



New York City  
Housing Development  
Corporation

# Annual Owner Certification of Compliance Updates

for Owners & Managers of HDC-Financed Developments

**Effective FYE 2018**

# What's New:

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# IRS Form 8703 Owner Certification of Filing

HDC REQUIRES OWNERS SUBMIT COPIES OF THE COMPLETED IRS FORM 8703 BY APRIL 5, 2019. TO ENSURE COMPLIANCE WITH IRS REGULATIONS AND HDC'S MONITORING PROCEDURES, OWNERS MUST COMPLETE THE 8703 OWNER CERTIFICATION OF FILING FORM WHERE THE OWNER CERTIFIES THAT THE COMPLETED IRS FORM 8703 FORM BEING SUBMITTED WAS ALSO FILED DIRECTLY WITH IRS.

IRS FORM 8703 MUST BE FILED WITH THE IRS ANNUALLY BY NO LATER THAN MARCH 31<sup>ST</sup> AFTER THE CLOSE OF THE CALENDAR YEAR FOR THE CERTIFICATION IS BEING MADE. IRS FORM 8703 MUST BE FILED ANNUALLY DURING THE QUALIFIED PROJECT PERIOD (DEFINED IN THE INSTRUCTIONS ON THE IRS FORM).

# Violence Against Women Act (VAWA)

TO ENSURE COMPLIANCE WITH IRS REGULATIONS, THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND HDC'S MONITORING PROCEDURES, HDC HAS INCORPORATED A NEW SECTION INTO THE OWNER CERTIFICATION OF COMPLIANCE FORM WHERE THE OWNER CERTIFIES IF THE PROJECT IS IN COMPLIANCE WITH VAWA OBLIGATIONS.

OWNERS AND MANAGERS OF HOUSING ASSISTED PROJECTS THROUGH THE U.S. TREASURY DEPARTMENT'S LOW INCOME HOUSING TAX CREDIT (LIHTC) PROGRAM ARE REQUIRED TO COMPLY WITH THE REQUIREMENTS OF THE VIOLENCE AGAINST WOMEN ACT (VAWA), INCLUDING OBSERVING THE VAWA PROTECTIONS AFFORDED TO TENANTS OF (AND APPLICANTS FOR) LIHTC-ASSISTED UNITS AT THE PROPERTY.

# Utility Allowance Schedule for HUD-regulated buildings

TO ENSURE COMPLIANCE WITH IRS REGULATIONS, HUD, AND HDC'S MONITORING PROCEDURES, THE OWNER MUST PROVIDE THE APPLICABLE HUD UTILITY ALLOWANCE SCHEDULE COVERING JANUARY 1, 2017 THROUGH DECEMBER 31, 2018.

UNDER TREASURY REGULATION §1.42-10(3), BUILDINGS REGULATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), STATE THAT IF NEITHER A BUILDING NOR ANY TENANT IN THE BUILDING RECEIVES RURAL HOUSING SERVICE (RHS) HOUSING ASSISTANCE, AND THE RENTS AND UTILITY ALLOWANCES OF THE BUILDING ARE REVIEWED BY HUD ON AN ANNUAL BASIS (HUD-REGULATED BUILDING), THE APPLICABLE UTILITY ALLOWANCE FOR ALL RENT-RESTRICTED UNITS IN THE BUILDING IS THE APPLICABLE HUD UTILITY ALLOWANCE.

# Changes to the Head of Household

FOR EXISTING TENANTS ONLY, IF THERE HAS BEEN A CHANGE TO THE HEAD OF HOUSEHOLD OF RECORD LISTED ON THE PREVIOUS TENANT DATA SPREADSHEET FOR YEAR 2017, OWNERS ARE REQUIRED TO COMPLETE THE CHANGE IN HEAD OF HOUSEHOLD SECTION OF THE COMPLIANCE CLARIFICATION REPORT BY PROVIDING AN EXPLANATION AND ALSO EVIDENCE THAT THE TENANTS NOTED ON THE 2018 TENANT DATA SPREADSHEET ARE LIHTC QUALIFIED.

A HOUSEHOLD MAY CONTINUE TO ADD MEMBERS AS LONG AS AT LEAST ONE MEMBER OF THE ORIGINAL LOW-INCOME HOUSEHOLD CONTINUES TO LIVE IN THE UNIT. ONCE ALL THE ORIGINAL TENANTS HAVE MOVED OUT OF THE UNIT, THE REMAINING TENANTS MUST BE CERTIFIED AS A NEW INCOME-QUALIFIED HOUSEHOLD UNLESS:

1. FOR MIXED-USED PROJECTS, THE NEWLY CREATED HOUSEHOLD WAS INCOME QUALIFIED, OR THE REMAINING TENANTS WERE INDEPENDENTLY INCOME QUALIFIED AT THE TIME THEY MOVED INTO THE UNIT.
2. FOR 100% LIHC BUILDINGS, THE REMAINING TENANTS WERE INDEPENDENTLY INCOME QUALIFIED AT THE TIME THEY MOVED INTO THE UNIT.

# Effective Date of 2018 Certification Discrepancies

THE ANNUAL OWNER CERTIFICATION TENANT DATA SPREADSHEET REQUIRES THAT OWNERS PROVIDE THE EFFECTIVE DATE OF THE HOUSEHOLD'S 2018 ANNUAL RECERTIFICATION. IF A DATE CORRESPONDING TO CALENDAR YEAR 2018 IS NOT ENTERED, OWNERS ARE REQUIRED TO COMPLETE THE EFFECTIVE DATE OF 2018 CERTIFICATION DISCREPANCIES SECTION OF THE COMPLIANCE CLARIFICATION REPORT BY PROVIDING AN EXPLANATION. IF THE TENANT DID NOT CERTIFY OR IS IN "LEGAL", ALL RECERTIFICATION NOTICES AND LEGAL DOCUMENTATION MUST ALSO BE PROVIDED.

UNDER TREAS. REG. §1.42-5(b)(1)(vi), OWNERS ARE REQUIRED TO COMPLETE AN ANNUAL INCOME CERTIFICATION FOR EACH LOW-INCOME HOUSEHOLD. UNDER IRC §142(d)(3)(A), IF ALL THE LOW-INCOME BUILDINGS IN THE PROJECT ARE 100% LOW INCOME BUILDINGS, OWNERS ARE NOT REQUIRED TO COMPLETE ANNUAL TENANT INCOME RECERTIFICATIONS. HDC'S WAIVER OF ANNUAL INCOME RECERTIFICATION REQUIREMENTS IS AUTOMATIC FOR 100% LOW-INCOME PROJECTS; WHILE OWNERS ARE NOT REQUIRED TO COMPLETE ANNUAL TENANT INCOME RECERTIFICATION, OWNERS **MUST** COMPLETE AN ANNUAL STUDENT STATUS VERIFICATION FOR EACH LOW-INCOME HOUSEHOLD WITHIN 120 DAYS BEFORE THE ANNIVERSARY OF THE EFFECTIVE DATE OF THE INITIAL LIHTC QUALIFICATION.

# General Public Use, Available Unit Rule, and Vacant Unit Rule

FOR ANY UNIT LISTED AS VACANT ON THE TENANT DATA SPREADSHEET AS OF THE END OF CALENDAR YEAR 2018, OWNERS ARE REQUIRED TO COMPLETE THE VACANT UNIT SECTION OF THE COMPLIANCE CLARIFICATION REPORT DEMONSTRATING REASONABLE ATTEMPTS, AS WELL AS REASONABLE MARKETING AND RENTAL PRACTICES, TO MARKET THE VACANT LOW-INCOME UNITS TO PROSPECTIVE TENANTS.

UNDER TREAS. REG. §1.42-5(c)(1)(ix), IF A LOW-INCOME UNIT IN THE PROJECT BECAME VACANT DURING THE YEAR, REASONABLE ATTEMPTS WERE OR ARE BEING MADE TO RENT THAT UNIT OR THE NEXT AVAILABLE UNIT OF COMPARABLE OR SMALLER SIZE TO TENANTS HAVING A QUALIFYING INCOME BEFORE ANY UNITS IN THE PROJECT WERE OR WILL BE RENTED TO TENANTS NOT HAVING A QUALIFYING INCOME. OWNERS MUST MAKE REASONABLE ATTEMPTS TO MAKE VACANT LOW-INCOME UNITS AVAILABLE TO THE PUBLIC FOR RENT. OWNERS SHOULD ADVERTISE THE AVAILABILITY OF VACANT UNITS USING ADVERTISING METHODS DESIGNED TO BE ACCESSIBLE TO ALL PROSPECTIVE TENANTS. OWNERS ARE REQUIRED TO MAINTAIN RECORDS IDENTIFYING VACANT LOW-INCOME UNITS AND INFORMATION THAT SHOWS, WHEN, AND TO WHOM, THE NEXT AVAILABLE UNIT WAS RENTED.



# Summary Spreadsheet - Resyndication

	YES	NO	
<b>Is this a Resyndication?</b>			
<b>If yes, previous Project Identification Number (PIN):</b>			
<b>Project Address:</b>			
	(NUMBER AND STREET)		
		NY	
	(CITY)	(STATE)	(ZIP)
	YES	NO	
<b>Is this a scattered-site property?</b>			

**IS THIS A RESYNDICATION?** – INDICATE WHETHER THIS PROPERTY IS RECEIVING A RE-ALLOCATION OF TAX CREDITS BY MARKING “X” IN THE APPROPRIATE BOX. **IF YES, PROVIDE THE PREVIOUS PROJECT IDENTIFICATION NUMBER (PIN).**

**PROJECT ADDRESS** – ENTER THE COMPLETE ADDRESS OF THE PROPERTY, INCLUDING THE NUMBER AND STREET NAME, CITY, STATE AND ZIP CODE. IF THE PROJECT HAS MULTIPLE ADDRESSES, PLEASE PROVIDE THE ADDRESS RANGE (I.E. 52-58 GARDEN STREET). **THE ADDITIONAL BUILDING ADDRESSES SHOULD BE ENTERED ON PAGES 3 - 5.**

**IS THIS A SCATTERED-SITE PROPERTY?** – INDICATE WHETHER THIS PROPERTY IS A SCATTERED-SITE PROPERTY BY MARKING “X” IN THE APPROPRIATE BOX.

# Tenant Data Spreadsheet – Review Quarter

NYCHDC Tenant Data Spreadsheet NYCHA MIXED Projects FYE 2018				
		Certification Type		
		***Please read the instructions***		
Tenant Number	NYCHA Annual Review Quarter	Certification Type (1=Initial Certification, 2=Recertification)	Effective Date of 2018 Certification (YYYY-MM-DD)	Initial LIHTC Qualification Date (YYYY-MM-DD)

**NYCHA ANNUAL REVIEW QUARTER** – ENTER THE REVIEW QUARTER NUMBER (1, 2, 3, 4) CORRESPONDING TO THE EFFECTIVE DATE OF THE 2018 HOUSEHOLD’S ANNUAL CERTIFICATION.

**EFFECTIVE DATE OF 2018 CERTIFICATION** – ENTER THE EFFECTIVE DATE OF THE HOUSEHOLD’S 2018 ANNUAL CERTIFICATION