unit	OR	<\$26.95/LI sf	=1 Point
Substantial Rehabilitation	<\$26,673/LI unit	AND	<\$23.57/LI sf	=5 Points
	<\$28,143/LI unit	AND	<\$25.87/LI sf	=3 Points
	<\$26,673/LI unit	OR	<\$23.57/LI sf	=1 Point
Moderate Rehabilitation	<\$24,572/LI unit	AND	<\$20.22/LI sf	=5 Points
	<\$25,833/LI unit	AND	<\$22.16/LI sf	=3 Points
	<\$24,572/LI unit	OR	<\$20.22/LI sf	=1 Point

Sample Projects with Creative Approaches

- Mixing Rehab & New Construction
- Infill, Scattered Site & Subdivision
- Supportive Housing
- Multiple Funding Sources
- Here are a couple of examples:

Case Study – Washington Project

- Idea
 - Build 12 new units and sport court using LIHTC program
- Issues
 - Project too small to achieve economies of scale
 - Per unit costs over maximum allowable
- Solution
 - Add existing units to the project to make project bigger and achieve economies of scale and bring per unit costs under maximum allowable

Washington Project Cont'd

Size	# Units	Basis Limits	Total Basis Limits	Blended/Unit
2BR	22	\$204,862	\$4,506,964	
3BR	18	\$265,864	\$4,785,552	
4BR	6	\$292,561	\$1,755,336	
6BR	1	\$292,561	\$292,561	
Totals	47		\$11,340,443	\$241,286

12 New Construction Units - ~\$320,000/unit = \$3,840,000

35 Rehab Units - ~\$210,000/unit = \$7,350,000

47 Total Units - \$11,190,000

New Mexico LIHTC Project – Funding Sources

- LIHTC Equity
- NAHASDA
- Housing Trust Funds
- HOME
- Affordable Housing Program
- BIA/Tribal Roads
- IHS
- ICDBG
- ICDBG – Imminent Threat
- ARPA Funds
- State Transportation Funds
- State Government Funds

Red Willow Flats Example

Financial Snapshot – Rents

35 units – Includes 7 market rate units

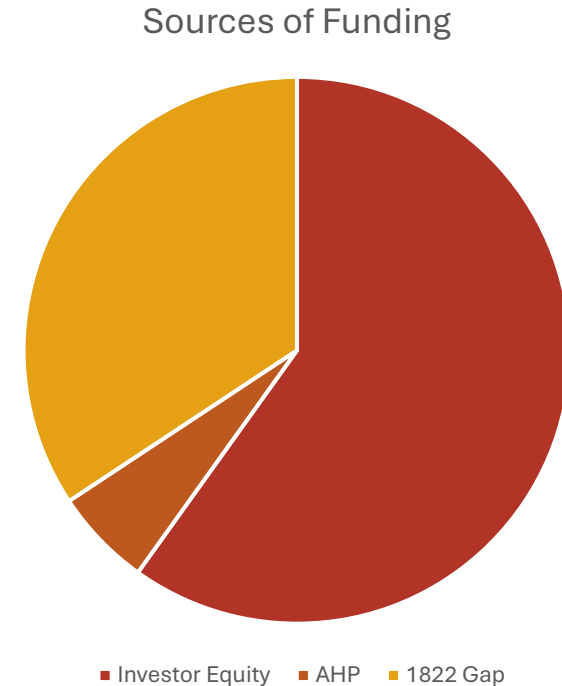
- 10 – 1BR
 - Rents range from \$411 - \$866
- 12 – 2BR
 - Rents range from \$492 - \$1,194
- 13 – 3BR
 - Rents range from \$1,375 - \$1,550



Red Willow Flats Example

Financial Snapshot – Development

- Total Development Cost: \$12,052,208
- Investor Equity: \$7,218,214
- AHP funds: \$700,000 - FHLB of Chicago.
- 1822 Gap Financing: \$4,133,993
- Developer Fee - \$735,000



Compliance, Asset Management, and Best Practices

Key Players

- General Partner
- Limited Partner / Investor
- Internal Revenue Service
- State Housing Agency
- Tribal Council
- Housing Board
- Housing staff — “Compliance Team”
- Tenants
- State agency compliance officer
- Investor partner

LIHTC Program Terms

- BIN
- Building
- Form 8609
- Placed-In-Service
- Minimum Set-Asides
- Project
- Unit
- Rent-Up Period
- Credit Period
- Compliance Period

NAHASDA: Principal Statutory Objectives

- Assist and promote affordable housing
- Improve access to mortgage finance markets for Tribal housing
- Encourage self-sufficiency
- Plan and integrate infrastructure
- Promote private capital market participation

NAHASDA: Statutory Divisions

- Title I: Block Grants and Grant Requirements
- Title II: Affordable Housing Activities
- Title III: Allocation of Grant Amounts
- Title IV: Compliance Audits and Reports
- Title V: Termination of Assistance
- Title VI: Federal Guarantees for Financing
- Title VII: Other Housing Assistance

NAHASDA: Key Requirements

- Formula
- Indian Housing Plan
- Eligible Beneficiaries
- Eligible Activities
- Program Administration
- Financial Management
- Reporting and Recordkeeping

NAHASDA: Eligible Families

- Low-income Indian families
- Non-low-income families
- Essential families
- Law Enforcement Officers

Best Practices

- Well-defined management structure
- Current audited financial statements and tax returns
- Detailed financial policy and procedures (including but not limited to)
 - Rent collection
 - Tenant accounts receivable
 - Accounts payable
 - Work order/maintenance expense tracking
- Detailed housing policy and procedures (including but not limited to)
 - Waiting list policies
 - Eviction policies
 - Drug and alcohol policies
 - Pet policies
- Structure of the housing organization

Finance Area

The Tax Credit Limited Partnership (“LP”) must be treated as a separate business for accounting purposes

It should have the following:

- separate checking account
- separate account for security deposits
- ability to track income and expenses related specifically to the tax credit project.

Finance Area

- Contracts should be made in the LP's name
- The LP must be able to provide quarterly and annual financial statements and tax returns
- If Housing Authority/Tribe pays an expense on behalf of the LP - expenses are reimbursed
- An experienced, independent tax credit accountant will need to be engaged on an annual basis to prepare the partnership tax return and the annual audit.
- The investors require that these items are completed by an independent third party accountant in a timely manner.

Tenant Relations Area - Occupancy Specialist

- Occupancy Specialist process, including:
 - Procedures for intake
 - Procedures for processing paperwork
 - Procedures for maintaining tenant files

Tenant Relations Area - Resident Services

- Resident Services Specialist process, including:
 - Procedures for inspections
 - Procedures for notification of tenant issues
 - Procedures for ensuring unit repairs completed

Maintenance Area

- Maintenance process, including:
 - Procedures for routine maintenance
 - Procedures for preventative
 - Procedures for emergencies
- Maintenance staff
- Work order system
- Warehouse / Inventory

Tenant Orientations

- The TDHE should require that applicants for the tax credit homes complete an orientation prior to move-in
- Orientation should explain:
 - TDHE/Tribal and LIHTC Program policies and procedures
 - Review of lease requirements
 - How to perform proper home maintenance
- Other optional training could be applied at this time
(i.e. budgeting family expenses so that rent is paid/preparing tenant for eventual homeownership)

Tenant Selections

- What is the criteria?

Pre-screening procedures

- Criminal background check
- Credit check
- Drug Screening
- Rental history and performance

Required Documentation

Items to Get Started

- Copy of the Tax Credit Application
- Copy of all other Financing Sources
 - HOME
 - Bond
 - RD 515
 - etc...
- Copy of current Policy & Procedure Manual

Required Documentation

Items to Get Started (cont. 'd)

- Copy of Land Use Restriction Agreement
- All Rental Forms:
 - Current Year Income & Rent Limits
 - Household Application
 - Verification Forms
 - Tenant Income Certification (“TIC”)
 - Lease

Elko County NV Income and Rent Limits

LIHTC Income Limits for 2025 (Based on 2025 MTSP Income)						LIHTC Rent Limits for 2025 (Based on 2025 MTSP Income)						
Charts		60%	30%	40%	50%	Bedrooms (People)	Charts	60%	30%	40%	50%	FMR
						Efficiency (1)		\$1,159	\$579	\$773	\$966	\$988
1 Person		\$46,380	\$23,190	\$30,920	\$38,650	1 Bedroom (1.5)		\$1,242	\$621	\$828	\$1,035	\$1,098
2 Persons		\$52,980	\$26,490	\$35,320	\$44,150	2 Bedrooms (3)		\$1,489	\$744	\$993	\$1,241	\$1,441
3 Persons		\$59,580	\$29,790	\$39,720	\$49,650	3 Bedrooms (4.5)		\$1,721	\$860	\$1,147	\$1,434	\$1,821
4 Persons		\$66,180	\$33,090	\$44,120	\$55,150	4 Bedrooms (6)		\$1,920	\$960	\$1,280	\$1,600	\$2,420
5 Persons		\$71,520	\$35,760	\$47,680	\$59,600	5 Bedrooms (7.5)		\$2,118	\$1,059	\$1,412	\$1,765	
6 Persons		\$76,800	\$38,400	\$51,200	\$64,000							
7 Persons		\$82,080	\$41,040	\$54,720	\$68,400							
8 Persons		\$87,360	\$43,680	\$58,240	\$72,800							

Additional Program Rules

- Available Unit Rule
- Vacant Unit Rule
- Full-time Student Household
- General Public Use Rule
 - HERA clarification
- Violence Against Women Act (VAWA)

Waiting Lists

- Use of TDHE waiting lists
- TDHE determines preference order
- Preference can be based upon Tribal enrollment, application date, ability to pay rent, rental history, or current living conditions to name a few
- Waiting lists can be created for special categories:
 - Homeownership, Elders, Veterans, Disabled, etc.

NAHASDA: Waiting List Policy

- Establishes order of assistance to qualified candidates
- Used to implement a preference system
- Essential to ensure compliance with carrying admissions and occupancy policies pursuant to program regulations and local rules
- Serves as a source of data about the need and demand for units by size, household type, special needs, and location
- Should be updated annually
- May be closed if the number of applications greatly exceeds available units

NAHASDA: Household Waiting List Application

- Should be time- and date-stamped when received
- Should be accepted and processed to determine eligibility
- Staff can help applicant complete application
- If waiting list is closed, consider keeping an “inquiry list”

NAHASDA: Waiting List Application

- Application should provide information to determine:
- Family characteristics
- Estimated annual gross income
- Appropriate size, location, and type of home for family
- Whether the family is suitable for participation in the housing program, in accordance with local selection criteria
- Whether applicant may qualify for preference: Veterans, Disabled, Homeless, etc.

Qualifying LIHTC Households

- Income Limits
- Income Minimum
- Handicapped Units & other set-asides
- Contact Information for State Agency
- Current Utility Allowances & supporting documentation

NOTE: Utility Allowances must be updated on an annual basis.

Household Composition

Special Rules for certain household types:

- Section 8 Recipients
- Zero Income
- Full-time students
- Live-In Attendants

Household Composition – cont'd

Treatment of Special Household Members:

- Excluded Members
- Foster Children/Adults (Change 4 – HUD Handbook)
- Live-in Attendants
- Absent Members
- Unborn Children

Household Composition – cont'd

Absent Household Members

- Is absence permanent or temporary?
 - Permanently absent - not counted
 - Temporarily absent - must be counted
- Examples of Permanently Absent:
 - Divorce / Legal Separation
 - Adult child moves from home
 - Permanently confined to nursing home/hospital

Household Composition

Examples of Temporarily Absent

- Military duty
- Working out of town
- Incarceration

Full-Time Students Requirements & Exceptions

Full-Time Students

Rental to full-time student households has certain restrictions.

NOTE: Only applies to households where everyone is a full-time student

- Eligibility Requirements/Exceptions:
 - Married Filing a Joint Return
 - Receiving TANF/AFDC
 - In a program similar to Job Training Partnership Act (JTPA) – such as Workforce Investment Act (WIA)
 - Single parent claiming all children on tax return
 - One member of the household was previously in foster program

Full-Time Students

- Full-time student household must meet an exception allowing eligibility EACH year.
- Household must complete Annual Student Certification form every year

Remember – this rule only applies to full-time student households

Applications / Verifications / Recertifications

- Interview applicant
- Complete initial application
- Verify all information (income/assets)
- Determine total household income
- Complete the TIC and lease

***Staff must know the specific state LIHTC requirements and
must use state required LIHTC forms***

Verifications

Three types of verifications:

- 1) Third party – sent directly to source and returned to HA
- 2) Second party – Check stubs, award letters, etc. provided by Applicant
- 3) First Party – Self Affidavits

Verifications – cont'd

- Verifications are good for 120 days
- After 120 days pass – verification process must be started over
- Must follow up on any information on verification that is not clear

Tenant Annual Recertifications

- MUST be completed within 12 months of move-in date (i.e. date of TIC/Lease)
- Late Recertifications are Noncompliant
- Need to make sure that household changes have not created a New Household
- Need to check Student Status
- LIHTC allows annual self-certifications for 100% LIHTC projects (most projects must still comply with NAHASDA rules for recertifications)

Determining Annual Household Income

Assets

- Types
- Exclusions
- Income from Assets
- Imputed Asset Income

Income

- Inclusions
- Exclusions
- Examples

Housing Opportunity Through Modernization Act of 2016 (HOTMA)

HOTMA makes numerous changes to statutes governing HUD's rental assistance programs, including sections 3, 8, and 16 of the United States Housing Act of 1937.

Many of the statutory provisions in HOTMA are intended to streamline administrative processes and reduce burdens on public housing agencies (PHAs) and private owners. On September 17, 2019, HUD issued a proposed rule to implement Sections 102, 103 (applies to public housing only), and 104 of HOTMA.

Housing Opportunity Through Modernization Act of 2016 (HOTMA)

- On September 29, 2023, HUD published Notice H 2023-10 “Implementation Guidance: Section 102 and 104 of the Housing Opportunity Through Modernization Act of 2016 (HOTMA).” Please see the Highlights of the Final Rule Implementation.
- This notice addresses effective dates, compliance, and required updates to owner/agent policies and procedures. This notice also provides guidance on implementing the changes resulting from HOTMA. This notice also includes the following ten (10) attachments:
 - Attachment A: Asset Limitation
 - Attachment B: Calculating Income
 - Attachment C: Deductions and Expenses
 - Attachment D: Applicable Fair Housing & Civil Rights Requirements
 - Attachment E: Household Composition
 - Attachment F: Income
 - Attachment G: Income Exclusions
 - Attachment H: Inflationary Adjustments
 - Attachment I: Interim Reexaminations
 - Attachment J: Verification

HOTMA Key Changes: Income

- HOTMA establishes new income exclusions, including payments related to civil rights settlements or judgments, veterans aid and attendance income, loan proceeds (such from student loans, car loans, etc.), distributions of principal from irrevocable trusts (including special needs trusts), non-monetary in-kind donations from a food bank or similar organization, and State or Tribal kinship or guardianship care payments. Please see the final rule for the full list of income exclusions.
- The “temporary, nonrecurring, or sporadic income (including gifts)” exclusion is replaced with an exclusion for “nonrecurring income.

HOTMA Key Changes: Income (cont'd)

Incomes of “day laborers”, “independent contractors”, and “seasonal workers” (defined in regulation) are all specifically included in family income.

Gifts have their own exclusion. Gifts excluded from income are defined as “gifts from holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).”

Foster adults/children are not counted when determining household income limits for eligibility.

Income/assets of foster adults/children do not count toward annual income. Foster adults/children may still be counted for unit size.

NAHASDA: Income Eligibility

- Families with incomes at or below 80% of Median Income Limits
 - Eligible for program
- Families with incomes between 81 - 100%
 - 10% of IHBG can be used if no other Housing is available. NOTE: Must include provision in IHP
- Families with incomes above 100% of Median Income - NOT ELIGIBLE. Assistance provided to households over 100% of income limit must be approved by HUD.

NAHASDA: Income Eligibility

Primary beneficiary of NAHASDA/IHBG resources:

- Family's annual income may not exceed 80 percent of median income, either:
 - Area median income
 - U.S. median income
 - Adjustments for family size

NAHASDA: Income Eligibility

- Non - Low Income Households:
- Assistance can be provided for
 - Homeownership activities
 - Model activities
 - Loan guarantees under Title VI of NAHASDA
- Must demonstrate that need for housing cannot reasonably be met without IHBG assistance

Annual Household Income - LIHTC

- Must follow guidelines in HUD Handbook, Section 4350.3, Chapter 5 (as amended)
- Must use GROSS income (not net income)
- Must annualize over 12 months – (even if lease term is shorter)
- Household Income = Income + Asset Income
- Income = Regular, Periodic (wages, SSI, TANF, etc)
- Asset = Lump Sum, Accessible (Bank Accounts, Savings, Real Estate, Annuities, etc.)

Examples of Included Income

- Employment Income
- Social Security
- TANF
- Alimony & Child Support
- Recurring Gifts
- Public Assistance
- Payment in lieu of earnings (unemployment benefits, workers compensation, severance pay)
- Per Cap from gaming activities

Examples of Excluded Income

- Food Stamps
- Section 8 Assistance
- Payment for foster care
- Hostile fire pay to military members
- First \$2,000 of per cap income from Tribal Trust Land activities
- Earnings in excess of \$480 of adult dependent full-time students

HOTMA Key Changes: Net Family Assets

- HOTMA establishes new exclusions from net family assets, including retirement accounts, federal tax refunds and refundable tax credits (for a period of 12 months after receipt by the family), educational savings accounts, “baby bonds” accounts, irrevocable trusts, and non-necessary personal property with a combined value of \$50,000 or less (adjusted annually by inflation)
- HOTMA raises the imputed asset threshold from \$5,000 to \$50,000 (adjusted annually by inflation). Asset income is imputed only for those assets where the actual asset income cannot be computed.

Assets

- Savings Accounts, Checking Accounts, Money Market, etc.
- IRA, 401K, etc.
- Real Estate ownership
- Whole Life Insurance
- Pension & Retirement Plans

Examples of Excluded Assets

- Personal property (vehicle that is used on a regular basis, jewelry, furniture, etc.)
- Assets that are not owned or accessible to the client
- Interest in Indian Trust Land
- Assets lost in divorce, foreclosure, or bankruptcy
- Term Life Insurance
- Assets disposed of for fair market value

HOTMA Key Changes: Net Family Assets (cont'd)

- Owners may accept self-certification of net family assets equal to or less than \$50,000 (adjusted annually by inflation). ***Owners must verify all assets every three (3) years.***
- When verification of assets is required, Owners are required to obtain a minimum of one statement that reflects the current balance of banking/financial accounts. Owners are no longer required to obtain a six-month balance for checking accounts.

LIHTC Tenant Paid Rent / Max Rents

Key Terms:

- Gross Rent
- Tenant Paid Rent
- Utility Allowances
- Non-Optional Charges
- Max Rent Limits

Tenant Income Certifications

- TIC summarizes the household's eligibility
- Use State required / approved TIC form
- TIC must be signed by all adults in household and manager
- Show income calculations on separate worksheet or labeled calculator tape
- Make it legible
- Signature date on TIC & Lease must be the same

Lease

- Initial Lease Term must be at least 6 months
- Do not pre-sign lease — sign lease same day keys are given for the rental property
- Move-in date and signature date on lease and TIC should all be the same
- Lease must contain language identifying the LIHTC program requirements a/k/a LIHTC Lease Addendum

Violence Against Women Act (VAWA)

Applies to:

- Public housing
- Section 8 Housing Choice Voucher Program
- Section 8 Project Based Housing
- Section 202 Housing for elderly
- Section 211 Housing for disabled
- Section 236 Multi-family rental housing
- Section 221 Below Market Interest Rate
- HOME
- Housing Opportunities for Persons with AIDS (HOPWA)
- Housing Trust Fund
- McKinney-Vento Act homeless programs
- Rural Development multifamily housing and
- Low-Income Housing Tax Credit (LIHTC) housing

Violence Against Women Act (VAWA)

- Victimization cannot be used to deny access or evict tenants
- Applicants cannot be denied access or evicted based on factors directly related to the victimization
- VAWA Notice of Occupancy Rights
- Victim Self-Certifications
- Confidentiality
- Emergency Transfer Plans
- Lease Bifurcations and Addendums
- HUD Model Forms

Inspections

- TDHE & Tenant Expectations
- Tenant Files
- Physical Inspection of Units
- Consequences
- Remedies

Inspections

- Project will be inspected by both the State Housing Agency and the tax credit investor
- Leasing units and tenant files will both be inspected.
- Two-week notice will be provided prior to the inspection date
- Tenants must receive written notice of the time & date of inspection. Notice should contain language advising the tenant that their unit will be inspected even if they are not home.
- Maintenance and occupancy staff should have a plan to prepare for inspections

Inspections – cont'd

- Housing staff must inspect units on a regular basis, provide written reports for the tenant files, issue work orders and follow up on all findings
- Inspectors must utilize the National Standards for the Physical Inspection of Real Estate (“NSPIRE”) protocol
- Physical inspections will include both the interior and exterior of the unit as well as any common areas
- All inspections should be performed with a representative of the maintenance staff present.

NSPIRE

- ***National Standards for the Physical Inspection of Real Estate*** – is the new physical inspection model designed to promote HUD’s goal of reducing health and safety hazards in the home. To achieve this goal, NSPIRE prioritizes the condition of dwelling units—where people live.
- NSPIRE introduces a new, innovative approach for developing, updating, and adapting standards and scoring based on continuous learning and improvement.
- NSPIRE makes key improvements to inspections to increase their objectivity, accuracy, and consistency. Under NSPIRE, inspections are based on deficiency indicators to ensure that deficiencies cited by inspectors accurately reflect substandard conditions within a property.

NSPIRE Priorities

For residents:

- Year-round maintenance with a unit-focused approach.
- Prioritization of residents' health and safety.
- Introducing resident surveys for better service.
- Safe and habitable homes.

Property Owners/Managers and Public Housing Authorities:

- Increased inspection consistency.
- Collaboration with HUD.
- Ability to contribute input to new standards.
- Access to inspection data.
- Reliable data and presentable reports for portfolio management and risk assessment.

NSPIRE Priorities

- ***Inspectors***

- Electronic – based inspections.
- Increased inspection accuracy.
- Clearly defined inspection standards and protocols.

- ***HUD***

- Access to reliable, valid and objective data.
- Alignment of multiple inspection standards.
- Adaption to industry change and modernization of health and safety standards.
- Better performance assessments for HUD-assisted housing.

NSPIRE Inspection Types

There are three types of inspections under NSPIRE.

1. ***Self-Inspections*** - Under NSPIRE, properties will inspect all units and submit their inspection results electronically to HUD on an annual basis.
2. ***NSPIRE Inspections*** - NSPIRE inspections are conducted mainly by contract inspectors and public housing agencies every one to three years, depending on a property's previous inspection score.
3. ***NSPIRE Plus Inspections*** - HUD Federal inspectors may conduct additional inspections, which may be triggered by poor property conditions.

Inspections – cont'd

- Maintenance staff should have all necessary items to complete quick repairs at time of inspection.
 - These items include:
 - Batteries for smoke detectors
 - Replacement smoke detectors
 - Sink/tub stoppers
 - Ladders, washers, screws, light bulbs
- Maintenance staff person should check smoke detectors, GFI outlets, stove fans and burners, and pilot lights for inspector when inside the unit.

Tenant Files

- Should be neat and organized
- File set up should be consistent from file to file
- Tenant Files must include:
 - Application
 - Verifications
 - Clarification records
 - TIC
 - Lease & Addendums
- Have a duplicate set of files
- Should have a file for each unit and each household that lived in the unit

IRS Form 8823

- Who issues it?
- What is it?
- When is it issued?
- Where is it filed?
- Why is it issued?
- How is it corrected or prevented?

IRS Form 8823

- Issued by State HA to show:
 - Corrected/Uncorrected Compliance Findings
- Filed with IRS
- Failure to correct may result in recapture/ loss of tax credits
- Remember: Only the IRS can recapture tax credits

Satisfying State, Federal, and Investor Program Requirements

What are they looking for?

- Well defined management structure
- Current audited financial statements and tax returns
- Detailed financial policy and procedures-including but not limited to:
 - Rent collection
 - Tenant accounts receivable
 - Accounts payable
 - Work order/maintenance expense tracking
- Detailed housing policy and procedures - including but not limited to:
 - Waiting list policies
 - Eviction policies
 - Drug and alcohol policies
 - Pet policies
- Structure of the housing organization

State Requirements

- Minimum 15-Year Compliance Period
- States may have different reporting requirements, but all expect submission at least annually
- Onsite inspections of units and tenant files
- Noncompliance reported by state agency to IRS on Form 8823

Other Requirements

- Investor Reports
 - Quarterly Financials
 - Occupancy Reports
 - Certificates or statements confirming that the partnership remains in compliance
 - Other reports the investor deems necessary to evaluate the partnership (e.g. Business Report)
- Annual Reports
 - Tax Return & Audit
 - Operating Budget
 - Utility expense changes
 - Insurance Renewal

Questions??