

HOUSING TAX CREDIT PROGRAM

A GUIDE FOR DEVELOPMENT
OF RENTAL PROPERTIES

2009

KANSAS HOUSING
RESOURCES CORPORATION

TABLE OF CONTENTS

<u>Part I</u> – Tax Credit Program	Page
Overview of Housing Tax Credits	1
Housing Tax Credit Authority	2
Mandatory Nonprofit Set-Aside	2
Solicitation of Applications	3
Eligible Developments	3
Exemptions From The Ten Year Previous Ownership Rule	5
Summary of Credit Percentage & Financing Characteristics	7
Extended Use Period	8
Minimum Set-Aside Requirements	9
Rent Limitations	9
Qualifying Period	10
Placed in Service Date	11
Increased Credit is Available for Buildings in High Cost Areas	11
Credits Allocated on Project Basis	12
Additions to Qualified Basis	12
Limitations of the Tax Credit to Owners/Investors	13
1990 Rule Changes Regarding Buildings which are Eligible for Tax Credits	14
Developments Financed by Tax Exempt Bonds	15
Tax Credit Allocation Procedures	15
Tax Credit Calculation Factors	16
Tax Credit Syndication	17
References	18

Part II – State Allocation Plan

Introduction	1
Identification of Housing Needs	1

Part II– State Allocation Plan (con’t.)

Page

Preliminary Requirements	2
Community Support	3
Application Process	4
Fee Schedules	4
Fee Guidelines	5
Developer Fee Limit Exemptions	6
Energy Efficiency	6
Acquisition and Rehabilitation Factors	7
Single Family Housing Development	8
Evaluation Process	8
Interim Development Loans	9
Private Activity Bond Financing	10
Rural Housing Incentive Districts	10
Architectural Procedures & Minimum Development Standards	11
Selection Criteria	11
A. Project Location	12
B. Housing Needs Characteristics	12
C. Development Characteristics	12
D. Applicant/Sponsor Characteristics	14
E. Tenant Population Characteristics	14
F. Public Housing Waiting Lists	14
G. Bonus Points	15
Non Point Criteria	15
Market Studies	16
Pre-Development Conferences	16
Carryover Allocations	16
Final Allocation	17
Requests for Additional Credits	18
Gross Rent Floor Election	19

Part II – State Allocation Plan (con’t.)

Page

Binding Allocation Agreement	19
Determination of Tax Credit Amount	19
Appeal Process	20
Compliance Monitoring	20
A. Record Keeping and Record Retention	20
B. Certification	21
C. Review	22
D. Auditing	23
E. Notification	23
F. Owner/Manager Training	23
Clarifications	23
Exhibit A – Site Inspection Rating Checklist	25
Criteria for Site Inspection Rating	26
Exhibit B – Housing Authority Referral Agreement	28
Exhibit C – Resolution of Community Support	29
Exhibit D – Independent Accountants’ Report	30
Exhibit E – Independent Auditors’ Report	37
Exhibit F – Underwriting Criteria	41
Exhibit G – Energy Efficiency Recommended Practices & Specifications	42
Exhibit H – Establishing a Rural Housing Incentive District	48
Exhibit I – Fair Housing Activities	53
Exhibit J – HUD Maximum Per Unit Subsidy Limit	55
Exhibit K – IRS Form 8821	56
Exhibit L – Project Financing Certification	58
Exhibit M – Project Cost Certification	59
Table A	65

Part III – Internal Revenue Code

- Low Income Housing Tax Credit Statutory Provisions, Section 42 of the Internal Revenue Code
- Carryover Allocations and Other Rules Relating to the Low Income Housing Credit
- Utility Allowance Requirements
- IRS Ruling 90-89 – Guidance on Tax Credit Eligibility
- IRS Ruling 91-38 - Answers to 12 Frequently Asked Questions About the Low Income Housing Tax Credit
- IRS Ruling 92-61 – Treatment of Unit Occupied by Full Time Resident Manager
- Monitoring Compliance with Low Income Housing Credit Requirements
- Maximum Income and Rent Guidelines
- Qualified Census Tracts
- Agreement for Reservation of Low Income Housing Tax Credit
- Carryover Allocation Agreement
- Land Use Restrictive Covenant for Low Income Housing Tax Credits