

# ***Blended Occupancy***

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# Blended Occupancy



**Regulatory News & Reviews**

A Venn diagram consisting of three overlapping circles. The top circle overlaps with both the bottom-left and bottom-right circles. The bottom-left and bottom-right circles also overlap with each other. The text 'Regulatory News & Reviews' is centered across the intersection of all three circles.

# **RHIIP Listserv Postings #396**

**November 22, 2017**

- HUD has created a web page called VAWA Resources for Multifamily assisted housing.
- It contains links to VAWA Act of 2013, VAWA Notices, 2017 training webcasts, Q&As, HUD forms, and VAWA resources for O/As:

[https://www.hud.gov/program\\_offices/housing/mfh/violence\\_against\\_women\\_act](https://www.hud.gov/program_offices/housing/mfh/violence_against_women_act)

# **RHIIP Listserv Postings #376**

## **December 21, 2016**

- **Replaces RHIIP Listserv #373 (12-15-16).**
- **Model forms for VAWA are available on HUDCLIPS:**
  - **Notice of Occupancy Rights under VAWA (form HUD-5380)**
  - **Model Emergency Transfer Plan (form HUD-5381)**
  - **Certification of Domestic Violence... (form HUD-5382)**
  - **Emergency Transfer Request... (form HUD-5383)**  
**Replaces HUD form 91066**
- **Model forms may be customized, as long they contain the same information and language.**

# **RHIIP Listserv Postings #376**

## **December 21, 2016**

- **Effective 12-16-16.**
- **Notice of Occupancy Rights (form HUD-5380) and Certification form (form HUD-5382) must be provided as follows:**
  - **With any notification of eviction or termination of assistance,**
  - **To rejected applicants, and**
  - **To new households at move-in.**
- **Does not have to be provided to every applicant on the waiting list.**
- **Does not have to be provided at recertification.**

# Emergency Transfer Plan

- **Must be developed by property owners.**
- **Plan must be available upon request, and publicly available whenever feasible.**
- **Must discuss priorities given to tenants regarding emergency transfers vs. other individuals seeking transfers, or placement on the waiting list.**
- **Must describe procedures to transfer tenants when a safe unit is/is not immediately available w/o a new application.**
- **Emergency transfer obligation does not supersede any eligibility or other occupancy requirements.**

# VAWA Confidentiality

- **Owners must keep confidential any information submitted by VAWA victims about emergency transfer.**
- **Documents submitted by VAWA victims must be filed separately from the applicant/tenant file in a secured location.**
- **The owner is not required to bear moving costs that tenants generally pay to move, including application fees & deposits.**
- **The owner is not required to obtain acknowledgements from the applicants/tenants, but it is highly recommended.**

# VAWA's Ripple Effect

- **Policy & procedures affected by this rule are;**
  - **Tenant Selection Plan**
  - **Waiting list**
  - **Transfer policy**
  - **Rejections**
  - **House Rules**
  - **Termination of assistance and/or tenancy; and**
  - **Eligibility of remaining household members.**



# **Interim Final Rule on Streamlining Administrative Regulations**

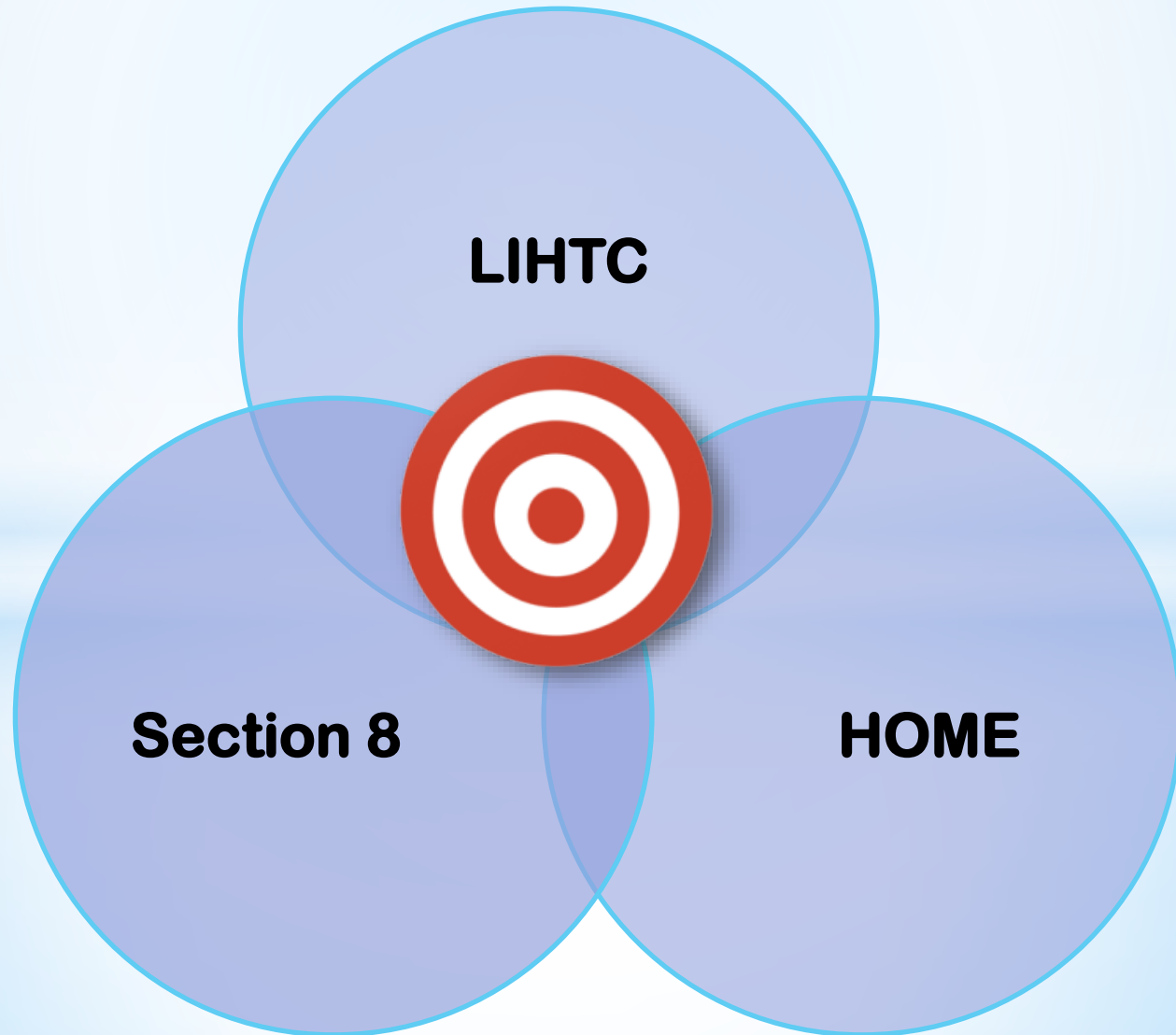
- **Listserv #401 was issued on 12-13-17, but delayed to allow for public comments.**
- **Extends streamlining changes adopted in 2016 for housing choice vouchers & public housing to Multifamily programs.**
- **Effective on 3-12-18.**
- **Comments period ended on 1-11-18.**
- **HUD will consider changes before publication of the final rule.**

# Interim Final Rule on **Streamlining Administrative Regulations**

*(Continued...)*

- **HUD allows Multifamily Housing owners to:**
  - **Conduct full income recertification for families with 90% or more fixed income, every 3 years instead of annually.**
  - **Make utility allowance reimbursement of \$45 or less per quarter, on a quarterly basis. A hardship policy is required.**
  - **Accept family declaration of net assets equal or less than \$5,000, with third party verification of all family assets required every 3 years.**

# 21st Century Compliance



# Monitoring Agency

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**IRS, State Agency, or  
Authorized Agent.**

**HUD HOME monitors issuing  
Participating Jurisdiction  
(PJ).**

**HUD, HAP Contract  
Administrator, or state.**

# Program/Compliance Period

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

10 years credit period, 15 years compliance, plus 15 year Extended Use Agreement (total 30 years).

Affordability periods of 5, 10, 15, or 20 years based on the average investment per unit, and type of HOME project.

Affordability period can be confirmed by reviewing the LURA.

According to Housing Assistance Payments (HAP) Contract.

# Compliance Reviews/Audits

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Once every 3 years at minimum.**

**Every 3 years or annually depending on the compliance status of the property.**

**Generally once a year, or according to the contract and other factors.**

# Physical Inspections

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Uniform Physical Condition Standard (UPCS) or federal, state & local health, safety & building codes**

**UPCS**

**UPCS with Real Estate Assessment Center (REAC) inspection.**

# The Cost of Non-Compliance

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Tax credit recapture, penalties, loss of future participation, issuance of 8823s to IRS.**

**Possible recapture, Loss of future funding and participation in program.**

**Non-payment of assistance, sanctions, loss of future participation.**



# Required Forms

**Tax Credit (LIHTC)**

**HOME**

*(Check with your PJ)*

**Section 8 (HUD 4350.3)**

**LIHTC Lease Addendum, Employment Verification, Student Affidavit, Child Support, Lead-Based Paint Disclosure (if prior to 1978), Tenant Income Certification, VAWA Addendum, Service Animal Addendum.**

**HOME Addendum, Employment Verification, Student Affidavit, Child Support, Lead-Based Paint Disclosure (if prior to 1978), VAWA Addendum.**

**Lease, 92006, 50059, 9887/A, Acknowledgments for Fact Sheet, EIV, etc., Citizenship, Ethnicity, Lead-Based Paint Disclosure (if applicable), VAWA Addendum, & more as required by the program.**

# Tenant Eligibility

**Students**

**Assets**

**Unborn Children**

**Social Security Number**

**Citizenship**

**Employee Units**

# Students

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

Households made up entirely of full-time students are not eligible. There are 5 exceptions.

HOME Student Affidavit. Adopted the Section 8 Housing Choice Voucher program restrictions on student participation.

A student is not eligible if under 24, not married, not a veteran, no dependent child, not disabled, not living with section 8 parents, and not eligible individually, and parents individually or jointly are not income eligible for Sec. 8.

# Assets

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Assets over \$5K verified,  
\$5K and under may be self-  
certified.**

**All assets are verified.**

**All assets are verified.**

# Unborn Children

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Counted for bedroom size  
and household income limits.**

**Same as LIHTC.**

**Counted for bedroom size  
and household income limits.  
But does not receive a \$480  
dependent deduction.**



# Social Security Number

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

If required, owner must apply to all, in a non-discriminatory manner.

Applicants and tenants must disclose SSNs for all household members.

Required; check Notice HUD 2010-08 for recent changes & exceptions.

# Citizenship

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

Currently, there is no specific direction from IRS. If required, owner must apply to all, in a non-discriminatory manner.

Only U.S. citizens or eligible non-citizens qualify for assistance.

Citizens & eligible non-citizens qualify. Restrictions apply to non-citizens and mixed families. Check 4350.3, Par. 3-12.

# Employee Units

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**May impact Applicable Fraction, employee must be full-time by the property. Check LURC.**

**Request waiver for unit conversions. Check with PJ.**

**Per agreement, check Rent Schedule.**



# Transients

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**No transients, minimum 6-month lease required. Single Room Occupancy (SRO) may be ok.**

**N/A**

**Temporary housing may be allowed in certain programs, check your HAP contract.**

# Lease Term

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Initial lease at least six months.**

**One-year lease or as agreed upon between the landlord & tenant. Never less than 30 days.**

**Generally, initial lease 12 months.**

# Tenant Re-certification

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Annually, no interim. 100% projects are exempt as of July 30, 2008. Re-certification Waiver must be submitted and approved by DCA. Must check student status.**

**Annually, no interim.**

**Annually, and interim upon change of family composition and/or income increase \$200 per month or more.**

# Income Limits

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Multifamily Tax Subsidy Project (MTSP) limits. 50% or 60% of AMI based on set-asides. Determined by HUD, no deductions are allowed.**

**HUD HOME Income Limits.**

**Area Median Income (AMI). Pre/post 1981 universe applies (4350.3, Par. 3-7, Pg. 3-12). Income targeting, 40% at extremely low income.**

# Rent Restriction

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**30% of AMI.**

**30% of applicable low or high HOME AMI.**

**The higher of 30% of adjusted income or 10% of gross income. \$25 minimum rent.**

# Available Unit Rule

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**Building rule; units with income exceeding 140% of AMI.**

**Over income when HH income exceeds 80 % of applicable income limits. Action steps vary if the unit is fixed or floating with high or low HOME rent. The HOME Guide Par. 3-5 & 3-6.**

**Over income tenants pay market rents.**

# Records Retention

**Tax Credit (LIHTC)**

**HOME**

**Section 8**

**At least 6 years after the due date for filing the taxes for that year. First year files for 21 years.**

**Generally, 5 years after the end of the affordability period.**

**At least 3 years after move-out. DHS appeal documents for 5 years. Voucher & financial data for 7 years. EIV reports must be disposed after 3 years.**

# **Best Practices... In General**

**All programs are not created equal!**

- **When in doubt, use the most restrictive rule, and check with your monitoring agency.**
- **Implement policies and procedures to maintain consistency.**
- **When conflict between programs occurs, state agencies should be consulted for guidance.**
- **Conduct periodic internal Audits.**
- **Third party audits are recommended in The Guide to Form 8823.**



# **Best Practices... In General**

**(Continued)**

- **Maintain an updated summary sheet for each property. Site staff should have a clear understanding of all the requirements of each applicable program.**
- **Keep Key documents readily available as it relates to compliance monitoring (LURC/LURA/8609s).**
- **Maintain separate files for each program.**
- **Create a tracking system to check off every step of the way. Use checklists.**
- **Keep EIV reports in a separate file, and don't use the information for LIHTC.**

# **Best Practices... In General**

**(Continued)**

- **Provide continuous training to keep staff up to date on new rules and the latest changes.**
- **Document, Document, Document.**
- **Finally, conduct your business each day as if your next audit is scheduled for “tomorrow”.**

# Stay Informed

- Sign up to receive DCA's Email blasts for updates, important info and trainings at [www.Compliance@dca.ga.gov](mailto:www.Compliance@dca.ga.gov)  
Subject line: Add to Email Blast
- Sign up for RHIIP Listserv, you too can receive current RHIIP related information from HUD  
<http://portal.hud.gov/hudportal/HUD?src=/subscribe/maillinglist>

***THANK YOU!***

***From:***

***Georgia Department of Community Affairs***

***[www.dca.state.ga.us](http://www.dca.state.ga.us)***

***National Housing Compliance***

***[www.nhcinc.org](http://www.nhcinc.org)***