

To: Real Estate Department Partners

Notice: **RED-21-06**

From: Real Estate Department

Date: January 26, 2021

Re: **Continued COVID-19 Compliance Waivers for LIHTC Projects – IRS Notice 2021-12**

This RED Notice updates the COVID-19 compliance waivers for LIHTC projects previously announced via RED Notices 20-19 and 20-42 (click [here](#) to access archived 2020 notices).

The following waivers have been extended until September 30, 2021. Per [IRS Notice 20-53](#), these waivers originally were set to expire on December 31, 2020 but have now been extended per new guidance in [IRS Notice 21-12](#).

Closure of Common Areas and Amenities

To minimize exposure to COVID-19, owners and management agents have the sole discretion to temporarily close common spaces and amenities. Common areas and amenities can be “closed during some or all of the period from April 1, 2020 to September 30, 2021” without resulting in a reduction of the eligible basis of the building assuming the “unavailability or closure is in response to the COVID-19 pandemic and not because of other noncompliance.”

Waiver of Income Recertifications

Income recertifications due between April 1, 2020 and September 30, 2021 are waived. Income recertifications due during this period are waived, not postponed, and do not need to be made up at a later date.

This waiver applies only to income recertifications. Student status certifications must still be completed for each household by the annual recertification due date, a Tenant Income Certification (TIC) form must be completed to reflect the current rent and utility allowance for the unit, and events must still be reported in IHCD's online reporting system.

This waiver applies exclusively to LIHTC. Recertifications for other programs must continue in accordance with the applicable program requirements.

Questions

Questions about this notice can be directed to Devyn Smith, Director of Real Estate Compliance, via devynsmith@ihcda.in.gov or 317-232-7025.

