



we make housing affordable

COMPLIANCE

TRAINING

WORKSHOP

www.floridahousing.org

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Florida Housing Finance Corporation


Mission Statement:

To help our fellow Floridians obtain safe, decent, affordable housing that might otherwise be unavailable to them.



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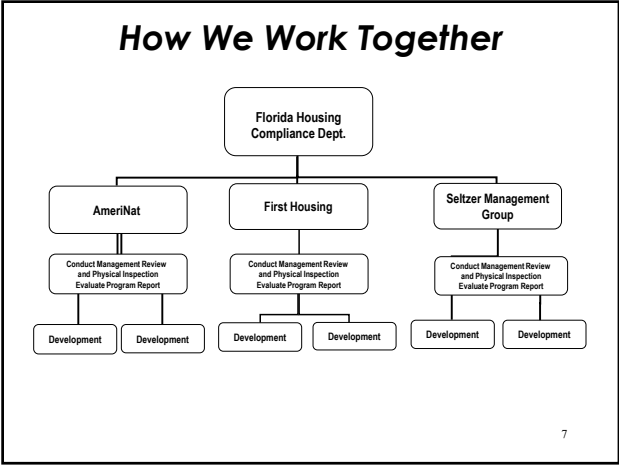
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Florida Housing Responsibilities

- Monitor owner's compliance with regulatory documents (LURA/ELIHA).
- Oversee compliance monitoring contracts.
- Report noncompliance to Board of Directors and IRS, when applicable; post noncompliance report on website.
- Prepare monthly occupancy report using program report data; post on website.

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Florida Housing Responsibilities

- Review and process requests from owners
 - Exempt unit from certification for residence of manager, maintenance or security officer
 - Management company selection,
 - Energy consumption model utility allowance,
 - Annual Owners Certification AOC-1,
 - Affirmative Fair Housing Marketing Plan
- Liaison, as needed, between tenant, management, owner, and local and federal governments

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Compliance Monitor Responsibilities

- Introductory Conference – Meet with owner/management prior to leasing of any units.
- Program report – Collect and evaluate for compliance with income eligibility and set-asides, timeliness, completeness and data designation errors.
- Management Review and Physical Inspection – Onsite review of tenant files, management company administrative procedures and inspection of the property. Provide report to Owner, Management and Florida Housing.
- Provide compliance training for owners and management companies and assist with compliance questions.
- Report noncompliance to Owner, Management and Florida Housing; track noncompliance and the owner's correction thereof.
- Conduct quarterly compliance training workshops

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Multifamily Rental Programs

Program Types
Set-aside
Income Limits
Initial Certification
Application
Determining Income
Assets

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Program Types

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Rental Program Types

Multifamily Bond Program (MMRB):
Chapter 3

State Apartment Incentive Loan (SAIL):
Chapter 4;
also pertains to Rental Recovery Loan Program (RRLP)

Housing Credit (HC):
Chapter 5;
also pertains to Tax Credit Assistance Program (TCAP) and Tax Credit Exchange Program (TCEP)

HOME: Chapter 6

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Set Aside Requirements

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What does set-aside actually mean?

The occupancy requirements or restrictions for developments.

The regulatory agreement (ELIHA or LURA) describes the applicable requirements.

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Example

- 100 Unit Development
- Set-aside Requirement:
 - 40% of the units @ 60% of the Area Median Income (AMI)
 - How many units must be qualified to meet this requirement?

40 x 100 units = 40

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Example

Housing Credit: 100% @ 60%

SAIL: 30% @ 35%
and 70% @ 60%

- 100 Unit Development

30% @ 35% x 100 units = 30 units

70% @ 60% x 100 units = 70 units

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Where are set asides found?

MMRB Program

RRLP Program

SAIL Program

HOME Program

TCAP Program

Land Use Restriction Agreement (LURA)

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Link

The Florida Housing strategy requiring owners to work with supportive service referral agencies to provide a specified percentage of units in rental properties as supportive housing for residents with special needs.

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Link- How it Works

- **Memorandum of Understanding(MOU)-**
Formal agreement between a Florida Housing-designated Special Needs Household Referral Agency and the development owner that outlines roles and responsibilities of each party.
- **Special Needs Household Referral Agency-**
Florida Housing-designated established referral agency that serves various Link special needs household target populations.

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Link

Roles and Responsibilities

- **Owner**
 - Notify Referral Agency of available reserved units
 - Coordinate with Referral Agency and Special Needs Household to initiate application process
 - Collaborate with referred household's supportive service provider.

Frequently delegated to management

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Link: Roles and Responsibilities (con't)

- Referral Agency
 - Receive and process referrals from supportive service providers regarding special needs persons interested in available Extremely Low-income (ELI) units.
 - Maintain waiting list of eligible special needs households interested in a reserved ELI unit.
 - Coordinate first contact among special needs household, household's service provider, and property management.

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Link Compliance

- Correct Florida Housing-approved MOU is on file
- Correct number of Link units set-aside
 - Generally 50% of the ELI Units committed for Link
 - Referred by designated agency in order to count towards set-aside
- Record of email contact between property manager and Referral Agency
- Reporting Link households and Referral Agency on Form PR-1.

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Screen shots of Link-related Program Report Instructions

Col. 11	a	Other	When applicable, enter all appropriate codes to designate the special target and/or additional classification characteristics of the household that occupies, or most recently occupied, the unit:
---------	---	-------	--

11		12
a	b	
Other (enter all that apply)	Referral Agency Number (When 11a incl LINK)	Demographic Category or Special Set Aside
Acceptable Codes for "Other" Column: CAP, CH, HV, LINK, NB, NC, UO, XR, PPC/0, PPC/1, PPC/2, PPC/3, PPC/4, PPC/LR, PPC/2R, PPC/3R, PPC/4R, SPND		

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Screen shots of Link-related
Program Report Instructions

b

Referral Agency
Number

When 11a includes LINK, enter the 3-digit number applicable
to the designated supportive services agency which referred
the household

11		12	
a	b		a
Other (enter all that apply)	Referral Agency Number (When 11a includes Link)	Demographic Category or Special Set Aside	HOME Rent Type


ReferralAgencyNumber
When 11a includes Link,
enter the 3-digit number
assigned to the applicable
Referral Agency.

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Income Limits

Refer to Appendix A and C1

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Qualification of Applicant
Initial Certification

Application/Sworn Declarations
Determining Income
Annual Income
Verification of Income

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Application

- Qualify the applicants
- Fully completed and executed
- List all intended occupants
- All sources of income
- Assets
- Child support
- Penalty of perjury statement
- Previous residence

Chapter 7, Page 2; item 7.4




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Application Addendums

- Total assets and asset income
- Student status
- Child support
- Zero income
- Previous residence
- Roommates
- Guarantors
- Include penalty of perjury statement

Chapter 7, Page 2; item 7.4



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Whose Income is Counted

Income of Household Members

- ❑ Adults: Head, spouse or co-head, and other adult members of the household including foster adults.
- ❑ Benefits or other unearned income of children under age 18, including foster children, is counted.

Chapter 8, Pages 3 - 4

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Whose Income is Not Counted

- Employment income of children under age 18 including foster children
- Employment income in excess of \$480 when a full-time student is age 18 or older and is a dependent

Chapter 8

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Annual Household Income

The amount anticipated to be received by a household during the 12-month period following move-in or recertification effective date.

Employment Wages

Includes:

- Gig employees
- Freelancers
- Independent contractors
- Educational employees
- Nurses
- Servers & hair stylists
- Self-employment
- Child Support
- Regular Contribution or Gift

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Employment Wages

Total amount of income earned prior to any deductions.

- Tips
- Overtime
- Bonuses
- Shift differential
- Commission
- Anticipated raise
(when increase can be documented)

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Acceptable Forms of Verification:

Download example forms from:
www.floridahousing.org/owners-and-managers/compliance/forms

- Appendix J – Employment Verification
- Appendix K – Child Support Declaration
- Appendix L – Child Support Verification Form
- Appendix M – Zero Income Declaration
- Appendix N – Asset Declaration
- Appendix O – Student Status Declaration
- Appendix P – Student Verification Form
- Appendix Z – Declaration of Estrangement

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we make housing affordable

Appendix J – Employment Verification

1

Date _____

Applicant/Resident Name _____

Development Name _____

Unit Number/Identification _____

This rental community has received funding from a program which requires documentation of income as part of the qualification process for household residency.

TO: (Name and Address of Employer) _____ RETURN TO: (Rental Community Address) _____

I hereby authorize release of the information requested below in order to determine my eligibility for residency at the above rental community in the upcoming year.

Signature _____ Social Security # _____

The following information is requested as part of the household qualification process. The information provided will remain confidential. Your assistance by completing this form and returning it in a timely manner will be greatly appreciated. Please call if you have questions.

Signature _____ Telephone Number _____

Printed Name _____ Title _____

THIS SECTION TO BE COMPLETED BY EMPLOYER

Employee Name _____ Job Title _____

Presently Employed? ☐ Yes Date First Employed _____ ☐ No Last Date Employed _____

Grossed Wages/Salary \$ _____ (check one) ☐ hourly ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ yearly ☐ Other _____

Average # regular hours per week _____

Overtime Rate \$ _____ per hour Average # of overtime hours per week _____

Shift Differential Rate \$ _____ per hour Average # of shift differential hours per week _____

Commissions, tips, bonuses \$ _____ (check one) ☐ hourly ☐ weekly ☐ bi-weekly ☐ semi-monthly ☐ monthly ☐ yearly ☐ Other _____

List any anticipated change in the employee's rate of pay within next 12 months Effective Date _____

If the employee's work is seasonal or sporadic, please indicate layoff period(s) _____

Additional Remarks _____

I hereby certify that the information supplied in this section is true and complete.

Signature _____ Completion Date _____

Printed Name _____ Title _____

Firm Name _____ Telephone _____

Florida Housing Finance Corporation June 2010

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Methods for Calculating Income

Frequency of Pay	
Monthly	Calculate monthly income X 12
Twice a Month	Calculate bi-monthly income X 24
Every 2 Weeks	Calculate bi-weekly income X 26
Weekly	Calculate weekly income X 52

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Example #1

Calculating Annual Household Income

Ron, a public school teacher earns \$27,000/year. Although the school is in session for only nine months, he receives the remaining parts of his salary when school breaks for the summer. His employment verification from the District School Board supports this figure with the following calculation:

9 months X \$2,500 = \$22,500
3 months X \$1,500 = \$ 4,500
Annual Household Income = \$27,000

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Example #1

Calculating Annual Household Income

Upon further research it was found that during the summer months, Ron tutors and earns on average \$2,150 per year.

9 months X \$2,500 = \$22,500
3 months X \$1,500 = \$4,500
Summer months tutoring = \$2,150

Actual Annual Household Income = \$29,150

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Example #2

Mary, a sales representative for a pharmaceutical supply firm, has a third party verification form showing her gross salary as \$32,897 per year. The Verification also shows she is eligible for bonuses that are capped at 10% of her yearly salary

Gross salary	= \$32,897.00
Bonuses	= \$ 3,289.70
Annual Household Income	= \$36,186.70

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Example #3

Rachel works part-time at a department store. The third party verification states that her pay is \$8.48 per hour and she works 15 to 20 hours per week, 52 weeks per year.

Which calculation would you use?:

Gross salary

A = \$8.48 x 15 x 52
B = \$8.48 x 17.5 x 52
C = \$8.48 x 20 x 52

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Example #3

Upon further review it was observed that Rachel has also been awarded child support in the amount of \$200 per month through a court order. Rachel claims that she hasn't received any in the past year however she is unable to provide documentation of attempts to collect.

Would you include the amount listed on the court order?

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Example #3

Yes, you would include the amount as listed on the court order.

New income calculation:

Gross Salary from Employment	= \$ 8,819.20
Child Support	= \$ 2,400.00
Annual Household Income	= \$ 11,219.20

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Example #4

A Military Professional applies and provides a copy of the LES statement. It is indicated that in addition to earned income (\$25,000 per year), there is a clothing allowance and hostile fire pay.

Calculation is as follows:

Total earned income is	= \$25,000
Clothing Allowance	= \$2,000
Hostile Fire Pay (\$500 a month)	= \$6,000
Hostile Fire Pay is not included as income	(\$6,000)
Annual Income appears to total	= \$27,000

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Example #4

Upon further review, it is determined the LES statement does not include a housing allowance (BAH) that will be received once the service member moves into your community.

Calculation is as follows:

Total Earned Income	= \$25,000
Clothing Allowance	= \$2,000
Hostile Fire Pay (\$500 a month)	= \$6,000
Hostile Fire Pay is not included as income	(\$6,000)
Housing allowance (\$900 a month)	= \$10,800
Annual Income appears to total	= \$37,800

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What is an Asset

Items of value, other than necessary personal items, which are considered in determining the eligibility of the household.

Refer to Chapter 9 pages 1-10




- Appendix G for included assets.
- Appendix H for excluded assets.



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What is the value of an asset

The cash value of an asset is the market value less reasonable expenses that would be incurred in selling or converting the Asset to cash.



Refer to Chapter 9, Page 1

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Assets from Real Estate



The Equity in the Real Estate is the Asset.

Refer to Chapter 9, pg 2

Equity = Value reduced by what is owed.

A. Is the Real Estate being sold?

B. Is there Rental Income from the Real Estate?



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Example #1

Calculating Income From Assets Under \$5000

Household Assets:

Checking Account
Avg. 6 mo. Bal. = \$2,500

Savings Account
Current Bal. = \$1,200

Certificate of Deposit
Amount = \$500
Total Assets = \$4,200

Income from Assets:

Checking Account
1/4% interest = \$12.50

Savings Account
1% interest = \$12

Certificate of Deposit
2.5% interest = \$12.50
Total Income = \$37.00

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Example #2

Calculating Income From Assets Over \$5000

Household Assets:	Income from Assets:
Checking Account Avg. 6 mo. Bal. = \$3,500	Checking Account 1/2% interest = \$17.50
Savings Account Current Bal. = \$3,800	Savings Account 1% interest = \$38.00
Certificate of Deposit Amount = \$5000	Certificate of Deposit 2.5% interest = \$125.00
Total Assets = \$12,300	Total Income = \$180.50
	Imputed Income = \$7.38

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Verification of Assets


Aggregate Value Above \$5,000

Initial Certification
All programs
- Requires third-party verification of all assets and asset income.

Recertification – NOT 100% Low Income
All programs
- Requires third-party verification of all assets and asset income every year.

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Verification of Assets


Aggregate Value Above \$5,000

Recertification - 100% Low Income
HOME, NHTF and CDBG-DR
- Third-party verification of all assets and asset income each year.

Housing Credit, MMRB, SAIL, TCEP and TCAP
- Third-party verification of all assets and asset income at year two (the first anniversary); no further asset or asset income determination.

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Verification of Assets

Aggregate Value \$5,000 or Less

Initial Certification

HOME, MMRB, NHTF and CDBG-DR


– Third-party verification of all assets and asset income.

Housing Credit, SAIL, TCEP and TCAP

– Family (self) certification of all assets and asset income by sworn declaration.

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Verification of Assets

Aggregate Value \$5,000 or Less

Recertification – NOT 100% Low Income


HOME, NHTF and CDBG-DR – *Third-party verification of all assets and asset income every year.*

MMRB – *Family (self) certification of all assets and asset income by sworn declaration at year two and three of each 3-year period; full third-party verification every three years.*

Housing Credit, SAIL, TCEP and TCAP – *Family (self) certification of all assets and asset income by sworn declaration every year.*

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Verification of Assets

Aggregate Value \$5,000 or Less

Recertification – 100% Low Income

HOME, NHTF and CDBG-DR

– Third-party verification of all assets and asset income.

MMRB, Housing Credit, SAIL, TCEP and TCAP

– Family (self) certification of all assets and asset income by sworn declaration at year two (the first anniversary); no subsequent recertification.

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Rent Limits

Refer to Appendices A and C2

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Utility Allowance

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624185
US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
SECTION 8 EXISTING HOUSING ALLOWANCE FOR
TENANT FURNISHED UTILITIES AND OTHER SERVICES
PROJECT NAME:
PROJECT NO:
PROJECT ADDRESS:

LOCALITY: MIAMI-DADE COUNTY

UNIT TYPE/MONTHLY DOLLAR

AMOUNT	0BR	1BR	2BR	3BR	4BR	5BR	6BR
UTILITY OF SERVICE							
HEATING:							
A. NATURAL GAS*	25	25	25	25	25	25	25
B. ELECTRIC**	3	3	3	3	3	3	3
C. BOTTLE GAS *** (PROPANE)	3	3	3	3	3	3	3
CODING:							
LAC Revenue Code:	17	20	20	25	28	35	41
JAC:	12	19	20	24	27	31	37
COOKING:							
A. NATURAL GAS*	4	4	4	5	5	5	6
B. ELECTRIC**	11	11	13	14	17	17	19
C. BOTTLE GAS *** (PROPANE)	9	9	9	10	10	10	10
OTHER ELECTRIC***							
LIGHTING, REFRIGERATION, ETC.	17	20	20	24	26	26	30
WATER HEATING:							
A. NATURAL GAS*	6	6	6	11	10	10	14
B. ELECTRIC**	11	10	10	10	10	10	14
C. BOTTLE GAS *** (PROPANE)	10	10	10	10	10	10	10
SEWER	10	15	17	22	24	24	27
TRANSPORTATION COLLECTION	8	8	8	8	8	8	8
If Single Family Home, Duplex or Townhouse	30	30	30	30	30	30	30
RANGE (if under the 120 mm (4 3/4") code)	3	3	3	3	3	3	3
REFRIGERATION (if under the 120 mm (4 3/4") code)	3	3	3	3	3	3	3
OTHER: Monthly service fee for tenants who have one or more of these appliances. (Other Charge Only)							
* NATURAL GAS customer add.	3	3	3	3	3	3	3
** BOTTLE GAS customer add.	3	3	3	3	3	3	3
TENANT PAID UTILITY SERVICE CHARGE TOTAL:							
OWNER PAID UTILITY							
TOTAL NUMBER OF UNITS IN PROJECT							
Shaded Items are the Amounts that apply for this Sample	00	115	129				

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Utility Allowance Requirements

Documentation of utility allowance shall be readily available to any interested party.

IRS regulations (26 CFR 1.42-10) require that the utility allowance be used to calculate restricted rents due 90 days after the effective date of a new PHA utility allowance.

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Utility Allowance Requirements

IRS regulations (26 CFR 1.42-10) require a 90-day minimum notice to existing tenants prior to implementation of a new utility company estimate (provider letter) or energy consumption model utility allowance.

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Utility Allowance Requirements


How often must you update the Utility Allowance?

A utility allowance for Housing Credit, SAIL, TCAP or TCEP must be updated at least once during each calendar year.

When a PHA utility allowance is the type used, more frequent PHA confirmation may be necessary in order to implement within 90 days of the allowance becoming effective.

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
Energy Consumption Model Utility Allowance Estimate

An owner may calculate a utility allowance estimate using an energy and water and sewage consumption and analysis model.

The model must take into account factors including unit size, building orientation, design and materials, mechanical systems, appliances, and characteristics of the building location.

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Energy Consumption Model Utility Allowance Estimate




The estimate must be calculated by an independent licensed engineer or qualified professional approved by Florida Housing.

Florida Housing staff must approve this owner estimate prior to implementation.

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Energy Consumption Model Utility Allowance Estimate (ECM)



Procedures and list of approved providers are located at the following URL:

www.floridahousing.org/owners-and-managers/compliance/utility-allowance

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Annual Recertification EXCEPTION

- A development which certifies 100% of its units as low-income performs only one income redetermination which is effective on the 1st anniversary of move-in or initial certification.
- Annual determination of student status shall be required for all households.

NOTE: Exception not applicable to HOME units

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Annual Recertification

- Recertification Questionnaire
- New Occupant Application
- Student Sworn Declaration or 3rd party
- Asset Sworn Declaration or 3rd party
- Child Support Sworn Declaration or 3rd party
- Zero Income Sworn Declaration

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Annual Recertification

- Child Support Sworn Declaration
- Employment Verification
- Tenant Income Certification - Appendix Q
- Instructions Appendix R



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Annual Recertification
HOME without Housing Credits
Income Exceeds 80% HOME Limit

Requires 100% of units as HOME (Fixed Units)

- Over-income household must pay as rent 30% of income with adjustments pursuant to HOME regulation Part 92.252(i)(2).
- Guidance for making income adjustment is found in the HUD 4350.3 Occupancy Handbook, Chapter 5, Section 2.
- No utility allowance is provided.

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Annual Recertification
HOME without Housing Credits
Income Exceeds 80% HOME Limit

Requires *LESS THAN* 100% of units as HOME

- Over-income household pays as rent the fair market rent for comparable unassisted units.
- Must rent to low-income households ALL comparable units that come available until the temporary noncompliance is corrected.
- The HOME designation of the over-income household floats to the replacement unit.
- Once replaced, Lease determines amount of rent for over-income household.

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Annual Recertification
HOME with Housing Credits
Income Exceeds 80% HOME Limit

- Over-income household must pay rent governed by Section 42.

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**Next Available Unit
Rule and Documentation**



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**Next Available Unit Rule
Who?**

➤ All rental housing programs administered by
Florida Housing Finance Corporation
(MMRB, SAIL, RRLP, HC, TCEP,
TCAP and HOME)

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**Next Available Unit Rule
When?**

➤ If a certified household vacates a unit

➤ If, at recertification, a household's
aggregate income exceeds 140% of the
low-income limit (MMRB, SAIL, RRLP, HC, TCEP
and TCAP) or exceeds the applicable 80%
HOME income limit (HOME).

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Exceeds 140%
1BR

Exceeds 140%
1BR

Exceeds 140%
1BR

60% 1BR

60% 1BR

MR 1BR

MR 1BR

MR 1BR

MR 1BR

MRV 1BR

March, several units Recertify and exceed 140%; still OK

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Exceeds 140%
1BR

Exceeds 140%
1BR

Exceeds 140%
1BR

60% 1BR

60% 1BR

MR 1BR

MR 1BR

MRV 1BR

MRV 1BR

MRV 1BR

May 1st, several units vacate; still OK

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Exceeds 140%
1BR

Exceeds 140%
1BR

Exceeds 140%
1BR

60% 1BR

60% 1BR

MR 1BR

MR 1BR

60% 1BR

60% 1BR

MRV 1BR

May 12th, 2 units are leased to qualified residents; still OK

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**Next Available Unit Rule
How to Comply?**

Exceeds 140% 1BR	Exceeds 140% 1BR
Exceeds 140% 1BR	60% 1BR
60% 1BR	MR 1BR
MR 1BR	60% 1BR
60% 1BR	MR 1BR

May 20th, 1 unit is leased to a MR resident

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**Next Available Unit Rule
How to Comply?**


NC Unit 1BR	NC Unit 1BR
NC Unit 1BR	60% 1BR
60% 1BR	MR 1BR
MR 1BR	60% 1BR
60% 1BR	MR 1BR

Result is permanent loss of 3 units that exceed 140% cap

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**Next Available Unit Documentation
Appendix W
Instructions Appendix X

How to Complete the Form**



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Next Available Unit Documentation
Appendix X
Instructions Appendix W

a	b	c	d	e
*MOVE-IN / MOVE OUT / RECERT. EXECUTED DATE (MMDDYYYY)	BLDG. ADDRESS / UNIT NUMBER	UNIT SIZE No. of BRs Square Ft.		TENANT NAME (Last, First)
4/9/1999	105	2	850	Williams et al
6/18/1999	201	2	850	Polite
3/10/2000	104	1	650	Hall
4/10/2000	102	3	1050	Parson
9/14/2000	202	1	650	Sanders
11/1/2000	103	2	850	Scott

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Next Available Unit Documentation
Appendix X
Instructions Appendix W

f	g	h	i	j	k	l
LOW INCOME		MOVE		Is Unit to be a Certified Vacant Unit		RECERT. Income Exceeds 140% of Median
YES	NO	O U T	I N	YES	NO	EFFECTIVE DATE
x			x			
x		x		x		
x			x			
x			x			
x			x			
x			x			

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Next Available Unit Documentation
Appendix X
Instructions Appendix W

m	n
Next Lower-Income Unit Rented	
BLDG ADDRESS / UNIT NUMBER	TENANT NAME (Last, First)
103	Scott

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Next Available Unit Documentation

The Form Documents:

- Move-ins
- Move-outs
- Certified vacant units

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Next Available Unit Documentation

The form also documents the unit which satisfies the Next Available Unit requirements for a recertified household found to be over-income:

- Income exceeds 140% of the low-income limit (MMRB, HC, TCEP or TCAP),
- Income exceeds 140% of the very low-income limit (SAIL), or
- Income exceeds the applicable HOME program 80% low-income limit (HOME)

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Program Reports

- REPORTING REQUIREMENTS
- LINE-BY-LINE INSTRUCTIONS

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What is Reported?

? Occupancy and Vacancy of Development

? Set-aside Requirements

? Recertification Status of Each Unit

? Income and Rent Restrictions

? Categorical Requirements

? Public Purpose Requirements

?

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Reporting Requirements

Chapter 11

MMRB

SAIL

HC

TCEP

HOME

RRLP

TCAP

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Program Report Recap

Submission to Monitor

Once-Per-Year¶

HC-alone,-HOME-alone,-HC-together-with-HOME¶

Development-¶			Ending-Date¶	Due-Date¶
Name-Begins¶				
A¶	-¶	E¶	September-30¶	October-15¶
F¶	-¶	M¶	December-31¶	January-15¶
N¶	-¶	R¶	March-31¶	April-15¶
S¶	-¶	Z¶	June-30¶	July-15¶

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Florida Housing Compliance Training Workshop

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Compliance Procedures

- ☐ Regulatory Period
- ☐ Record Keeping
- ☐ Introductory Conference
- ☐ Management Review and Physical Inspection
- ☐ UPCS Violations
- ☐ Noncompliance Issues

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COMPLIANCE REGULATORY PERIOD

Use the most stringent rule for multiple programs

- **Housing Credit (HC)**

Beginning Date:
The year the first building was placed in service or the year following – Owner's option.

Ending Date:
Document specific. Refer to the regulatory agreement Extended Use Period definition and Term - Sec. 6(c); 30 to 50 years.
- **TCEP**

Beginning Date:
Jan. 1st of the year following the last building's placed in service date.

Ending Date:
Document specific. Refer to the regulatory agreement Compliance Period definition and Term - Sec. 6(c); up to 50 years.

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COMPLIANCE REGULATORY PERIOD

Use the most stringent rule for multiple programs

- **TCAP**

Beginning Date:
The year the first building was placed in service or the year following – Owner's option, or LURA effective date.

Ending Date:
Document specific. Refer to the regulatory agreement Compliance Period definition and Term - Sec. 6(c); up to 50 years.
- **SAIL or RRLP**

Beginning Date:
Document specific, may be any combination:
 - a: Date first unit is occupied; or
 - b: If occupied at closing, the loan closing date; or termination date of the last lease executed prior to loan closing.

Ending Date:
Document specific. Refer to the regulatory agreement Term - Article VIII; up to 50 years.

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COMPLIANCE REGULATORY PERIOD

Use the most stringent rule for multiple programs

➤ **HOME**

Beginning Date:

Document specific, may be any combination:

- a: Date first unit is occupied; or
- b: When occupied at closing, the loan closing date; or
- c: When occupied at closing, the date that is the earlier of:
- (1) termination of the last lease executed prior to loan closing, or
 - (2) completion of the Development as reported to HUD.

Ending Date:

Document specific. Refer to the regulatory agreement Term - Article IX; up to 50 years.

➤ **MMRB (Bond)**

Beginning Date:

The date occupancy level reaches 10%.

Ending Date:

Document specific. Refer to the regulatory agreement Term - Section 15; up to 50 years.

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RECORD KEEPING

Multiple Programs

- Use the most stringent rule

HC, TCEP and TCAP

- Maintain records on a building by building basis
- Retain **first year files** for at least 6 years beyond due date of tax filing for last year of Compliance Period for the last building (approximately 21 years).
- All other files are kept 6 years past due date for filing that year's taxes

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RECORD KEEPING

SAIL/BOND

6 years after tenant moves out, or applicant is rejected

HOME

Later of: LURA Term or 5 years after affordability period ends (minimum affordability is 15 years for rehabilitation and 20 years for new construction).

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IMPROPER FILE STORAGE



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FIRST OCCUPANCY FILES

Proper File Storage Must Be:




Offsite
Secure
Flood Proof
Fire Proof

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**Failure to BACKUP and securely store
First Occupancy File's can result in
TAX CREDIT LOSS**




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INTRODUCTORY CONFERENCE

Items discussed during an introductory conference are found in:

Chapter 2, Pages 4 & 5 of the Compliance Guidebook



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Management Review and Physical Inspection





- ✓ Administrative procedures
- ✓ File inspection
- ✓ Physical inspection
- ✓ Management review report
- ✓ Response to Management Review
- ✓ Close-out letter



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Examination of Records

-  Rent roll
-  Rent limits and income limits
-  Utility allowance
-  Resident programs and services

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Files Inspected

✓ Tenant Income Certification

✓ Application

✓ Verification of Income

✓ Tenant Rent Ledgers

✓ Lease

✓ Recertification

✓ Student Verification

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What type of documentation can be used to show compliance with required programs and services?

➤ Notice of the activity provided to residents (flyer)

➤ Sign-in sheet

➤ Pictures

➤ Homeownership opportunity program acknowledgement/lease addendum

➤ Dates within required timeframe

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UNIFORM PHYSICAL CONDITION STANDARDS (UPCS)
24 CFR 5.703

Decent, Safe, Sanitary and in Good Repair

Violations include, but are not limited to:

➤ All smoke detectors in unit do not work

➤ One or more stove burners do not work

➤ Bed bugs or other pest infestation

➤ Graffiti

➤ Units unsuitable for occupancy

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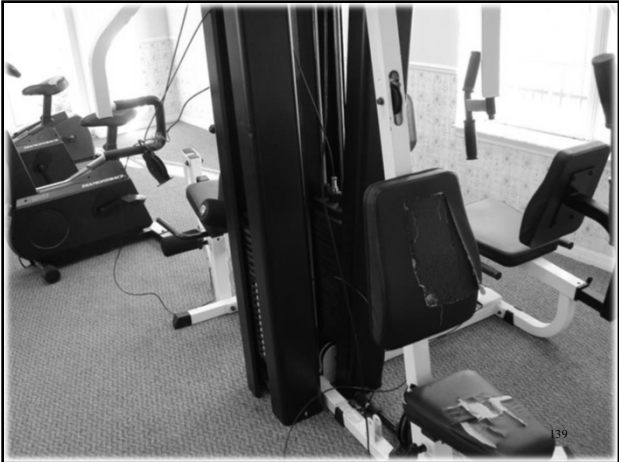
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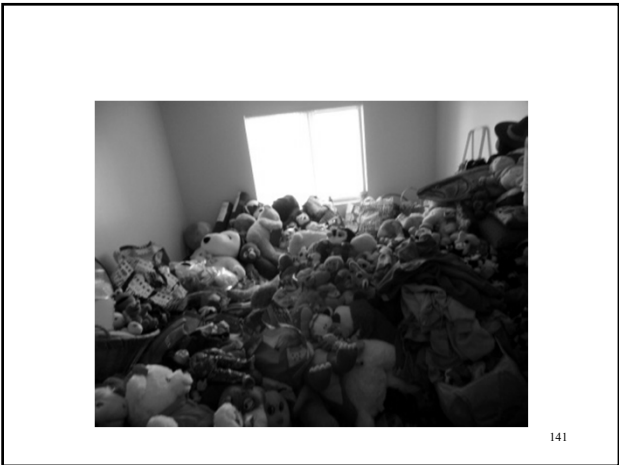
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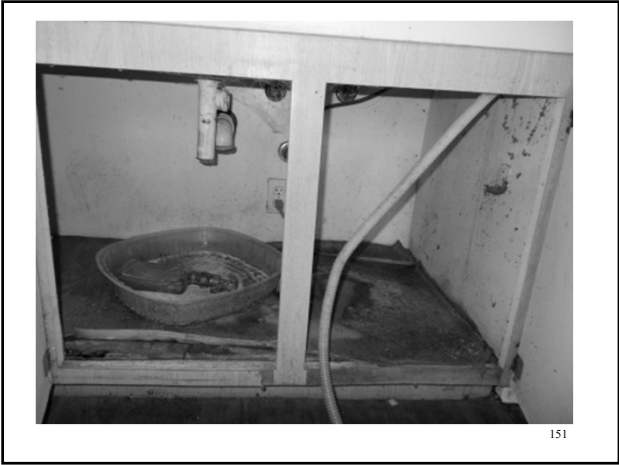
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Management Review Report

Item No.	Item Description	Item Status	Item Action	Item Date
1	Item 1 Description	Item 1 Status	Item 1 Action	Item 1 Date
2	Item 2 Description	Item 2 Status	Item 2 Action	Item 2 Date
3	Item 3 Description	Item 3 Status	Item 3 Action	Item 3 Date
4	Item 4 Description	Item 4 Status	Item 4 Action	Item 4 Date
5	Item 5 Description	Item 5 Status	Item 5 Action	Item 5 Date
6	Item 6 Description	Item 6 Status	Item 6 Action	Item 6 Date
7	Item 7 Description	Item 7 Status	Item 7 Action	Item 7 Date
8	Item 8 Description	Item 8 Status	Item 8 Action	Item 8 Date
9	Item 9 Description	Item 9 Status	Item 9 Action	Item 9 Date
10	Item 10 Description	Item 10 Status	Item 10 Action	Item 10 Date
11	Item 11 Description	Item 11 Status	Item 11 Action	Item 11 Date
12	Item 12 Description	Item 12 Status	Item 12 Action	Item 12 Date
13	Item 13 Description	Item 13 Status	Item 13 Action	Item 13 Date
14	Item 14 Description	Item 14 Status	Item 14 Action	Item 14 Date
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90	Item 90 Description	Item 90 Status	Item 90 Action	Item 90 Date
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97	Item 97 Description	Item 97 Status	Item 97 Action	Item 97 Date
98	Item 98 Description	Item 98 Status	Item 98 Action	Item 98 Date
99	Item 99 Description	Item 99 Status	Item 99 Action	Item 99 Date
100	Item 100 Description	Item 100 Status	Item 100 Action	Item 100 Date

UNIT PHYSICAL INSPECTION CHECK LIST

Property Name: _____

Inspector Name: _____

Inspector Title: _____

Inspector Date: _____

Inspector Signature: _____

Inspector License Number: _____

Inspector License State: _____

Inspector License Expiration Date: _____

Inspector License Category: _____

Inspector License Status: _____

Inspector License Type: _____

Inspector License Class: _____

Inspector License Level: _____

Inspector License Grade: _____

Inspector License Rank: _____

Inspector License Title: _____

Inspector License Position: _____

Inspector License Role: _____

Inspector License Function: _____

Inspector License Responsibility: _____

Inspector License Authority: _____

Inspector License Power: _____

Inspector License Control: _____

Inspector License Influence: _____

Inspector License Impact: _____

Inspector License Effect: _____

Inspector License Result: _____

Inspector License Outcome: _____

Inspector License Achievement: _____

Inspector License Success: _____

Inspector License Completion: _____

Inspector License Fulfillment: _____

Inspector License Satisfaction: _____

Inspector License Approval: _____

Inspector License Acceptance: _____

Inspector License Recognition: _____

Inspector License Acknowledgment: _____

Inspector License Confirmation: _____

Inspector License Verification: _____

Inspector License Validation: _____

Inspector License Certification: _____

Inspector License Accreditation: _____

Inspector License Authorization: _____

Inspector License Permission: _____

Inspector License Consent: _____

Inspector License Agreement: _____

Inspector License Assent: _____

Inspector License Approval: _____

Inspector License Acceptance: _____

Inspector License Recognition: _____

Inspector License Acknowledgment: _____

Inspector License Confirmation: _____

Inspector License Verification: _____

Inspector License Validation: _____

Inspector License Certification: _____

Inspector License Accreditation: _____

Inspector License Authorization: _____

Inspector License Permission: _____

Inspector License Consent: _____

Inspector License Agreement: _____

Inspector License Assent: _____

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Response to Management Review Report



- ◆ Acknowledgement due within 10 days
- ◆ Response due within 30 days
- ◆ Response letter must be sent to the Monitoring Agent with a copy to Florida Housing
- ◆ Send back-up documentation to **ONLY** the Monitoring Agent with your written response.

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Examples of Noncompliance

- Income exceeds income limit
- Rent charges exceed maximum allowed
- Units unsuitable for occupancy
- Pest infestation
- Expired fire extinguisher
- Inoperable smoke detector



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Noncompliance Issues

What could happen if noncompliance is not cured within a reasonable time?



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Correcting Noncompliance

Florida Housing and the Monitoring Agents are committed to working with the owners and management personnel to effectively resolve noncompliance issues in a timely manner.

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Approval, Requests and Changes

- ☒ Management Company Selection
- ☒ Acknowledgement of units exempted from certification requirements to house a resident manager/maintenance employee and/or a security officer
- ☒ Affirmative Fair Housing Marketing Plan (HOME)
- ☒ Energy Consumption Model Utility Allowance

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Requests to Florida Housing's Compliance Staff:

FHFCAssetMgt@floridahousing.org

- ☐ Approval of proposed management company selection
- ☐ Acknowledgment that a unit is exempted from certification requirements to provide a residence for a manager/maintenance employee (EM) or security officer (ES).
- ☐ Signatory authority for MMRB Certificate of Continuing Program Compliance (CCPC).
- ☐ Affirmative Fair Housing Marketing Plan (AFHMP).
- ☐ Approval to implement or renew a utility allowance based upon an Energy Consumption Model estimate (ECM)

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Management Company Selection

Selection must be made by legal signatory for owner.

Approval of selection by Florida Housing required prior to management company becoming responsible for development.

- Requires real estate licensure.
- Requires completion of management company questionnaire; executed by legal signatory for management company.
- Requires submission of document examples.

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**Management Unit
Exempt from Income Certification**

IRS Revenue Ruling 92-61
To provide a residence for full-time manager or maintenance employee

- ☐ House the employee in non-set aside portion of Development when total set-aside requirement is less than 100%.
- ☐ House the employee in any unit when set-aside requirement totals 100%:
 - Request in writing by owner or management (not on-site staff)
 - Request must include employee's position and reason for living on site

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Courtesy (Security) Officer Units
Chapter 5, Page 8

- 🔒 IRS Revenue Ruling 2004-82 provides guidance
- 🔒 Request in writing by owner or management
- 🔒 Must be reasonably required
- 🔒 Provide documentation to support request



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Affirmative Fair Housing Marketing Plan

Documentation Required- AFHMP Update

☐ A completed Form HUD-935.2A with required supporting documentation

Documentation Required- NO AFHMP Update

☐ Owner's certification that analysis demonstrates the current marketing and outreach strategies target least likely to apply population(s) identified in current AFHMP. (Certification form to be provided by Florida Housing)

☐ Owner's analysis of housing market area determining least likely to apply population(s)

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Affirmative Fair Housing Marketing Plan

URL to form HUD-935.2A and Instructions

<http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.pdf>

URL to HUD's 9/22/2014 Guidance on AFHMP

https://portal.hud.gov/hudportal/documents/huddoc?id=Clarification_AFHMPs.pdf

Need Technical Assistance?

Contact: FHFCAssetMgt@FloridaHousing.org

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Florida Housing Finance Corporation (Florida Housing) Information Updates

☐ Email Program Reports to: Compliance.Reporting@floridahousing.org

☐ Email Management Review response letters without supporting documentation to: ComplianceReview@floridahousing.org

☐ Email Program Report-related correspondence to: ComplianceMail@floridahousing.org

☐ Find your Development's unique key number: www.floridahousing.org/Owners-and-Managers/Compliance/Forms

☐ Request key number if not found on the list: FHFCAssetMgt@floridahousing.org

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#1

Stay Connected via FHFC's Listserv

Go to floridahousing.org

Homebuyers & Renters

- > Homeownership Programs
- > Affordable Rental Housing
- > Special Needs Rental Housing
- > SHIP Homeownership & Rental Programs

Assistance for Homeowners

- > Florida Hardest-Hit Fund Programs
- > Foreclosure Counseling Program
- > SHIP Disaster Relief Programs

Lenders & Realtors

- > Lenders & Loan Officers
- > Realtors

Developers

- > Rental Development Programs
- > Homeownership Development Programs
- > Requests for Applications (RFAs)
- > Current Rules Rule Development Process
- > Special Programs
- > Grants for Persons with Developmental Disabilities

Property Owners & Managers

- > Compliance Information
- > Rental Housing Income Limits
- > Rental Housing Rent Limits
- > Rental Property Reports



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Florida Housing

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LISTSERV Actions

LISTSERV ACTIONS

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