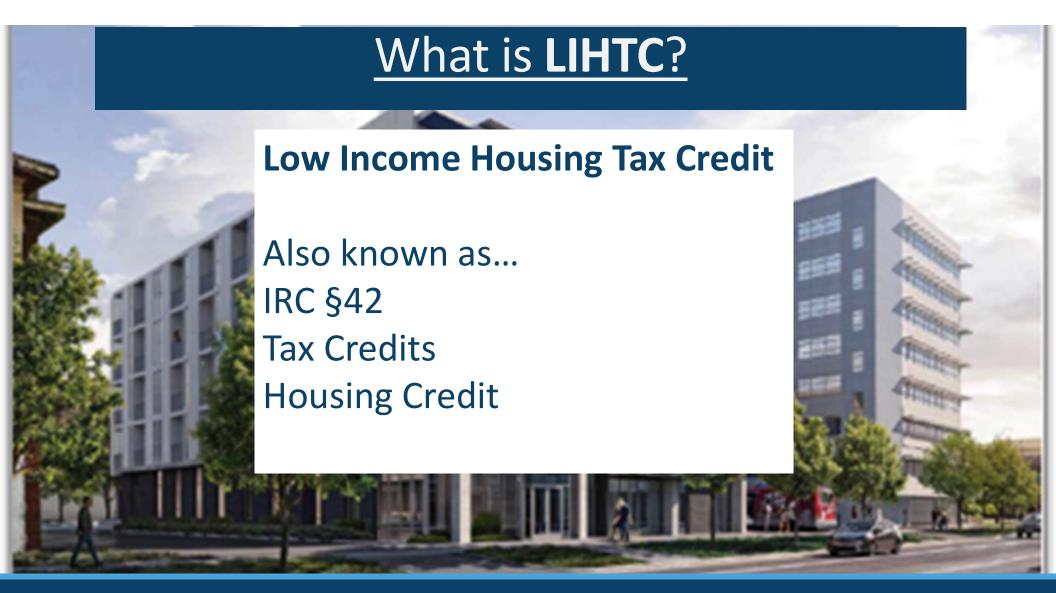


Tax Credits 101

ANNA SULLIVAN, HOUSING CREDIT ALLOCATION MANAGER
MULTIFAMILY FINANCE & DEVELOPMENT
UTAH HOUSING CORPORATION



Magnolia – Salt Lake City

What is LIHTC?



The LIHTC program is part of the Tax Reform Act of 1986 to encourage the construction and rehabilitation of affordable rental housing



It is a tax subsidy program for the development and rehabilitation of affordable rental housing



Credits are awarded to private sector developers whose projects conform to state and federal priorities



Awards of credits are governed by the Qualified Allocation Plan

Key Participants

Congress

Created the program, updates and changes

IRS

Regulates the program

State Agency – UHC

Awards credits and monitors the program

Developer

Creates affordable housing developments

Syndicator/Investor

Buys the tax credits

Management Agent

Complies with the program rules and regulations

On-site Manager

Manages the property in compliance with program rules and regulations



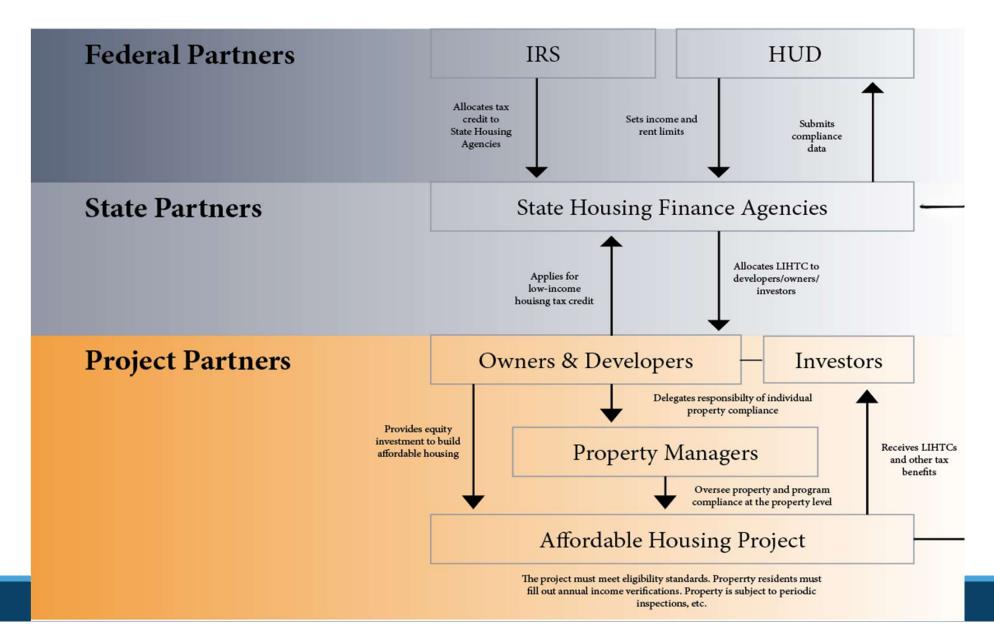




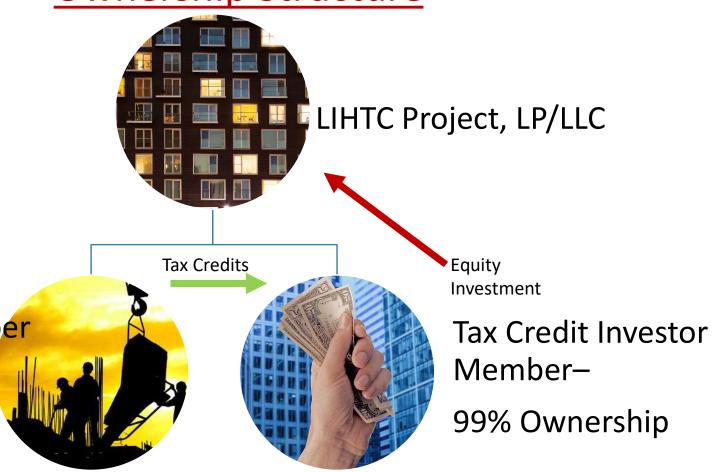








Ownership Structure



Sponsor/Developer LP/LLC -

1% Ownership



Affordable Housing Needs

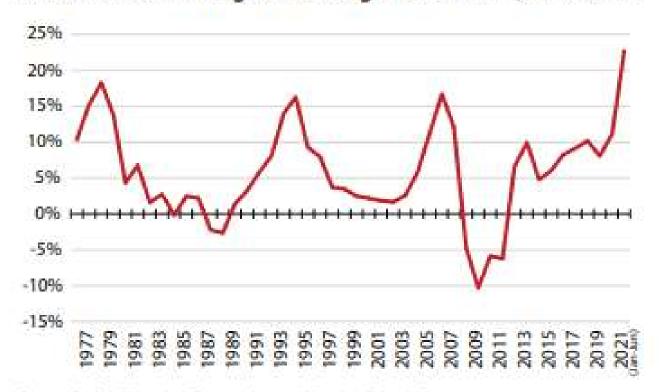
Source: US Census Bureau

AARP

	2020 Population	2010 Population	+ People	+ %
Utah	3,271,616	2,763,885	507,731	18.4
Idaho	1,839,106	1,567,582	7,582 271,524	
Texas	29,145,505	25,145,561	3,999,944	15.9
North Dakota	779,094	672,591 106,503		15.8
Nevada	3,104,614	2,700,551	404,063	15
Colorado	5,773,714	5,029,196	744,518	14.8



Annual Percent Change in Housing Prices in Utah, 1976–2021



Source: Federal Housing Finance Agency Housing Price Index



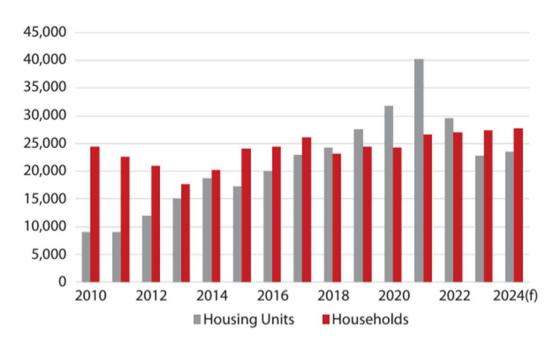
Affordable Housing Needs

Rent per Unit, Market vs. LIHTC

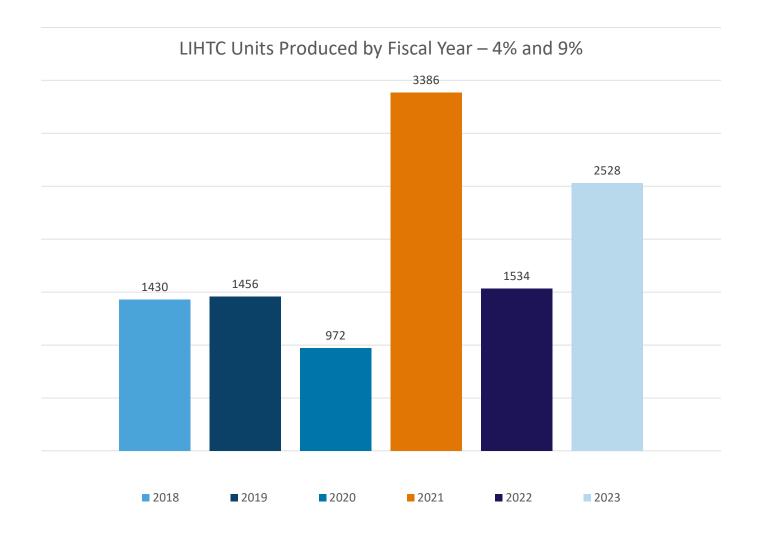




Figure 9: Increase in Utah Housing Units vs. Increase in Utah Households, 2010-2024(f)



Affordable Housing Needs



Types of Tax Credits

9%

- Competitive
- 1 round per year

4%

- Unlimited / PAB volume cap
- Multiple rounds per year

State Tax Credits

- \$10 million
- Awarded in conjunction with 9% or 4%



How many 9% tax credits does Utah have to allocate?

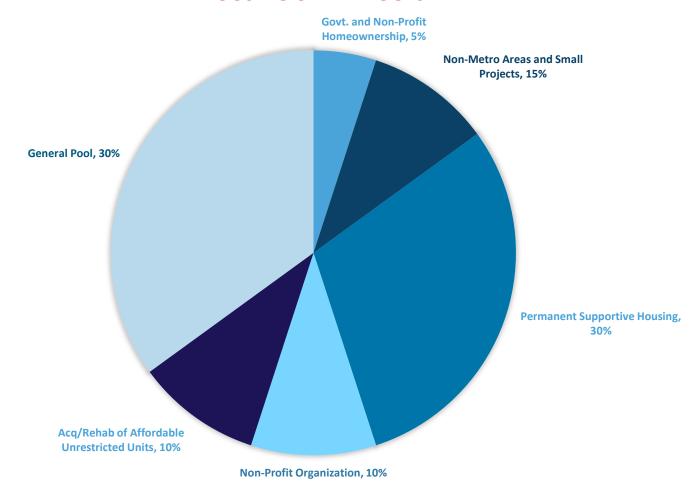


9% credit: \$2.90 per capita in 2024

\$2.90 x 3,417,734 = \$9,911,428 annual credits

9% Credits

HOUSING CREDIT POOLS





Aspen Villas – Park City

Qualified Allocation Plan

The QAP establishes a method of allocating and monitoring Low Income Housing Tax Credit projects

- Promotes projects that most efficiently and effectively utilize the Housing Credits;
- Promotes projects that achieve a geographic distribution;
- Promotes projects that provide housing to tenant populations with children;
- Promotes projects that provide housing to seniors and tenant populations with special housing needs

The QAP is revised on an annual basis

- Professional input meeting: December 2024
- Staff revisions: January 2025
- Public Hearing: January 2025

Qualified Allocation Plan

- Approval of UHC's Board of Trustees: February 2025
- Approval and signature of the Governor: February 2025
- Application Training: February 2025
- Applications due ~April 2025



QAP Requirements

Ten Selection Criteria from Section 42(m)(1)(C)



(i) project location



(ii) housing needs characteristics



(iii) project characteristics, including use of existing housing as part of a revitalization plan



(iv) sponsor characteristics



(v) tenant populations with special housing needs



(vi) public housing waiting lists



🏰 (vii) households with children



(viii) projects intended for eventual tenant ownership



(ix) the energy efficiency of the project



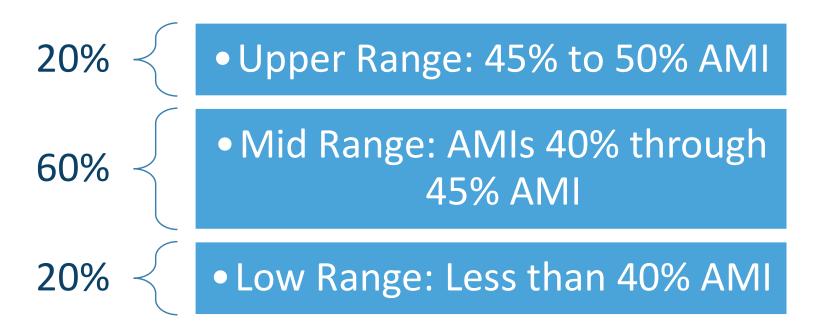
(x) the historic nature of the project





Lower Income Targeting

Achieving a mix of the rent ranges





Lower Income Targeting – Average Income



The Aster, Salt Lake City

- A minimum of 40% of units must be rent restricted
- The average of the designated income limitations cannot exceed 60%
- The designated income limitations must be in 10% increments 20%, 30%, 40%, 50%, 60%, 70%, 80%



Qualified Bonus Areas / Basis Boosts

Qualified Census Tract

 Census tracts where 50% or more of the households have incomes of less than 60% of the AMI

Difficult Development Area

 Areas designated by HUD as having high construction costs, land and utility costs, relative to the AMI

Transit Oriented Developments

• Located within 1/3 mile of Trax or Frontrunner stop

Area of Opportunity

 Projects in areas with lower poverty rates, that have been historically underserved

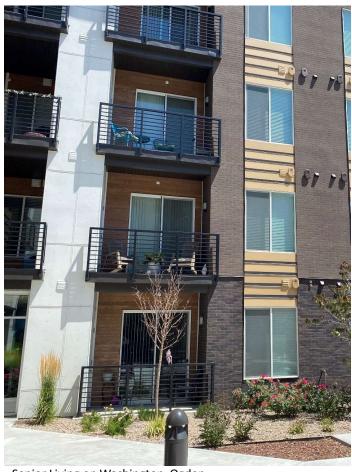


Pamela's Place, Salt Lake City

Project Preferences

Set Aside units for Special Housing Needs:

- Accessible units
- Older persons
- Homeless or chronically homeless
- Persons with disabilities
- Maturing Foster Children
- Refugees
- Veterans
- Domestic Violence



Senior Living on Washington, Ogden

UHC Project Preferences

- Larger Units
- Project Amenities
- Type of Owner/Developer Organization
- Cost and Credit Efficiency
- Historic Character
- Energy Certification

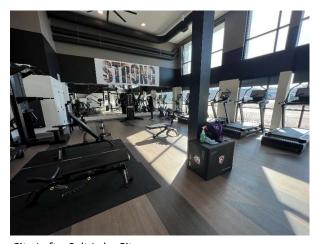
Amenities



Central West Apartments, Salt Lake City



AF Affordable, American Fork



City Lofts, Salt Lake City







What is a LIHTC Project?

Each qualified low-income building is considered a separate project unless a taxpayer elects to treat the building as part of a multi-building project.



	orginature of authorized official	7	maine (please type or print)		Date	
Part	First-Year Certification — Completed by	oy Building Ow	ners with respect to the First Ye	ar of the Cr	edit Period	
7	Eligible basis of building (see instructions) .	5		7		
8a	Original qualified basis of the building at clos			50 (St. 20)		
b	Are you treating this building as part of a r				ge stores on a	7
	(see instructions)?			🗸	Yes No	_
9a	If box 6a or box 6d is checked, do you elect			The state of the s	Yes No	- E
b	For market-rate units above the average quality s					
	to reduce eligible basis by disproportionate costs	of non-low-inco	ome units under section 42(d)(3)(B)?	. •	Yes No	
10	Check the appropriate box for each election	1 0				
	Caution: Once made, the following elections	s are irrevocab	le.			
a	Elect to begin credit period the first year after	er the building i	s placed in service (section 42(f)	(1)) ▶	Yes No	
b	Elect not to treat large partnership as taxpay	yer (section 42)	(j)(5))	. 🕨	Yes	
C	Elect minimum set-aside requirement (section	42(g)) (see instr	uctions):			
	20-50 40-60 Avera	age income	25-60 (N.Y.C. only)			
d	Elect deep rent skewed project (section 142)	(d)(4)(B)) (see ir	nstructions)		15-40	
Under are tru	penalties of perjury, I declare that I have examined e, correct, and complete.	this form and a	ccompanying attachments, and to the	ne best of my	/ knowledge and bel	ie <mark>f, the</mark> y
N		N.		<u> </u>		
	Signature		Taxpayer identification number	/	Date	
		No.				
	Name (please type or print)		First year of the credit period	Part of the Control of the		
For Pr	ivacy Act and Paperwork Reduction Act Notice.	see separate in	structions. Cat. No. 63981	U	Form 8609 (Rev.	05-2018)

What is a BIN?

A Building Identification Number (BIN) is assigned by UHC to every building receiving an allocation of IRC §42 (LIHTC)

Example: (BIN) UT-24-XXXXX





Minimum Set-Aside

To participate in the program, every project must elect one of the three "minimum set-aside" elections:



20/50%

20% or more of the rental units in the project must be set aside for low-income households whose incomes are 50% or less of the AMGI



40/60%

40% or more of the units in the project must be set aside for low-income households whose incomes are 60% or less of AMGI



Average Income

A minimum of <u>40%</u> of the units must be set aside for low-income households that do not exceed an <u>average of 60%</u> of Area Median Income.





Par	First-Year Certification—Completed by Building Owners with respect to the First Year of the	e Cre	dit Perio	od
7	Eligible basis of building (see instructions)	7		
8a	Original qualified basis of the building at close of first year of credit period	8a		
b	Are you treating this building as part of a multiple building project for purposes of section 42 (see instructions)?	✓	Yes	No
9a b	If box 6a or box 6d is checked, do you elect to reduce eligible basis under section 42(i)(2)(B)? For market-rate units above the average quality standards of low-income units in the building, do you elect		Yes	No
	to reduce eligible basis by disproportionate costs of non-low-income units under section 42(d)(3)(B)? .		Yes	No
10	Check the appropriate box for each election.			
	Caution: Once made, the following elections are irrevocable.			
a	Elect to begin credit period the first year after the building is placed in service (section 42(f)(1)) ▶		Yes	No
b	Elect not to treat large partnership as taxpayer (section 42(j)(5))		Yes	
С	Elect minimum set-aside requirement (section 42(g)) (see instructions):			1
	■ 20-50■ 40-60■ Average income■ 25-60 (N.Y.C. only)			
d	Elect deep rent skewed project (section 142(d)(4)(B)) (see instructions)		15-40	
	penalties of perjury, I declare that I have examined this form and accompanying attachments, and to the best c ie, correct, and complete.	of my	knowled	ge and belief, they
	Signature Taxpayer identification number			Date
)	Name (please type or print) First year of the credit period			
For P	rivacy Act and Paperwork Reduction Act Notice, see separate instructions. Cat. No. 63981U		Form 8	3609 (Rev. 05-2018)

Credit Period

In exchange for the investment in low-income housing, the owner will receive tax credits for each of ten years, which is known as the

"credit period"



X 10 years= \$10 million





Compliance Period

To keep the credit, the owner must provide low-income housing for fifteen years (IRS jurisdiction), which is known as the

"compliance period"

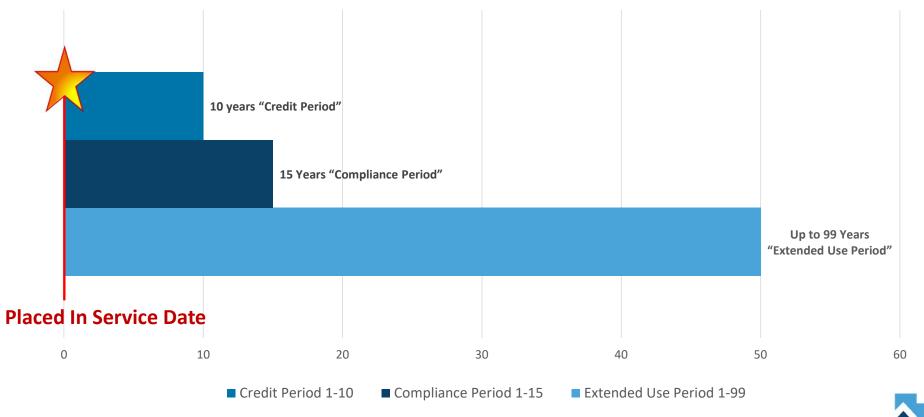


Bridge Projects, Salt Lake City

Extended Use Period

- After the compliance period (IRS jurisdiction) ends, UHC has sole jurisdiction and the owner must continue to provide low-income housing for at least another fifteen years, this is known as the "Extended Use Period" or Post-15
- UHC maintains the Land Use Restriction Agreement (LURA) for a total of 50 years. Some projects have a restriction up to 99 years

LIHTC Property Timeline





Land Use Restriction Agreement (LURA)

- Recorded at the close of construction
- Defines the...
 - Building Identification Number(s) (BIN)
 - Applicable Fraction
 - Restricted income/rents
 - Special needs set-asides
 - Extended use period
- Runs with the land.





Birkhill, Murray

Long Term Affordability

- The Credit/Compliance period begins the year the project is placed in service or the next year.
- Throughout the entire period of affordability, UHC monitors, audits, and inspects the property to ensure compliance





Placed In Service (PIS)

 PIS date is the date the first unit in the building is certified as being suitable for occupancy

Placed In Service (PIS) Date

Under IRC §42 (f)(1), the credit period starts with...

- The taxable year in which the building is PIS or
- At the election of the taxpayer, the following taxable year.

The election is documented on Form 8609, line 10a

	~	* **			198				
Part	First-Year Certification — Completed by	y Building Owners with respect to the First Year of the	Cre	dit Perio	od				
7	Eligible basis of building (see instructions) .		7						
8a	Original qualified basis of the building at close of first year of credit period 8a								
b		nultiple building project for purposes of section 42							
	(see instructions)?			Yes	No				
9a	If box 6a or box 6d is checked, do you elect t	to reduce eligible basis under section 42(i)(2)(B)?		Yes	No				
b	있었는 "HONER PERSONAL TOTAL TOTAL TOTAL CONTROL (CONTROL CONTROL CONTRO	andards of low-income units in the building, do you elect	Res As						
	•	of non-low-income units under section 42(d)(3)(B)? .		Yes	No				
10	Check the appropriate box for each election.			100					
	Caution: Once made, the following elections								
_	and the contract of the contra			Voc	□ No				
a									
b	Elect not to treat large partnership as taxpayer (section 42(j)(5))								
C	Elect minimum set-aside requirement (section 4	.2(g)) (see instructions):							
	20-50 40-60 Average	ge income 25-60 (N.Y.C. only)							
d		d)(4)(B)) (see instructions)		15-40					
Under		this form and accompanying attachments, and to the best of	f mv	knowledo	ge and belief, t				
	, correct, and complete.		0 000 P						
		Λ.							
	Signature	Taxpayer identification number)		Date				
1.50	0,9,,,,,,,,	, inspector institutional institution ,							
	Name (all and home ar with)	First year of the analytic aried							
	Name (please type or print)	First year of the credit period							
For Pri	vacy Act and Paperwork Reduction Act Notice, s	ee separate instructions. Cat. No. 63981U		Form 8	609 (Rev. 05-20				

Determining Credits

Applicable Fraction x Eligible Basis = Qualified Basis

Qualified Basis x Applicable Percentage= Annual Credit

Annual Credit x 10= Total Credit

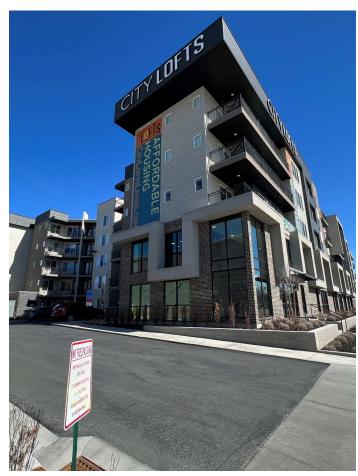


Applicable Fraction

The applicable fraction is the percentage of rental units in a **Building** that qualify as low-income units

To qualify as a low-income unit, a residential unit must meet three basic requirements:

- 1. the unit must be occupied by an incomequalified household,
- 2. the rent must be restricted, and
- 3. the unit must be suitable for occupancy



City Lofts, Salt Lake City

Applicable Fraction Defined

Under IRC §42(c)(1)(B), the applicable fraction

is the **smaller** of the **unit fraction** or the **floor space fraction**

Unit Fraction





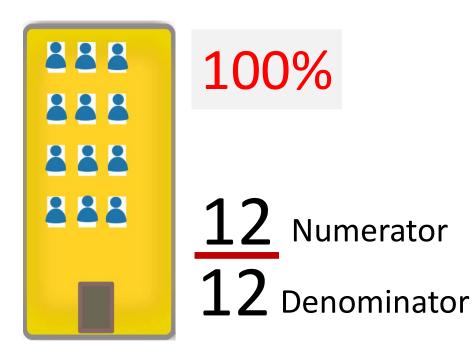
Floor Space Fraction



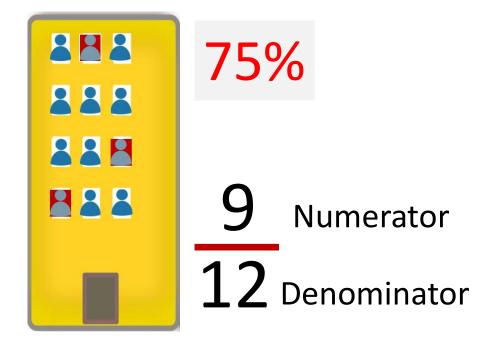


Unit Fraction Example

All 12 units in the Building are low-income



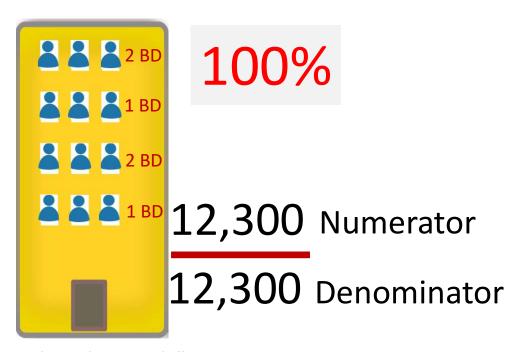
9 units in the Building are low-income, and 3 are market rate



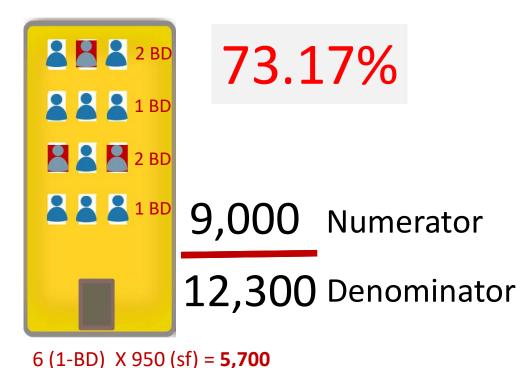
Floor Space Fraction Example

3 (2-BD) X 1,100 (sf) = 3,300

Six units are 1- bedroom with 950 sf Six units are 2-Bedroom with 1,100 sf

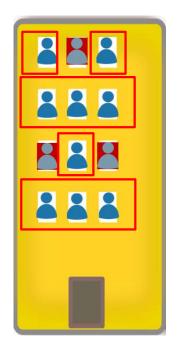


6 (1-BD) X 950 (sf) = **5,700** 6 (2-BD) X 1,100 (sf) = **6,600**



Which one is our Applicable Fraction?

Unit Fraction

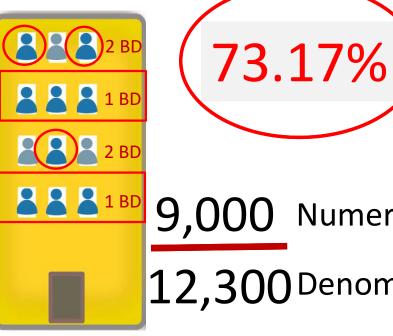


75%

Numerator Denominator

9 units in the Building are low-income, and 3 are market rate

Floor Space Fraction



Numerator

12,300 Denominator

6 (1-BD) X 950 (sf) = **5,700**

3 (2-BD) X 1,100 (sf) = **3,300**

Determining Credits

Applicable Fraction x <u>Eligible Basis</u>= Qualified Basis

Qualified Basis x Applicable Percentage= Annual Credit

Annual Credit x 10= Total Credit



Eligible Basis

 Development costs that are depreciable, e.g. buildings and amenities such as common areas and facilities

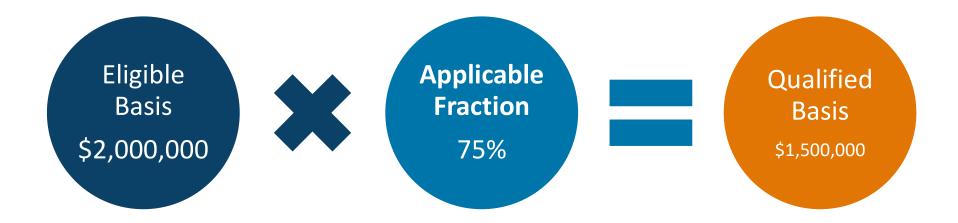


Eligible Basis

No separate fees should be charged for tenant facilities if the costs of the facilities are included in eligible basis



Qualified Basis





Determining Credits

Applicable Fraction x **Eligible Basis**= Qualified Basis

<u>Qualified Basis</u> x Applicable Percentage= Annual Credit

Annual Credit x 10= Total Credit



Applicable Percentage

Commonly described as "9%" and "4%" credits

- 9% annual credit is applied to eligible construction and substantial rehabilitation costs
- 4% annual credit is applied to the acquisition cost of existing buildings to be rehabilitated

<u>Applicable Percentage</u>

- If a project uses tax-exempt bond financing, the 4% annual credit is applied
- A new construction project that does not have any tax-exempt bond financing will use 9% annual credit
- A project that consists of acquisition/rehab that does not have tax-exempt bond financing will use a combination of 4% (acquisition) and 9% (rehab) credits

Determining Credits

Applicable Fraction x **Eligible Basis**= Qualified Basis

Qualified Basis x Applicable Percentage= Annual Credit

Annual Credit x 10= Total Credit



Eligible Basis		\$3,000,000
x Applicable Fraction	X	100%
Qualified Basis		\$3,000,000
x Tax Credit Percentage	X	9%
Annual LIHTCs		\$270,000
x Ten Years	X	10
Total LIHTCs		\$2,700,000



Eligible Basis		\$3,000,000
x Applicable Fraction	X	75%
Qualified Basis x Tax Credit Percentage	X	\$2,250,000 9%
Annual LIHTCs		\$202,500
x Ten Years	X	10
Total LIHTCs		\$2,025,000

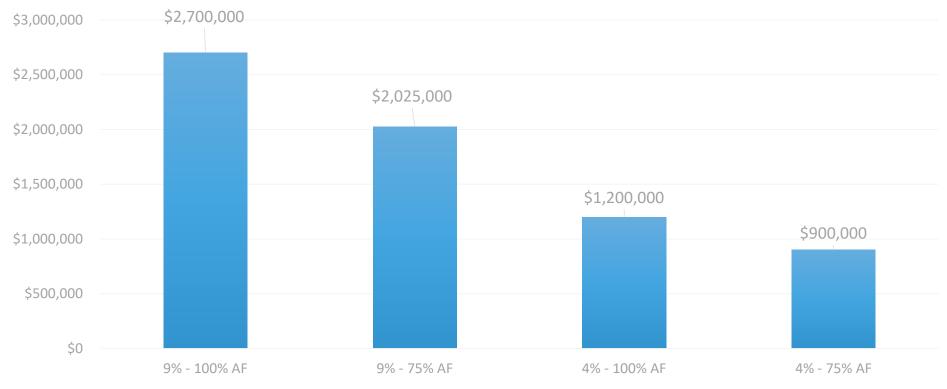


Eligible Basis		\$3,000,000
x Applicable Fraction	X	100%
Qualified Basis		\$3,000,000
x Tax Credit Percentage	X	4%
Annual LIHTCs		\$120,000
x Ten Years	X	10
Total LIHTCs		\$1,200,000

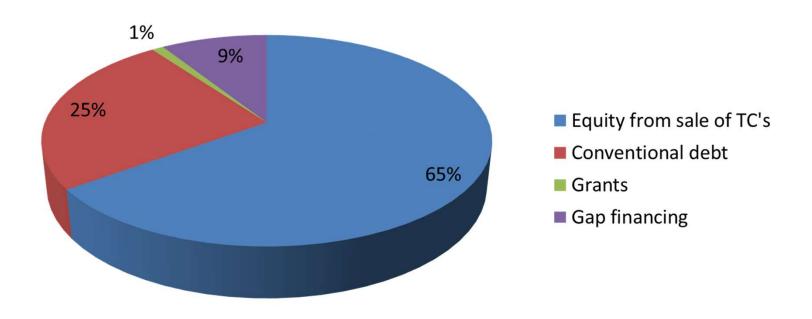


Eligible Basis		\$3,000,000
x Applicable Fraction	X	75%
Qualified Basis		\$2,250,000
x Tax Credit Percentage	X	4%
Annual LIHTCs		\$90,000
x Ten Years	X	10
Total LIHTCs		\$900,000

Summary of Credit Calculations



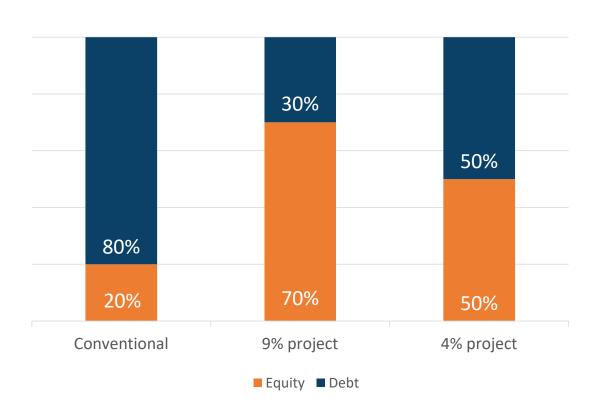
Tax Credits Bring Cash (Equity) to the Deal Typical Sources of Financing



Multifamily Housing Development 72 Units

Conventional		<u>Affordable</u>
\$14,219,294	Total Development Cost	\$14,219,294
\$2,843,858 (20%)	Equity	\$9,953,505 (70%)
\$11,375,436	Debt	\$4,265,789
\$57,637	Monthly Debt Service 4.5%, 30 year	\$21,614
\$800	Per Unit Share of Monthly Debt Service	\$300

Debt and Equity Comparison



Compliance

 UHC is responsible for monitoring LIHTC properties for compliance with the requirements of Internal Revenue Code (IRC) §42

Form 8609 (Rev. December 2021) Department of the Treasury So to www.irs.gov/Form8009 for instructions and the latest information.						
Par		of Credit				
heck	if: Addition	to Qualified Basis Am	ended Form			
Add	dress of building (do r	not use P.O. box) (see instruction	19)	B Name and address of housing credit agency		
Na	me, address, and TIN	of building owner receiving allo	cation	D Employer identification number of agency		
				E Building identification number (BIN)		
TIN	•					
1a	Date of allocation	on ▶ t	Maximum h	ousing credit dollar amount allowable .	1b	
2	Maximum appli	cable credit percentage a	allowable (see	instructions)	2	
3a b	Check here ► the high-cost a	rea provisions of section	ed in the com n 42(d)(5)(B). E	putation of line 3a was increased under inter the percentage to which the eligible	3a	
					3b	1
4 5a				empt bonds. (If zero, enter -0)	4	
b	Check here ►		on line 1a is i	n calendar year 2021 or 2022 and the		
6	Check the boxe	s that describe the alloca	ation for the bu	uilding (check those that apply):		
d f	☐ Sec. 42(e) re	habilitation expenditures f	ederally subsid	Newly constructed and not federally subsidized e Sec. 42(e) rehabilitation expendit		
		ubject to nonprofit set-as		cial – Completed by Housing Credit Ag	ency Or	alv
	nave examined this	form and to the best of my i		empliance with the requirements of section 42 or pelief, the information is true, correct, and compli		
		authorized official	2	Name (please type or print)	,	Date
art				Owners with respect to the First Year of the		Period
7 8a		building (see instruction d basis of the building at			7 8a	
b				uilding project for purposes of section 42	- Ou	
		s)?			☐ Ye	s No
9a b	For market-rate u	inits above the average qua	lity standards o	eligible basis under section 42(i)(2)(B)? f low-income units in the building, do you elect	□ Ye	
10	Check the appr	pass by disproportionate of opriate box for each elect made, the following elect made, the following elect made and the following elect pass by disproportionate of pass by disproportionate pass by dispropor	tion.	r-income units under section 42(d)(3)(B)? .	☐ Ye	es No
а				ling is placed in service (section 42(f)(1))	П	s \square No
b				1 42(j)(5))	□ Ye	
c		et-aside requirement (sec	tion 42(g)) (see	instructions):		
50.00	20-50		verage incom-			
nder		, I declare that I have exam		ee instructions)	of my kno	
)		Signature		Taxpayer identification number)	Date
	Name (p	lease type or print)		First year of the credit period		
or Pr	ivacy Act and Pan	erwork Reduction Act Not	ice, see separa	te instructions. Cat. No. 63981U	F	orm 8609 (Rev. 12-2

Compliance – 8609 Issuance

- LURA
- 8609 Election
- Building Identification Number(s)
- Minimum Set- Aside
- Placed in Service Date

Compliance Monitoring Review



UHC gives an owner reasonable notice before an inspection.



Noncompliance that is identified and corrected by the owner prior to an upcoming compliance review need not be reported to the IRS.

Compliance - Audits

Initial physical inspection and tenant file review occur no later than the end of the second calendar year following the year the last building placed in service

- Example: Project places in service July, 2024. First inspection will occur by December, 2025.
 - Frequency of re-inspection dependent on the percentage of non-compliance:

Percentage of Non- compliance	Next Audit
0-15%	3 years
16% - 34%	2 years
>35%	1 year



The minimum number of low income units for inspection and file review is the lesser of (1) or (2) below:

- (1) 20% of the low-income units in the project
- the Minimum Unit Sample set forth in the following chart:

Sample Chart

Number of low-income units in the low-income housing project	Number of low-income units selected for inspection or for low-income certification review (minimum unit sample size)	Number of low-income units in the low-income housing project	Number of low-income units selected for inspection or for low- income certification review (minimum unit sample size)
1	1	30-34	15
2	2	35-40	16
3	3	41-47	17
4	4	48-56	18
5-6	5	57-67	19
7	6	68-81	20
8-9	7	82-101	21
10-11	8	102-130	22
12-13	9	131-175	23
14-16	10	176-257	24
17-18	11	258-449	25
19-21	12	450-1,461	26
22-25	13	1,462-9,999	27
26-29	14	-	



Multifamily Tax Subsidy Projects (MTSP) Income Limits

- The MTSP income limits are used to determine qualifications levels as well as set maximum rental rates for projects funded with Tax Credits
- HUD releases the limits annually at 20% 80%
 Area Median Income

Rent Limits

Since 1990, rents are based on the number of **bedrooms** and do not fluctuate based on the number of persons living in the unit

2024 Multifamily Tax Subsidy Project Income and Rent Limits Table

	2024 MAXIMUM INCOME LIMITS							202	4 MAX	IMUM	GRO	SS RE	NTS		
County	AMI	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person	0	1	2	3	4	5
Salt Lake	0.80	64,720	73,920	83,200	92,400	99,840	107,200	114,640	122,000	1,618	1,733	2,080	2,403	2,680	2,958
Salt Lake	0.70	56,630	64,680	72,800	80,850	87,360	93,800	100,310	106,750	1,415	1,516	1,820	2,102	2,345	2,588
Salt Lake	0.60	48,540	55,440	62,400	69,300	74,880	80,400	85,980	91,500	1,213	1,299	1,560	1,802	2,010	2,218
Salt Lake	0.50	40,450	46,200	52,000	57,570	62,400	67,000	71,650	76,250	1,011	1,083	1,300	1,499	1,675	1,848
Salt Lake	0.40	32,360	36,960	41,600	46,056	49,920	53,600	57,320	61,000	809	866	1,040	1,199	1,340	1,479
Salt Lake	0.30	24,270	27,720	31,200	34,542	37,440	40,200	42,990	45,750	606	649	780	899	1,005	1,109
Salt Lake	0.20	16,180	18,480	20,800	23,100	24,960	26,800	28,660	30,500	404	433	520	600	670	739





Include in Gross Rent Computation	Exclude in Gross Rent Computation
Utility Allowance	Section 8 or similar Subsidy
Non-Optional Fees	Optional Fees
Month-to-Month Fees	Project Amenity Fees (Only if not included in Eligible Basis)
Required Renters Insurance	Late Fees
Non-refundable fees (except application fee)	Service of Notice Fees and Eviction Fees
Condition of Occupancy Fees	Pet Rent

File Review

Initial Lease Term

Executed Lease, fees charged

HAP Contract

Income and Rent limits for the setaside indicated in each file

Appropriate Utility
Allowance
schedule

Completed and executed eligibility forms

Valid Third party verifications

Computation of Income and Assets

File Review

Household members and income listed on Tenant Income Certification

VAWA

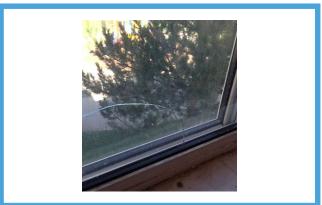
Student Rule

Special Needs population set-asides

Required signatures and dates

Non-Compliance









We have covered

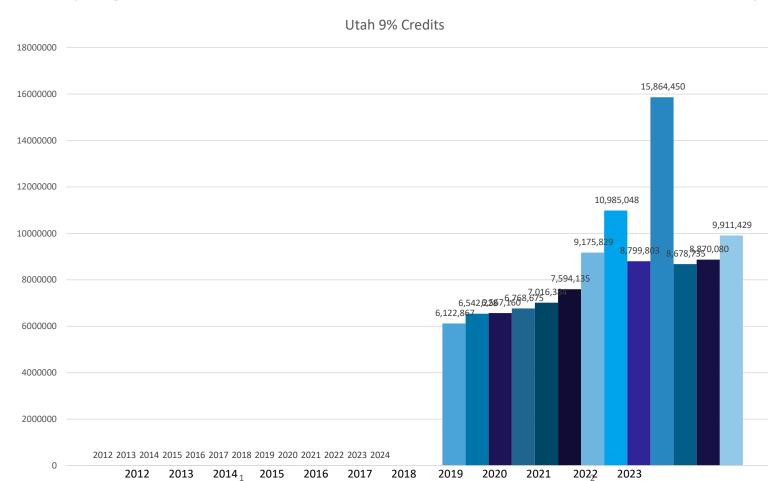
- What is LIHTC?
- Why do we need the tax credit?
- How are credits calculated?
- Compliance



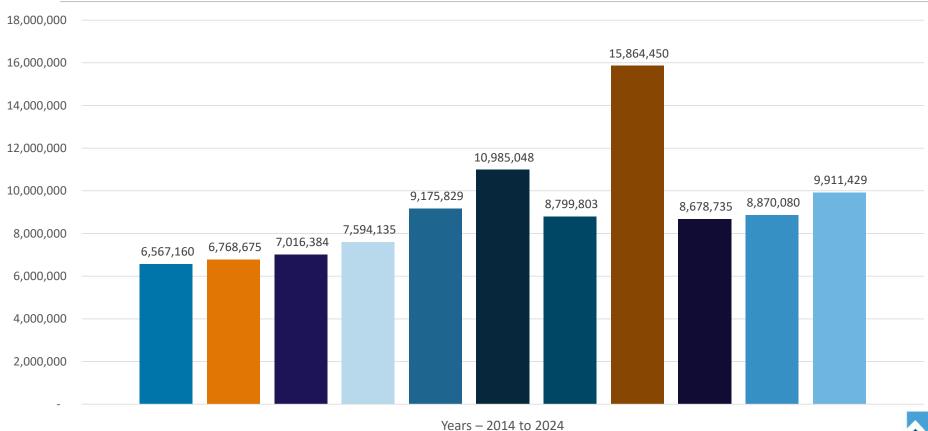
Now let's find out

- How many credits are there?
- What has been produced?

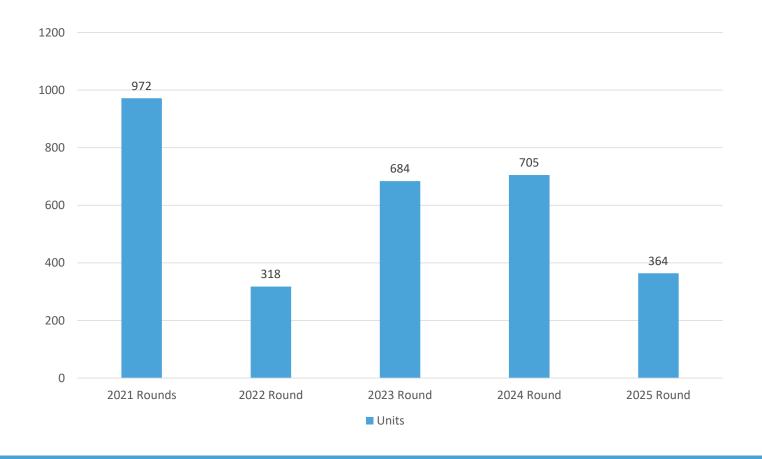
The program authorizes more than \$10 billion in Tax Credits annually



Available 9% Credits



9% Unit Production by Year



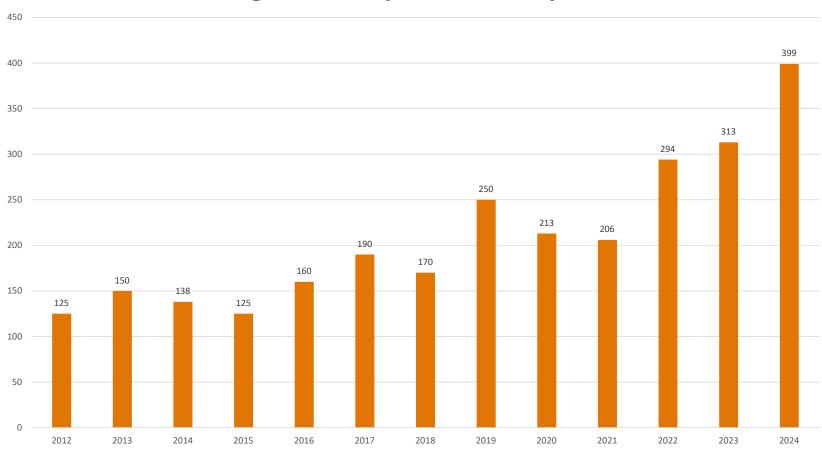


Summary of 2024, 9% June Round 26 applications received

1 determined to be nonconforming

Of the 25 conforming applications, 8 were awarded credits

Average Development Cost per Unit



Questions?

Thank You!

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