

Annual LIHTC Compliance Seminar

October 23, 2024

Presented by RIHousing
Hosted by IREM, RI Chapter 88



Agenda

- Agency Updates
 - New and Coming soon
- HOTMA
- QUIZ
- LIHTC
 - With ancillary programs compliance
 - Reminders incident reporting (8823s, loss of rental income), contact info updates, who should billing for monitoring fee go to?
 - How to request rent increases
- Refresher on monitoring procedures
- QUIZ
- Procorem by ProLink Solutions
- NSPIRE InspectCheck and common findings
- Q & A
- QUIZ



Agency Updates

Development Updates

- 9% Tax Credit round is out along with several other funding sources
 - deadline 12/16
- RIH-ELI Operating Reserve RFP is out for \$6 million deadline 10/30
 - Designed to offset the gap between:
 - 30% AMI rent and the 50% AMI rent for all efficiencies and 1-bedroom units and/or
 - 30% AMI rent and the 60% AMI rent for units with 2+ bedrooms that will house families referred from the Coordinated Entry System
- \$1.8 million HPF-ELI RFP coming soon
- <u>Section 811 Project Rental Assistance RFP</u> is out for 13 units
 - deadline 10/30
- Design and Construction guidelines are out



Agency Updates

Staffing changes

- New Asset Manager hired: Lilly Sanabria-Flores
- Multifamily Asset Management Coordinator upcoming
- Program Representative upcoming
- From January 2024
 - Richelle Fitzgerald handling all Section 8 voucher payment and rent increases



New and Coming Soon

- Costello Compliance has been engaged again to update our LIHTC Manual – inclusive of ancillary programs and HOTMA
- <u>Unresponsive LIHTC reviews will now receive 8823s if not</u> closed within 6 months
- Rent increases are now limited to once per year
- Replacement Reserves for appliances require Energy Star Certification
- Abbreviated Certifications



Compliance Monitoring Fee Refresher

Annual LIHTC Compliance Monitoring Fees Current and historical process:

- A tracking spreadsheet is manually updated prior to creating the invoices
 - ☐ Where in LIHTC lifecycle is the property
 - ☐ Adjust fee to be charged per LIHTC unit
 - ☐ Update contact information
- Finance uses the spreadsheet and creates the invoices in the Mitas AR system, to print and mail
- When payment is received, the check is deposited and posted in Mitas AR cash management system.
- The tracking spreadsheet is updated
- Aging report of outstanding invoices is generated biweekly and forwarded to Asset Management for follow up with owner/agent

Compliance Monitoring Fee NEW

2024 calendar year LIHTC compliance monitoring fees – billing, payments and tracking will be done via ProLink Solutions

- ✓ Make sure we have the correct recipient contact info
- ✓ Annual Owners Certification due January 31st, 2025
- ✓ Annual Compliance Monitoring Fees due by March 31st, 2025





HOTMA

Housing Opportunity Through Modernization Act of 2016 (HOTMA)



HOTMA

Rural Development Multifamily Housing HOTMA Implementation Update

- On September 20, 2024, U.S. Department of Housing and Urban Development (HUD) announced that the compliance date will be extended to July 1, 2025.
- To align with HUD, RHS Multifamily Housing is extending full implementation of applicable HOTMA regulations until July 1, 2025.
- All MFH tenant certifications effective on or after July 1, 2025 must comply with HOTMA requirements.
- If you questions about the new deadline, HUD encourages you to contact <u>MFH_HOTMA@hud.gov</u>.





HOTMA and **LIHTC**

Proposed Policy:

RIHousing will allow Tax Credit sites to implement new HOTMA regulations concerning verifying income and assets under the following conditions:

- The site uses the new HOTMA rules for all units and tenants. If the site is mixed PBCA Section 8 and Tax Credit the site must use HOTMA rules and verifications the same way across programs.
 - See HUD's guidance here: https://www.hud.gov/program_offices/housing/mfh/hotma
- A revised Tenant Selection Plan incorporating any changes is submitted to your asset manager. This includes but is not limited to income and asset verifications and student income rules.
- The site verifies staff has attended a training on HOTMA
- The site notifies tenants about this change and how it will affect them



HOTMA and **LIHTC**

Proposed Policy:

RIHousing will allow Tax Credit sites to implement new HOTMA regulations concerning verifying income and assets under the following conditions:

- The site uses RIHousing's updated forms attached including:
 - Updated Tenant Income Certification
 - Asset Self certification
 - Student Self-Certification
 - Student Financial Affidavit
- Find forms here: https://www.rihousing.com/compliance/

Please note: Implementation at this time is optional. However, it will likely be required shortly after HUD's required date.



HOTMA and **LIHTC**

- IRS has verbally confirmed its their intention to follow the HOTMA final rule in determining income and assets and will allow for self-certification of assets when the cash value does not exceed \$50,000
- Our tax credit policies will continue to mirror
 Section 8 as far as income and asset verification is concerned
 - If you can use a verification for Section 8, we will accept it for tax credit
 - We will not be making the tax credit program more restrictive in terms of eligibility

This is not yet in effect!
We will post a program bulletin when we make any changes to our TC policies







HOTMA - Things to Think About

- Get trained!
- Update your software
- Update your policies and forms
- Keep an eye out for HUD updates and resources
- Keep and eye out for bulletins from RIHousing





QUIZ #1



Scan the QR code above to participate!



QUESTIONS

- The most current Low-Income Housing Tax Credit Lease Addendum lists a revision date of:
 - a) January 1, 2024
 - b) March 1, 2019
 - c) September 1, 2014
 - d) It's never been revised
- 2. What is the maximum number of days' notice RIHousing can give the Owner/Agent for a LIHTC review?
 - a) 15 days
 - b) 30 days
 - c) 14 days
 - d) None of the above
- 3. For a mortgagee physical inspection of a LIHTC property not in the Extended Use Period, RIHousing will issue 8823s for any exigent/ life-threatening deficiencies discovered during the inspection.
 - a) Yes
 - b) Maybe
 - c) No

LIHTC with Ancillary Programs

≻Ancillary Programs:

Federal:

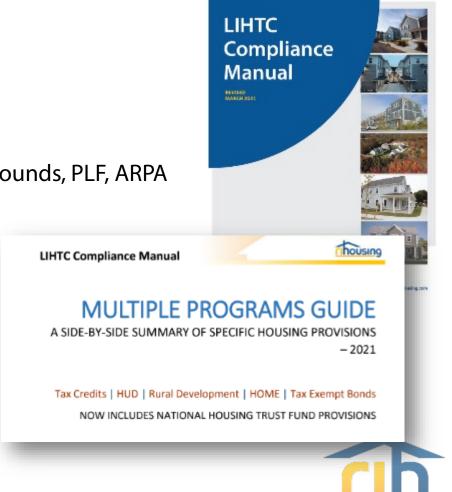
• HOME, HTF, 811 Program

State:

NOP, BHRI, CMF, HPF-ELI, WFH or MI, RIRebounds, PLF, ARPA

Tools needed for Compliance:

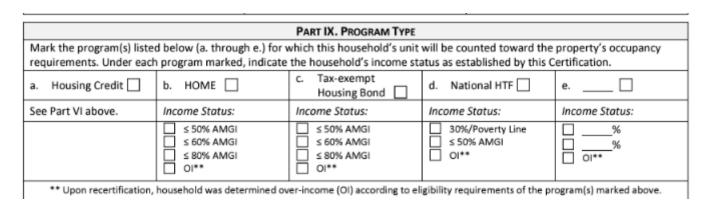
- Deed Restriction
- Regulatory Agreement
- Communication with your Owners and Developers!!!



LIHTC with Ancillary Programs

Things to know:

- What are your program set-asides (income/rent restrictions)
 - Is your TIC reflective of these programs and set asides? Bottom of Page 2



- Applicable Lease Addendum (only when executing a new lease!)
- Income Verification (self-cert for state programs is acceptable)
- Asset Verification and Disposal of Assets



LIHTC Reminders

- Immediately report important events at your property.
- 8823s for units that are offline
- Consequences of offline units loss of rental income, budget deficits
- Contact info must be current, who gets what?
 Program Bulletins, eblasts, etc.





Reminders: LIHTC Disasters

Immediately report any important events at your property that result in:

- Disasters- hurricane, floods, fire, etc.
- Accidents- kitchen fires, fire works, crime incidents, etc.

When these incidents occur, it is the responsibility of management/owner to report it to RIHousing as soon as possible if it results in a unit or building going off-line. Management must submit a plan to RIHousing that sets a timeframe for restoration of the lost buildings/units.





LIHTC Reminders

- Casualty loss that is not part of a presidentially declared disaster invokes no recapture if the loss is returned to a good condition within a reasonable period.
 - This period is no more than 24 months after the end of the year that loss occurred. However, credits cannot be claimed while the units or building are offline.
- For presidentially declared disasters, both recaptured and disallowance of credits are avoided if the loss is restored in a reasonable period.
 - This period is 25 months after the month that the disaster is declared.



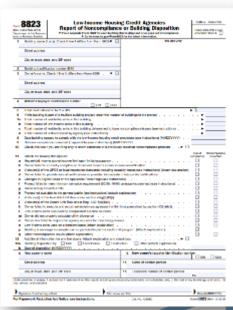


LIHTC Reminders

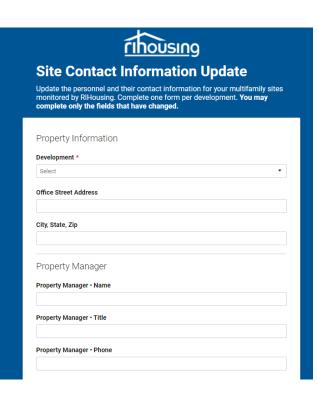
RIHousing must report the loss and restoration to the IRS. If the units have not been fully restored, RIHousing will submit a copy of the owner's plan and timeframe for replacement along with an uncorrected 8823 to the IRS. Once all units have been restored and available for occupancy, RIHousing will issue a corrected Form 8823 to show the units are back in compliance.

units are back in compliance.

- If an owner fails to report a casualty loss to RIHousing promptly, RIHousing will report the incident as noncompliance to the IRS using Form 8823 as soon as compliance staff becomes aware that a loss event occurred
- Consequences of offline units loss of rental income, budget deficits
- 8823 applies only to properties that are in their compliance period.



Reminder - LIHTC SITE CONTACTS



- It is the responsibility of owner/management to update site contact information when there is a staff in change using the link below:
 - ➤ <u>Site Contact Information Update</u>

LIHTC Monitoring Fees

- A program bulletin will be published, and invoices will be distributed.
- Make sure the responsible billing party is also added /updated when updating the site contact.



REFRESHER

LIHTC compliance reporting procedures:

- RIHousing sends out report within 30 days
- Response (full and complete) due within 30 days
- Insufficient responses unacceptable 8823
- Request an extension if needed to submit a complete response.





REFRESHER

Certification Waivers = AAC

Abbreviated Annual (Tenant) Certification

- Not guaranteed
- Must meet qualifying benchmarks
- Can be revoked
- Not transferable if change in Management
- Policy updated 10/18/24
- https://www.rihousing.com/compliance/





REFRESHER - HousingSearchRl.org

- It's the law. H-7944A/ \$3051
- The final bill can be found <u>here</u>.
- Is your property listed?





REFRESHER - HousingSearchRl.org

- Need help with listing your property?
- Call 1-877-428-8844 M-F 9 -8 Eastern Time
- Owner/agent can:
- **≻**Post photos
- **≻**List amenities
- ➤ List all selling points
- ➤ Include a rental application



REFRESHER - HousingSearchRl.org

Social Content

A Free Service to List and Find Homes and Apartments across Rhode Island

Digital marketing is key to promoting your listings and connecting with your audience. By using platforms like Facebook, Instagram, X (Twitter) and others you can expand your reach. Contact us to learn more!



Facebook

For Searchers

Need a place to live? Go to HousingSearchRI.org or call 1-877-428-8844 for live search help, M-F, 9 a.m.-8 p.m. Call 7-1-1 for TTY.

During Disaster Recovery

Landlords, you can help Rhode Island recover! Post your rental listings on HousingSearchRI.org to help people displaced by [disaster]. Go online or call 1-877-428-8844.

X (Twitter)

FREE to search and list. #RIHousing #forrent

HousingSearchRI.org is a free rental search and listing. #RIHousing #forrent

Sample Disaster Tweet

Landlords, add and update your listings on HousingSearchRI.org right now to help neighbors displaced by [disaster]. [#disasterhashtag]

Link Sharing

Increase awareness by linking to HousingSearchRI.org from your website! Graphics are available.









REFRESHER -HousingSearchRl.org



Benefits for Property Providers

List Properties for FREE

- · Post multiple units quickly with user-friendly listing tools.
- · View statistics on how often listings have been searched and viewed.
- Easily adjust the status of listings from "available" to "rented" and vice versa.
- · Add photos and details about amenities such as utilities, parking, appliances, and more.
- · Describe neighborhood features such as schools, parks, and public transportation.
- · List the distance of your property from shopping and other conveniences.

Amplify Your Marketing Reach

- Increase advertising reach with the "online classifieds posting generator," which
 creates cut & paste postings for other online listing services.
- · ILS syndication is available to automate property updates.

Register Today

- Go to HousingSearchRI.org or call 1.877.428.8844 (toll free) to sign up for a free account to list properties.
- · Receive a username and password.
- · Log on and begin listing.

HousingSearchRl.org Is...

- · A one-stop shop for housing and related resources.
- · A centralized community resource for disaster housing recovery.
- Powered by Emphasys Software and supported by a toll-free, bilingual Call Center (voice & TTY, weekdays 9 a.m. to 8 p.m. Eastern Time).





Trainings offered by HousingSearchRI

Free Microsoft Teams webinar offered by Emphasys:

Wednesday, October 30th at 1pm

 $\frac{https://events.teams.microsoft.com/event/b5b2e5c8-7d77-4bd3-b3f3-846c125c01d7@18641390-e14c-429b-b963-713659ab4474}{846c125c01d7@18641390-e14c-429b-b963-713659ab4474}$



Thursday, November 7th at 1:30pm

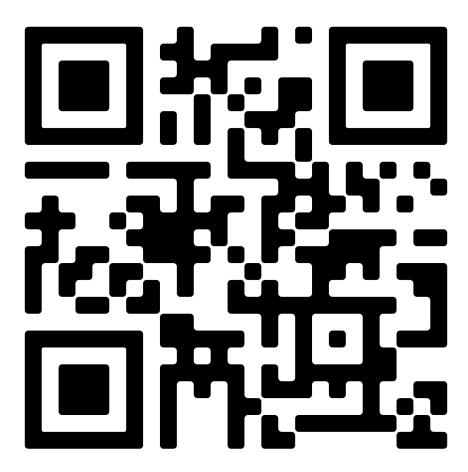
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Register by scanning the QR code



QUIZ#2



Scan the QR code above to participate!



QUESTIONS

During the physical inspection of an occupied unit, it is important for those from management to:

- a) Not speak as to not distract the inspector
- b) Go ahead of the inspector to untie any tied-up emergency pull cords
- c) Stay with the inspector as they go from room to room
- d) Remain in the hallway outside of the unit

If management corrects the income amount listed on a Tenant Income Certification (TIC), it is only necessary for management to manually correct the TIC and initial the change.

- a) True
- b) False

During the annual certification process, one of the household members inadvertently did not sign and date a consent to release form. To correct this prior error, management should:

- a) Document the file that this error was made
- b) Have the tenant sign the form and date it retroactively
- c) Have the tenant sign the form and date it the date they signed it
- d) A and C
- e) A and B



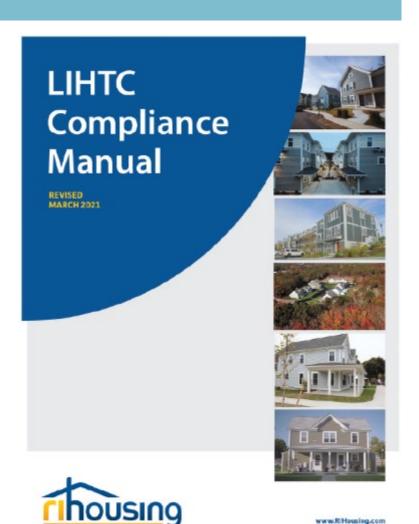
Requesting LIHTC Rent Increases

- Rent increases are allowed once per year up to 5% without RI Housing approval
- If you would like to implement a second rent increase or a higher rent increase you need to submit a request
- There is a <u>form on our website</u> with directions
- Items we consider:
 - Resident's salary and salary history
 - Affordability
 - You can provide additional information



LIHTC Compliance resources

- RIHousing's LIHTC Compliance Manual
- IRS 8823 Guide
- NSPIRE Guidebook
- www.rihousing.com



Questions?



QUIZ # 3



Scan the QR code above to participate!



QUESTIONS

The Owner's Certification of Continuing Program Compliance and Certification of Training is due annually to RI Housing by the following date:

- a) January 31st
- b) December 31st
- c) January 15th
- d) March 31st

Failure to complete an annual certification can be reported to the IRS by means of an 8823 filing:

- a) True
- b) False







RIHousing has partnered with ProLink **Solutions** for all MF tasks:

- Procorem Workcenters
- Tenant Events
- Square Footage of Units
- Asset Management
- Multifamily Inspections & File Reviews
- Owner's Certifications

Program Bulletin #2023-03 circulated on July 14, 2023



PROGRAM BULLETIN

Owners and Managers of Multifamily Developments

Michael DiChiaro, Director of Leased Housing and Rental Services

Subject: Proceem System Access and Requirements for Owners and Managem Agencs with Compliance and/or Financial Reporting Obligations

RIHousing has partnessed with FeeLink Solutions in implementing a new software progra processing the propose of communication with and mentioning of its multifamily portfolio, Currers and Managers of Multifamily Developments that received direct francing positions, whether and management of statements of the statement of the st Tax Credit, HOME, NOP, Preservation, Work Force Homing, six, will be required to and the state of t

All overs of this platform will be required to submit a Processin User Authorization form our reasons was the pressure was see sequences of the second property. Due to the potential for exposure to PH and other sensitive information in Procorem, each user must be approved to gain access from a sepresentative of the corner/ agent with sufficient authority to execute so gain access ment a especialistica en un come, again tom removam accessor so accessor decuments on behalf of his or has organization. Rifficultar requires at least one employee from both the ownership and management agent of each site with LIHTC, ancillary funding or RIHorning financing to regative in Prococean.

Processes usil be assigned only to the workoester(s) deemed necessary on the Processes Deer Authorization form. The available outegoods include but are not limited to Asset Management, Compliance, Development and Design & Construction. Rithousing concrete direction to disallow access to certain weakennies on a need-to-know basis. One example would be a property manager requesting and being denied access to a Development

Users will be required to certify anisonly, notification of the recertification event will be distributed through Processor. Picture to respond to a user recombination shall result in the suspension of that user's access to the system. Access will be restored only upon secupt of the required receptification document.

44 Wash Inglan Street, Providence, R 22802 | 400-457-1224 | www.shaushquare





PROCOREM USER AUTHORIZATION FORM

Register for access to your workcenters in Procorem here

www.rihousing.com/propertymanagers-owners-training/

RIHousing Resources
Procorem Resources
Presentations
Partner Trainings & Events

Each user must complete Sections I, II, and III. In addition, Asset Management and/or Compliance users must complete Section IV; Underwriting and/or Design & Construction users must complete Section V. Users must be authorized by an approver in Section VI.

Submit the completed form to your Asset Manager or Development Officer. Deactivation requests must be received within two (2) business days of an employee's termination or change in job function. Recertification will be required annually. Users may not authorize themselves.

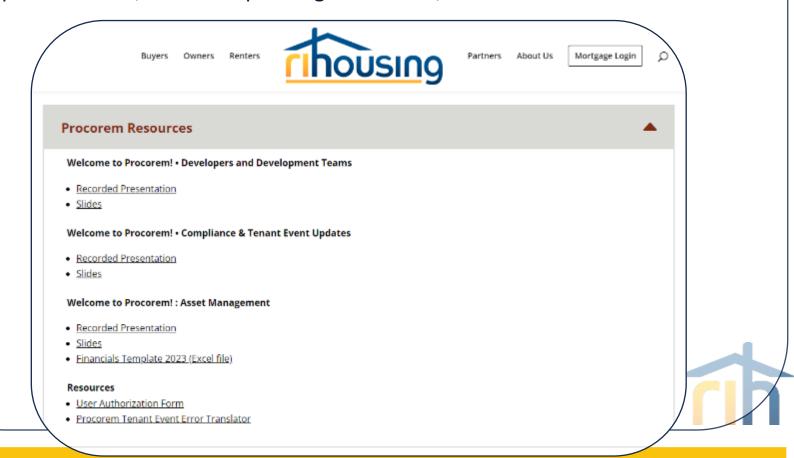
I. Type of Request		Select the certification type for this user.
Activate User	Recertify User	Deactivate User
II. Environment		Indicate the work center environment(s) for this user.
Existing Properties: Asset M	anagement	Compliance
New Developments or Refinance: Underw	riting	Design & Construction
III. User		
Effective Date:		
Authorized User (Employee Name):		
Authorized User's Title:		
Authorized User's E-mail Address:		
IV. Management		
Management Company:		
Management Company Address:		
Management Company City, State, Zip:		
Properties User is responsible for:		





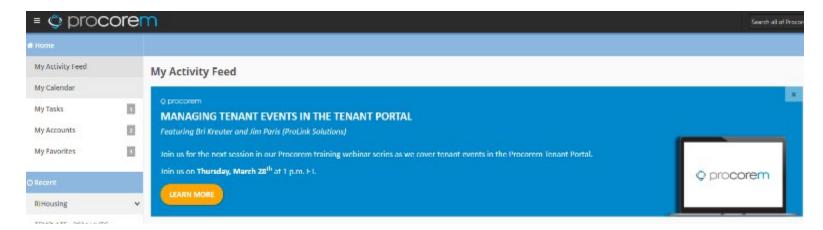
Procorem Resources

Visit RIHousing's <u>Training & Opportunities</u> page for recorded training presentations, the corresponding slide decks, and more!





Procorem <u>Training</u> Webinar 2024: Managing Tenant Events in the Tenant Portal



Procorem Tenant Event Error Translator

Error Message	Translation	Resolution
A household Income record with a populated Annual Income amount is required for this event.	Household income is not populated	Enter household income. If household income is zero, create an income source in your property management software and list the amount as "0". Generate a new XML file and re-upload into the Tenant Event Portal.





Adding Tenant Events

RIHousing requires tenant event updates by the 10th of each month.

XML Import

- Generate the year-to-date XML file from property management software
- Upload the year-to-date XML file into the Tenant Event Portal
 - Yes, upload a file even if there were no changes to tenant events.
- Mark associated Tasks as Complete

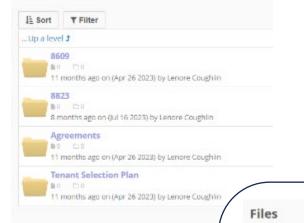
Manual Entry

- Enter all tenant events that have taken place since the last update.
- Mark associated Tasks as Complete
- If there were no changes since the last upload, use the Comment option in the Tasks to communicate with your Asset Manager

The pale-yellow sections throughout the portal provide much of the information we're discussing and are worth reviewing if you have questions while importing tenant events.

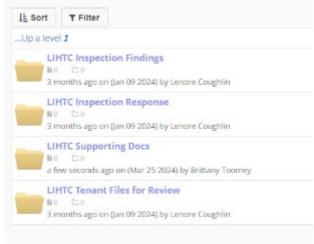


Site Documents





LIHTC Review





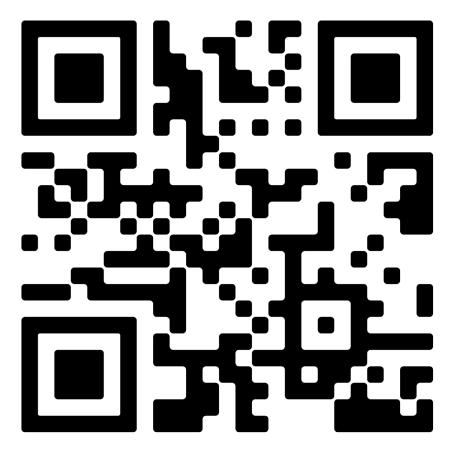
Procorem feedback

Frequent challenges:

- 1. PBCA sites submitting tenant data through TRACS must now submit an XML file monthly.
- 2. Procorem tasks will send reminders until a task is completed and/or approved; **notifications should not be ignored**.
 - You can set rules in your inbox so Procorem has its own folder
- 3. Sites are "Submitting" no need to click Submit!
 - Every time you click "submit"; you lock yourself out from future uploading



QUIZ # 4



Scan the QR code above to participate!



QUESTIONS

For sites with Utility Allowance (UA), the Owner/Agent has _____days to implement newly published/approved UA amounts.

- a) 45 days
- b) 30 days
- c) 90 days
- d) 120 days

The following physical deficiencies are considered exigent/life-threatening health and safety deficiencies except:

- a) Inoperable when tested smoke detector
- b) Inoperable when tested auxiliary lights
- c) Open port on electrical breaker panel
- d) Missing electrical outlet cover







- Standards Notice Published June 22, 2023 (Federal Register)
 - Includes the H&S classifications of Life-threatening, Severe, Moderate, and Low
 - Designates the three inspectable areas: Unit, Inside, and Outside.
 - Eight critical focus areas:



- Effective January 2, 2024, RIHousing began using the NSPIRE inspection protocols for all LIHTC inspections.
- To learn more about NSPIRE, please visit the HUD site: https://www.hud.gov/program_offices/public_indian_housing/reac/nspire



Common Findings!

Missing smoke detectors

Life
Threatening

Additional Due

24Hours

Place

Additional Due

24Hours

Threatening

Additional Due

24Hours

Additional Due

Additional

- Missing/damaged sink and tub stoppers
- Exit/auxiliary lights inoperable when tested
- Blocked egress

 Severity

 Due

 Life
 Threatening
 Hours

GFCI outlet protection not present within 6 feet of water source

	Severity
 Call for aid pull cords tied up or block 	ed Life

Severity	Repair Due
Moderate	30 Days

Severity	Repair Due
Severe	24 Hours**

8823's will be issued on any Life-threatening





- Things to Think About

- Get trained!
 - focusing on safety and avoiding normal wear and tear issues
 - Provide staff with uniform training on NSPIRE standards
 - focus on new standards
- Integrate NSPIRE standards with Standard Operating Procedures
 - Update your annual inspections
- Keep an eye out for <u>HUD NSPIRE updates</u> and resources
- Keep and eye out for bulletins from RIHousing







Questions?



RIH Contacts

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