



COMBINED PROGRAMS CHART



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Table of Contents

Topic	Page
Administering Agency	14
Adoption of Children	3
Affirmative Marketing	14
Anticipated Children	3
Asset Verification	5
Calculating Employment Income	4
Certification Form	5
Change in Income/Household Size	6
Citizenship	13
Criminal Background Checks	12
Deductions/Allowances	8
Effective Dates	7
Eligibility and Increases in Income	7
Employment Income Calculation (range of hours)	4
Handbook Guidance	10
Household Size Change	6
Income Change	6
Income Eligibility Determination	2
Income Limits	3
Initial Lease Term	11
Inspection Cycle and Percentages Inspected	15
Lease, Initial Term	11
Minimum Set-Aside	11
Online Systems Used by Program	14
Period in Program	12
Physical Inspection Period	15
Race/Ethnicity	13
Recertification	6
Release of Information Forms	13
Rent Limits	9
Residency Application Fees	12
Section 8 Voucher Household Certification	5
Student Eligibility	2
Subsidy and Rent Limits	9
Transferring Households	8
Unborn Children	3
Units in Program (Minimum Set-Aside)	11
Unsecured Income	4
Utility Allowances	9
Vacancies, Vacant Units	10
Verifying Assets	5
Zero Income	4

Student Eligibility		References
LIHTC	In general, households made up of full-time students of any age do not qualify. There are five exceptions to this general rule. They are commonly referred to as: 1) married and ENTITLED to file a joint tax return 2) single parents-dependent children 3) Title IV welfare recipients (TANF in many states). 4) Former foster care recipients. 5) Job Training Partnership Act (JTPA) or similar program. Note: the "Workforce Investment Act" has replaced JTPA. Same-sex couples qualify for "married and entitled" if legally married under any state law.	§ 42 (i)(3)(D) & 8823 Guide 17-1&2 & Exhibit 17-1 on page 17-5. 4350.3 Exhibit 5-1 Rev. Rul. 2013-17
HUD	"To be eligible for Section 8 assistance, any individual who attends an institute of higher learning (full OR part-time) who is under age 24 must be one of the following: 1) a dependent of the household living with a parent 2) over age 23 3) a veteran 4) married 5) a parent with a dependent child in the unit 6) a disabled individual who was receiving assistance prior to 11/30/2005 or 7) be independent from parents or have parents who are income eligible . For non-Section 8 programs, each student at an institute of higher learning must meet ALL of the following requirements 1) be of legal contract age under state law 2) have established a separate household from parents for at least a year OR meet the U.S. Dept. of Education definition of an independent student 3) not be claimed on a parent's tax return 4) must disclose if they get financial assistance from parents."	4350.3 3-13/3-40 through 43
RD	Same as HUD Section 8 Rule - To be eligible for assistance, any individual who attends an institute of higher learning's full OR part-time, must be one of the following: 1) A dependent of the household living with a parent 2) over age 23 3) a veteran 4) married 5) a parent with a dependent child in the unit 6) a disabled individual who was receiving assistance prior to 11/30/2005 or 7) be independent from parents or have parents who are income eligible.	Unnumbered letter dated 1/11/2007
HOME	Same as the HUD Section 8 Rule - with the regulation revision in 2013, the Section 8 student rules (from 24 CFR 5.612) apply to the HOME program. The Census Long Form definition was removed with the 2013 regulation revision. Applies to all projects regardless of funds commitment date.	HOME Reg 2013 §92.2
BOND	In general, households made up of full-time students of any age do not qualify. Prior to HERA, the only exception that qualified a full-time student household was 'married, entitled to file a joint tax return'. Per HERA, the same five student exceptions that apply for LIHTC apply to bond qualification. These are commonly referred to as: 1) married and ENTITLED to file a joint tax return 2) single parents with dependent children 3) title IV welfare recipients (TANF in many states) 4) Former foster care recipients 5) Job Training Partnership Act (JTPA) or similar program. Note: the "Workforce Investment Act" has replaced JTPA.	§42 (i)(3)(D) §142 (d)(2)(C)

Income Eligibility Determinations		References
LIHTC	Determination of eligibility is made in accordance with the Section 8 method for determining annual income found in Chapter 5 of the HUD Handbook 4350.3. No deductions to annual income apply to the Tax Credit Program.	IRS Notice 88-80, Treas. Reg. 1.42-5(b)(1)(vii), 8823 Guide chapter 4
HUD	Determination of eligibility is made in accordance with the HUD method for determining annual income found in Chapter 5 of the 4350.3.	4350.3 chapter 5 and Exhibits 5-1 & 5-2
RD	Determination of eligibility is made in accordance with the rules set forth in the RD HB-2-3560 chapter 6. These rules are based on the HUD regulations.	HB-2-3560 chapter 6
HOME	HUD allows PJs to choose methods for determining income: 1) Tax Returns 2) Section 8 method - This is the most commonly used, likely because it is the only option available to LIHTC/HOME properties. The Census Long Form was removed with the 2013 regulation revision.	HOME Guide 3.2 D/45 Home Reg 2013 § 92.203(b)(2)
BOND	Determination of eligibility is made in accordance with the Section 8 method for determining annual income found in Chapter 5 of the HUD Handbook 4350.3. The LURA will specify the method of verification of income (see verification).	§ 142 (d)(2)(B)

Income Limits		References
LIHTC	Uses HUD Multifamily Tax Subsidy Program (MTSP) income limits. 50 or 60% MTSP limits apply, depending on the minimum set-aside. Income limits are property specific and never have to go down from one year to the next for a specific property. Households must qualify based on gross annual income.	Treas. Reg. 1.42-5(b)(1)(vii), 8823 Guide 4-2
HUD	Uses HUD program income limits based on area median income (AMI). These vary depending on the HUD program, are county or MSA specific and may go up or down any given year. Households must qualify based on gross annual income. For Section 8, the very-low 50% AMI limits generally applies, but 40% of new move-ins must be at the extremely low (30% AMI) limits.	4350.3 3-6/3-4 through 12
RD	Uses RD program income limits based on area median income (AMI). These vary depending on the RD program, are county or MSA specific and may go up or down 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.	HB-2-3560 6.2/6-1
HOME	The program uses HUD HOME income limits based on area median income (AMI). Whether households must qualify based on gross or adjusted income depends on which of two methods of income determination are required by the PJ (see "Income Eligibility Determination"). HOME limits are county or MSA specific and may go up or down any given year.	HOME Guide 3.2 A-/40-44
BOND	Uses HUD Multifamily Tax Subsidy Program (MTSP) income limits. 50 or 60% MTSP limits apply, depending on the minimum set-aside. Income limits are property specific and never have to go down from one year to the next for a specific property. A household must qualify based on gross annual income.	§ 142 (d)(2)(B)

Anticipated Children (Unborn & in Process of Adoption)		References
LIHTC	Included when determining household size (pregnancy "as self-certified by the woman").	8823 Guide 4-3 4350.3 Appendix 3, Page 20
HUD	Included when determining household size (pregnancy can only be verified by self-affidavit).	4350.3 Appendix 3, Page 20
RD	Included when determining household size.	HB-2-3560 Attachment 6-C, page 1
HOME	Not to be included when determining household size, per online guidance based on older manuals. This advice is questionable, especially in light of other inaccuracies included in the same section of the webpage. Check with PJ to determine if they employ this policy, or the more commonly accepted 4350.3 interpretation.	www.hud.gov/offices/cpd/affordablehousing/training/web/calculator/requirements/determine.cfm
BOND	Included when determining household size.	N/A

Zero Income Households/Unsecured Income**References**

LIHTC	Although HUD allows for zero income households, it also has an option for interim certifications when there are changes. The LIHTC program does not have an interim option, and certification must establish a household's income for the next 12 months as accurately as possible. This crucial difference between the HUD and LIHTC programs leaves an area which state HFAs and owners must interpret. Some HFAs require the estimating of future unsecured income based on history. Others strictly apply HUD rules and only count income that is imminent and verifiable. The 8823 Guide suggests using last 12 months history for zero or sporadic income households, but seems to indicate that changes in income that were not known or verifiable at certification time do not need to be included. This may suggest that zero-income households are a concern, but that not all unsecured income is necessarily an issue.	8823 Guide 4-33
HUD	HUD allows zero income households. Changes to this status must be reported immediately and an interim certification conducted.	4350.3 5-5A/5-3, Appendix 3, page 22
RD	RD does not consider zero-income households to qualify. Basic expenses that the household will have to meet are verified and counted as income.	HB-2-3560 6.9A4/6-9, Attachment 6B
HOME	HOME guidance does allow for zero-income households, requiring that the past 12 months average income (if any) be used.	HOME GUIDE 6.2E/46
BOND	The bond regs do not speak to this issue. Generally, it is handled as per the LIHTC program.	N/A

Employment Income Calculations (range of hours)**References**

LIHTC	HUD instructs that we are to gather "average hours" when determining income (i.e. 38 hours for 36-40 hours). By regulation we count LIHTC income as does the Section 8 program. However, it has generally been accepted as best practice by most states that the LIHTC program should use the more conservative approach of using the HIGHEST in a range (i.e. 40 for the 36-40 hours). Some states apply the HUD method, however. The IRS has not addressed this issue.	N/A
HUD	Use average hours (i.e. if verification list 30-40 hours, use 35).	4350.3 Appendix 6-C
RD	RD does not directly address this issue. However, the HUD approach is generally considered to apply (i.e. if verification list 30-40 hours, use 35).	N/A
HOME	HUD consistently refers to "average hours" in its technical guidance for the HOME program (i.e. if verification list 30-40 hours, use 35).	HOME Technical Guide page 6
BOND	HUD mandates the use of average hours when an employer lists a range of hours when determining income (i.e. 38 hours for 36-40 hours). By regulation, we count bond program income as does the Section 8 program. However, as with the LIHTC program, it has generally been accepted as best practice by many bond issuers that the bond program should implement the more conservative approach of using the HIGHEST in a range (i.e. 40 for the 36-40 hours).	N/A

Verifying Assets		References
LIHTC	Assets may be verified via self-affidavit if total household assets do not exceed \$5,000. If they exceed \$5,000, they must be verified (see also "Verifying Income"). The current HUD Multi-family HUD passbook rate applies when asset income must be imputed.	8823 Guide 4-7, 4350.3 5-18B/5-61, Rev. Proc. 94-65
HUD	Assets must be 3rd-party verified. The current HUD Multi-family HUD passbook rate applies when asset income must be imputed.	4350.3 5-13/5-54 through 57, Appendix 3
RD	Assets must be 3rd-party verified. The current HUD Multi-family HUD passbook rate applies when asset income must be imputed.	HB-2-3560 6.11 A/6- 15 through 17
HOME	Assets must be verified using 3rd-party "source documents" for initial eligibility and every 6th year of the affordability period. Income may be self-certified or program assistance verification (such as from a rental assistance voucher provider) may be used for other years. HOME technical guidance indicates that the HUD passbook rate set for HUD PIH applies when asset income must be imputed.	HOME Guide 3.2 E2 & 5/47, F3/48, Attachment 3-5 HOME Tech Gd 15
BOND	The bond regulations do not explicitly speak to verification requirements. See project LURA for verification requirements. Some BOND LURAs may also stipulate that the use of a sworn affidavit is acceptable to certify the household's assets when total household assets do not exceed \$5,000, but this is not specifically allowed on a federal level, like it is for the LIHTC program.	N/A

Section 8 Voucher Household Certification (in Lieu of Individually Verifying Each Income/Asset Source)		References
LIHTC	If the state permits, a letter from at Section 8 issuing agency stating that the household is at or under the applicable income limits can be used to verify income for voucher holders as third party verification.	IRS Reg 1.42-(b)(1)(vii)
HUD	Not permitted	N/A
RD	Not permitted	N/A
HOME	Not permitted for initial certification. May be used for recertifications that do not require full 3rd-party verification (see "recertifications").	HOME Guide 3.2 D3/47 & F3/48
BOND	Not explicitly permitted federally. A property's LURA may allow for this.	N/A

Certification Form		References
LIHTC	Tenant Income Certification. "TIC" is an informal, but commonly used description.	N/A
HUD	50059	4350.3 5-31B/5-80
RD	3560-8	HB-2-3560 6.11 A/6-15
HOME	Program has no specifically mandated certification form.	N/A
BOND	Tenant Income Certification (TIC) or Certificate of Tenant Eligibility (CTE). These are informal, but commonly used descriptions.	N/A

Change in Income/Household Size		References
LIHTC	There are no interim certifications in the LIHTC program. Individuals added to households during a certification year are income-certified individually and their income is added to the most recent TIC. The total income is then tested to determine if the available unit rule has been triggered (see "Increases in Income"). The household is considered the same household as long as one original member remains. Increases in income do not require a household to move out.	8823 Guide 4-4
HUD	Increases in income of \$200 a month must be reported and an interim certification conducted. Changes in household members also trigger interim certification. Increases in income do not require a household to move out.	HB-2-3560 6.28B/38, 6.30/40
RD	Increases in income of \$100 a month must be reported and an interim certification conducted. Changes in household members also trigger interim certification. Increases in income above the moderate limit (low (80% AMI) limit + \$5,500) require a household to move out.	HB-2-3560 6.28B/38, 6.30/40
HOME	The HOME program does not require interim certification. Increases in income may result in changes to a unit's HIGH or LOW HOME status. Increases in income do not require a household to move out.	HOME Guide 3.5 & 6/65-82
BOND	There are no interim certifications in the bond program. The regulations do not speak to handling changes in household. Increases in income do not require a household to move out (see "Increases in income").	N/A

Recertification		References
LIHTC	Projects that are less than 100% LIHTC must recertify each household's income and student status annually. 100% projects must recertify student status annually. IRS guidance is that the recertifications should be conducted using an effective date of the anniversary of the initial certification.	§142(d)(3)(A) (see §42(g)(4), Treas. Reg. 1.42-(b)(1)(vi), 8823 Guide chapter 5
HUD	Assisted households must be certified at move in and annually based on the anniversary date. Interim certifications must be conducted for certain income and household changes. Only income items that have changes since the annual certification need to be re-verified at interim certification time.	4350.3 chapter 7
RD	Assisted households must be certified at move in and at least annually. If certain income and household changes occur, a new certification is conducted 3rd-party verifying all factors. A new certification must then be completed no later than a year from the last certification.	HB-2-3560 6.28/6-37 through 39
HOME	HOME households must be certified at move in and annually. The HOME program does not mandate dates for the annual cycle, allowing all recertifications to be conducted at once for a year. Interim certifications are not required.	HOME Guide 3.2F6/49
BOND	Projects that have less than 100% of the residents meeting the minimum set-aside limits must recertify each household's income and student status annually. The code does not speak to this, but it appears that, as is true with LIHTC projects, 100% projects must recertify student status annually for bond households.	§142(d)(3)(A)

	Effective Dates	References
LIHTC	Move in: Effective date is the date the tenant actually moves into the unit. Initial Certification for in-place residents at Acq/Rehab properties: The effective date is the date of acquisition for households that are certified within 120 days of the acquisition date. After that time, the effective date is the date of the last signature. Recertification date: Effective date is the anniversary of the effective date of the original tenant income certification (for less than 100% LIHTC projects where recertification is required).	8823 Guide 4-22, 4-25, 5-1
HUD	Move in date: Effective date is the date of move-in. Initial Certification where an in-place resident gets rental assistance: Effective date is the date that subsidy is available to be assigned to the tenant. Interim Certification: Rent Increases reported in a timely fashion: The effective date will be the first of the month commencing after the end of a 30 day notice period. Rent Decreases: Effective date is the 1st of the month after the date of action that causes the interim certification. Annual Recertification: Effective date is the first of the anniversary month of the original tenant move in or initial certification. HUD may approve alternative anniversary dates.	4350.3 7-5/7-6 to 8,7-13/7-27&28, 7-5C/7-7
RD	Move in date: Effective date is the 1st of a month. If the household moves in after the 1st of the month, the effective date is the first of the full month after the actual date of move in. Recertification: The effective date is the anniversary of the effective date of the last certification.	HB-2-3560 6.28 page 6-37 & 38
HOME	The HOME program does not mandate effective dates. Income certification must be completed before and within 6 months of move-in. Recertification must be completed annually, but not necessarily on the anniversary of move-in.	HOME Guide 3.2 E1/46, F6/49
BOND	The bond program does not mandate initial or recertification effective dates. Tax credit rules generally are used as a model.	N/A

	Eligibility and Increases in Income	References
LIHTC	For less than 100% LIHTC properties, household income that is over 140% of the current income limit at recertification is "over-income". Over-income households continue to qualify as LIHTC households as long as the next available unit of the same or smaller size IN THE BUILDING is rented to LIHTC households 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. The IRS refers to this rule as the "Available Unit Rule" (AUR) or "Next Available Unit Rule" (NAUR). It is also commonly referred to as the "140% rule".	§42(g)(2)(D)(ii), Treas. Reg. §1.42-15, 8823 Guide chapter 14
HUD	As household income increases, rent simply increases up to the maximum rents. Households no longer receiving assistance may not be required to vacate the unit.	4350.3 chapter 8
RD	As household income increases, rent increases up to the maximum rents. Households that exceed the moderate income limits must vacate the unit.	HB-2-3560 6.30/40
HOME	Increases in income at recertification may result in re-classification from LOW to HIGH HOME rents. Rents switch to 30% of adjusted income (not to exceed market rents in the area) once household 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". Specific actions are then mandated by the program that differs depending on whether the project is "fixed" or "floating" HOME as determined in the HOME agreement. For HOME/LIHTC projects, the HOME program adopts the LIHTC rent limits for rent calculated using adjusted income. Increases never are grounds for eviction.	HOME Guide 3.5 & 6/65-82, Attachment 3-4/91 & Attachment 3-5/93 §92.25 3 (c)
BOND	For properties where less than 100% of the households meet the minimum set aside limit, household income that is over 140% of the current income limit at recertification is "over-income". Over-income households continue to qualify as bond households as long as the next available unit of the same or smaller size IN THE PROJECT is rented to a bond household. For bond/LIHTC projects, this rule becomes a BUILDING rule to conform to the LIHTC program.	§142(d)(3)(B) & (C)

Deductions/Allowances		References
LIHTC	The LIHTC program does not use deductions to income. Rent is not directly based on family income.	N/A
HUD	HUD has 5 types of deductions used to determine adjusted income and rent. Open to all applicable households are: 1) dependent deduction (\$480 per dependent per year) 2) child care expenses and 3) disability assistance expenses. Available to households where the head or co-head is elderly or disabled are: 4) medical expenses and 5) elderly household deduction (\$400 per elderly household per year).	4350.3 Chapter 5 section 2/5-40 through 51
RD	RD has the same 5 types of deductions as HUD uses to determine adjusted income and rent. Open to all applicable households are: 1) dependent deduction (\$480 per dependent per year) 2) child care expenses and 3) disability assistance expenses. Available to households where the head or co-head is elderly or disabled are: 4) medical expenses and 5) elderly household deduction (\$400 per elderly household per year).	5.9C/5-9 through 12
HOME	For households where rent is based on income, the HOME program uses HUD's 5 types of deductions used to determine adjusted income and rent (see HUD in this section above).	HOME Guide Attachment 3-4/91
BOND	The bond program does not allow for deductions to income. Rent is not directly based on family income.	N/A

Transferring Households		References
LIHTC	Tenants who have gone above the 140% limit at properties that are less than 100% LIHTC are only allowed to transfer between units within their building. Residents who are below the 140% limits at these projects, and all tenants at a 100% project, may transfer between buildings (as defined by form 8609s) without having to qualify at current income limits. When tenants transfer between units within a project the units "switch status".	Treas. Reg. 1.42-15(d), Rev. Rul. 2004-82, Q&A #8, 8825 Guide 4-24
HUD	Eligibility is determined at the time of entrance to the project. Transfers are allowed between buildings within a project without requalifying at current income limits. Households that overcrowd or under occupy a unit may be required to move to an appropriately sized unit or stay and pay contract rent, if an appropriate unit is available. The anniversary date remains based on the original move-in date to the property.	4350.3 chapter 7 section 3
RD	Transfers are allowed between buildings. Households that are under or over-housed in a unit may be required to move to an appropriately sized unit, if available. If an appropriate unit is not available, tenancy will be terminated. A full recertification is done at transfer, and the transfer date becomes the new anniversary date.	HB-2-3560 6.21/6-31, 6.30A/6-41
HOME	HUD guidance does not discuss unit transfers. Units never change designation in a "fixed" HOME property.	N/A
BOND	Bond rules do not discuss unit transfers.	N/A

Subsidy and Rent Limits		References
LIHTC	Subsidy from Section 8 and similar programs is not included in rent when determining compliance with gross rent requirements. Tenant rent may exceed the LIHTC max rents for tenants who are receiving assistance and whose income has increased. Tenant rents may also exceed the LIHTC limit for households receiving RD assistance for which RD "overage" is paid.	§42(g)(2)(B)(i) & (iv), 8823 Guide 11-5&6
HUD	Not applicable.	N/A
RD	Not applicable.	N/A
HOME	Subsidy is included in rent 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.	HOME Guide 3.3C/54
BOND	The bond program does not impose rent requirements.	N/A

Utility Allowances		References
LIHTC	Projects with RHS or HUD funding use the UA for those programs. There are 5 additional choices for other properties. The UA for voucher holding households is the UA that their rent calculation is based on.	Treas. Reg. 1.42-10, 8823 Guide Chapter 18
HUD	UA for a property is calculated based on HUD policy.	N/A
RD	UA for a property is calculated based on RHS policy.	N/A
HOME	The PJ establishes a UA. With the 2013 Change in HOME regs, UAs provided by Public Housing Authorities are no longer acceptable. UAs must now be project specific and use the HUD Utility Model or other method based on actual utilities at a property (only applicable to HOME projects committed funds after January 24, 2015).	HOME Guide 3.3D/55 24 CFR 92.252 (d) CPD HOME FAQ 11-13
BOND	The bond program does not impose rent limits, a utility allowance is irrelevant. The LURA may impose further rent restrictions.	N/A

Rent Limits		References
LIHTC	Rent limits are calculated based on income limits. As income limits never go down for a specific property from year to year, neither do rent limits. They assume an imputed 1.5 persons per bedroom.	§ 42 (g)(2)(C), 8823 Guide 11-2 Example 1
HUD	Market (or contract) rents are calculated for a specific property and will be spelled out in regulatory and HAP agreements.	N/A
RD	Basic and market rents are calculated for a specific property and will be spelled out in regulatory and other agreements.	N/A
HOME	HUD publishes the HOME HIGH and LOW rent limits. The 2013 HOME regulation requires that PJs explicitly approve all rents annually at HOME projects that they monitor.	HOME Guide 3.3/51-56 §92.2 52(f)(2)
BOND	The bond program does not have rent limits. Specific LURAs may impose limits.	N/A

Handbook Guidance (4350.3, HB-2-3560, Section 42 etc.)**References**

LIHTC	Legal authority and formal guidance: Internal Revenue Code §42, Treasury Regulation (Treas. Reg. 1.42-(1-17)), various revenue rulings (Rev. Rul.), revenue procedures (Rev. Proc.), IRS Notices and others. Other Guidance: "The Guide for Completing Form 8823, Low-Income Housing Credit Agencies Report of Noncompliance or Building Disposition" (8823 Guide). Newsletters, Private Letter Rulings (PLRs).	Available online at www.irs.gov
HUD	Formal guidance: HUD Handbook 4350.3 - "Occupancy Requirements of Subsidized Multifamily Housing Programs"	Available online at www.hud.gov
RD	Formal guidance: HB-2-3560 - "Multi-Family Housing Asset Management Handbook"	Available online at www.rurdev.usda.gov/Handbooks.html
HOME	Formal guidance: 24 CFR Part 92. HUD, "Compliance in HOME Rental Projects: A Guide for Property Owners" (HOME Guide)	Available online at www.hud.gov
BOND	Legal authority and formal guidance: Internal Revenue Code §142, various revenue rulings (Rev. Rul.), revenue procedures (Rev. Proc.), IRS Notices and others.	Available online at www.irs.gov

Vacancies**References**

LIHTC	Vacant units may be counted as LIHTC units as long as 1) the last resident was LIHTC-qualified, 2) the unit is made ready in a reasonable time and 3) the owner can demonstrate that the vacant LIHTC units were marketed before any units of the same size or smaller in the project were rented to non-LIHTC households. The IRS refers to this as the "Vacant Unit Rule" (VUR).	Treas. Reg. 1.42-5(c)(1)(ix), Rev. Rul. 2004-82, Q&A #9, 8823 Guide chapter 15
HUD	Vacancies that are not excessive in number or duration have no direct impact on program compliance.	N/A
RD	Vacancies that are not excessive in number or duration have no direct impact on program compliance.	N/A
HOME	Vacancies that are not excessive in number or duration have no direct impact on program compliance. Per the 2013 regulation change, HOME units that are not rented within 6 months of project completion create a concern with HUD. After 18 months, the HOME funds will need to be paid back for units that have not housed HOME qualified households.	§92.525
BOND	Vacant units previously occupied by a qualified household remains qualified until the next household moves in and then the qualification is re-determined.	IRS Reg. 103.8 (b)(5)(ii)

Units in Program (Minimum Set-Aside)		References
LIHTC	Properties must meet one of 3 "minimum set-asides": 20-50, 40-60 or 25-60 (New York City projects only). The first number represents the percentage of units at the project that must be LIHTC (i.e. 20% at a 20-50 project) and the next represents the income and rent limit for all LIHTC units at that type of property (50% MTSP limits at a 20-50 project). This is a MINIMUM. Actual tax benefits claimed will be based on the number of units actually occupied by LIHTC households (the applicable fraction).	§42(g)(1), 8823 Guide chapter 10, IRS form 8609(s) line 10C (for the MSA for a specific property)
HUD	Number of units in-program will be determined based on the regulatory agreement and program type.	N/A
RD	Number of units in-program will be determined based on the regulatory agreement and program type.	N/A
HOME	The number of HOME units are determined based on the amount of HOME funding proportionate to project cost. If there are 5 or more HOME units, at least 20% of them must be "LOW" HOME rent units for very-low income households. The remainder may be HIGH HOME units.	HOME Guide 1.8/7
BOND	Properties must meet one of 3 "minimum set-asides": 20-50, 40-60 or 25-60 (New York City projects only). The first number represents the percentage of units at the project that must be LIHTC (i.e. 20% at a 20-50 project) and the next represents the income rent limit for all LIHTC units at that type of property (50% MTSP limits at a 20-50 project). This is a MINIMUM. Federal bond rules only apply to the units meeting the minimum set-aside. During lease-up, the set-aside must be met among all occupied units once a project reaches 10% occupancy.	§142(d)(1) Rev. Proc. 04-39

Initial Lease Term		References
LIHTC	The initial lease term must be at least 6 months. It cannot be terminated for other than good cause.	8823 Guide chapter 20
HUD	The initial lease term must be at least 12 months. HUD mandates specific lease formats. They cannot be terminated or nonrenewal for other than good cause.	4350.3 chapter 6, Appendix 4 A-G
RD	The initial lease term must cover a year. Owner-developed, the lease must be certified by an attorney and approved by RD.	HB-2-3560 Attachment 6-E & 6-F
HOME	The initial lease term must be at least 12 months, unless a lesser term is agreed upon. In no case can it be less than 30 days. The program does not mandate a specific lease, but it forbids 8 specific lease clauses. The PJ must approve the lease used. Leases cannot be terminated or non-renewed for other than good cause. The 2013 HOME regs change added an additional, 9th prohibited clause.	HOME Guide 4.3B/103 through 106, Attachment 4-1 24 CFR 92.253 (b)
BOND	The bond program does not directly speak to leases.	N/A

Period in Program		References
LIHTC	Most tax benefits are claimed over a 10 year " credit period ". For a 15-year " compliance period ", all IRS rules must be followed, and tax benefits may be disallowed or recaptured. Since 1990, an agreement must be in place with the state HFA that extends the program an additional 15 years (often called an "extended use agreement"). This makes the " extended use period " a total of 30 years.	§42(i)(1), (f)(1), (h)(6)(D), 8823 Guide chapter 16
HUD	Financing arrangements, program type and regulatory agreements will establish compliance periods.	N/A
RD	Financing arrangements, program type and regulatory agreements will establish compliance periods.	N/A
HOME	HOME properties have an " affordability period ". The affordability period can be 5, 10, 15, or 20 years, depending on the type of HOME project and the average per unit HOME investment. It will be defined in the HOME agreement.	HOME Guide 7.1/7
BOND	A bond project has a " qualified project period ". This is the period beginning on the Bond Issuance Date and ending on the later of (a) the date which is 15 years after the date on which at least fifty percent (50%) of the residential units in the Project are the first occupied, (b) the first day on which no tax-exempt private activity bond issued with respect to the Project is outstanding, or (c) the date on which any assistance provided with respect to the Project under the Section 8 of the United States Housing Act of 1937 terminates. Note that at least 15 years is involved.	§142(d)(2)(A)

Residency Application Fees		References
LIHTC	Application fees may be charged to cover the actual cost of checking a prospective tenant's income, credit history, and landlord references. The fee is limited to recovery of the actual out-of-pocket costs.	8823 Guide 11-3
HUD	Owners may not charge application fees or require applicants to reimburse them for the cost of screening.	4350.3 4-7E2/4-22
RD	Application fees are discouraged, but when used, any fee charged to an applicant must be limited to the cost of actual services incurred for obtaining necessary information associated with completing a tenant certification.	HB-2-3560 6.18B/6-27
HOME	All mandatory fees, if allowed, must be approved by the PJ. The 2013 revision of the regulation requires that fees must not create an undue burden on low-income households, and that those charged must be reasonable or customary.	Home Guide 3.3D4/55 HOME Regs 2013 § 92.214(b)
BOND	Application fees are not addressed in the federal tax code or guidance.	N/A

Criminal Background Checks		References
LIHTC	The program does not speak to specific background checks, but guidance allows for criminal background checks.	8823 Guide 8-5
HUD	Owners must develop screening and occupancy restrictions for those with certain violent or drug-related criminal pasts. New move-ins of persons subject to lifetime sex offender registration is prohibited. Each new move-in must be checked against a national registry of sex offenders.	4350.3 4-7B2/4-18, C/4-19 through 21
RD	Owners may, but are not required to, screen for criminal background.	HB-2 3560 6.19/6-29
HOME	The program does not speak to specific background checks, but guidance allows for criminal background checks.	HOME Guide Exhibit 4-1/102
BOND	The program does not speak to specific background checks.	N/A

Release of Information Forms		References
LIHTC	There is no specific form mandated federally.	N/A
HUD	HUD has a packet that must be signed by the applicant or resident at initial and annual certifications. This includes the 9887 and 9887-A.	4350.3 3-11 / 3-23 & 24
RD	There is no specific form mandated federally, but an owner is required to develop one.	HB-2-3560 6.11 2/6- 17
HOME	There is no specific form mandated federally.	N/A
BOND	There is no specific form mandated federally.	N/A

Citizenship		References
LIHTC	Code does not impose any citizenship requirements. An owner may, but is not required to, choose to implement restrictions relating to noncitizens.	8823 Guide 13-2
HUD	Only U.S. citizens or eligible noncitizens may receive assistance under most HUD programs. Each person must sign an affidavit as to their citizenship status. Noncitizens must provide documentation as to their status and it will be verified through DHS' SAVE internet-based system. Assistance will be pro-rated for families with non-eligible members.	4350.3 3-5F/3-4, 3-12/3-25 through 39, Exhibit 3-5 "Sample Citizenship
RD	RD regulations state that a resident must be a United States citizen or qualified alien. Practical guidance is pending from RD on how management is to ensure this, however.	§3560.152 (a)(1)
HOME	The HOME regs and guidance do not speak to citizenship requirements.	N/A
BOND	The bond regs and guidance do not speak to citizenship requirements.	N/A

Race/Ethnicity		References
LIHTC	Among other information, race and ethnicity information for each household must be reported by the HFA to HUD. The HFA must establish data collection and reporting procedures.	The Housing and Economic Recovery Act of 2008 (HERA) section 2835
HUD	Applicants must be given the option of completing HUD form HUD-27061-H - "Race and Ethnic Data Reporting Form". They must not be required to complete it and management should not complete the form in behalf of the applicant. This data should not be placed on the waiting list.	4350.3 2-11A/2-10, 4-14A4/4-34, Exhibit 4- 3, 4-16D4/4-42
RD	Owner designed application forms must ask for certain data, including race and ethnicity. If the applicant does not supply information, management is required to complete it based on observation. This data is to be placed on the waiting list.	HB-2-3560 6.18A/6-25 through 6-27, Exhibit 6-5/6-26
HOME	Since the success of affirmative marketing efforts must be evaluated by the PJ each year, there is generally a practical need to collect household race and ethnicity data as part of the application process.	HOME Guide 4.2B5/99
BOND	The bond program has no race or ethnicity data gathering or reporting requirements.	N/A

Affirmative Marketing		References
LIHTC	Affirmative marketing is not addressed in the federal LIHTC code or guidance.	N/A
HUD	HUD requires having an Affirmative Fair Housing Marketing (AFHM) Plan in place, using HUD form 935.2A. It must be updated at least every 5 years and approved by HUD or CA.	HUD form and instructions can be downloaded at www.HUD.gov
RD	RD requires having an Affirmative Fair Housing Marketing (AFHM) Plan in place, using HUD form 935.2A. It must be approved by RD.	HB-2-3560 6.17/6- 25, HUD form and instructions can be downloaded at www.HUD.gov
HOME	HOME does not require a specific affirmative marketing plan format, but a PJ must establish affirmative marketing procedures and ensure that an owner has an affirmative marketing plan in place, and that it is followed.	HOME 4.2B/98&99
BOND	Affirmative marketing is not addressed in the federal tax code or guidance.	N/A

Online System Used by Program		References
LIHTC	None at federal level. State HFAs may have online systems.	N/A
HUD	Tenant Rental Assistance Certification System (TRACS), with Enterprise Income Verification (EIV) system.	N/A
RD	Management Agent Interactive Network (MINC).	N/A
HOME	The PJ uses the Integrated Disbursement and Information System (IDIS).	N/A
BOND	None	N/A

Administering Agency		References
LIHTC	The IRS and state agencies that they contract with commonly referred to as Housing Finance Agencies (HFAs).	www.irs.gov and individual state HFA websites
HUD	Housing and Urban Development and agencies they contract with ("Contract Administrators").	www.HUD.gov and individual contract administrator sites
RD	Rural Development (RD), or Rural Housing Services (RHS) of the United States Department of Agriculture (USDA).	www.rurdev.usda.gov
HOME	Housing and Urban Development (CPD division) and agencies they work with, "Participating Jurisdictions (PJs)".	www.HUD.gov and individual participating jurisdiction sites
BOND	The IRS and bond issuers.	www.irs.gov

Inspection Cycle and Percentages Inspected		References
LIHTC	Inspections will be conducted at least every 3rd year. 100% of buildings and at least 20% of LIHTC units are inspected.	Treas. Reg. §1.42-5(c)(1)(vi) & (2)(ii)(B)
HUD	Management Occupancy Reviews (MORs) are conducted on varying schedules depending on several factors. REAC physical inspections are conducted every three years if the last REAC inspection score was 90 or higher, every two years if the last REAC inspection score was 80-89, and every year if the last REAC inspection score was below 79.	4350.1 chapter 5, see also www.hud.gov for further REAC information
RD	There are annual inspections and in-depth tri-annual supervisory visits. Annual Physical Inspection: 5% of the occupied units (minimum of 2) and 5% of the vacant units (minimum of 2) are inspected. Supervisory Visit: Physical and file inspections are conducted. If a project has 0-5 units - all units will be inspected, 6-30 units - 6 units, 31-74 units - 10 units, 75 or more units - 15 units. If a project has vacancies, 5% (minimum of 2) vacant units will be inspected.	HB-2-3560 9.9F/9-15, 9.10F/9-18&9
HOME	At a minimum, properties with 1–4 units will be inspected every three years, 5–25 units every two years and 26 or more units every year. This is total units in a project, not just HOME units. The inspector must select a "reasonable sample". The 2013 HOME regs now mandates a 3 year inspection cycle.	HOME Guide Exhibit 6-1, 6.2C7/123
BOND	No inspection regime is defined in code.	N/A

Physical Inspection Protocol		References
LIHTC	HUD's Uniform Physical Conditions Standards (UPCS) or local standards. LIHTC funding does not trigger Section 504 requirements.	8823 Guide 6-1 & Exhibit 6-1
HUD	HUD's Uniform Physical Conditions Standards (UPCS) with REAC inspections. Some programs use Housing Quality Standards (HQS) protocols. Disability accessibility is reviewed per UFAS (Section 504).	See www.hud.gov for further UPCS and HQS information
RD	"Form RD 3560-11 - Multi-Family Housing Physical Inspection report". Disability accessibility is reviewed per UFAS (Section 504).	HB-2-3560 9.9F/9-15, 9.10F/9-18&9
HOME	Various factors influence which of several protocols the PJ will choose. Disability accessibility is reviewed per UFAS (Section 504). The 2013 HOME regs mandate HUD's UPCS standard for Rehab projects and it replaces HQS as a default standard, if local or state codes are not used for ongoing rental housing inspections.	HOME Guide Exhibit 5-1/112 24 CFR 92.504 (d)
BOND	None mandated. Bond funding does not trigger Section 504 requirements.	N/A