

Table of Contents

<u>Chapter</u>	<u>Title</u>
1	Introduction Exhibit 1-1, Reports of Noncompliance (form 8823) Process Map & Explanations Exhibit 1-2, Form 8823 and Instructions Exhibit 1-3, IRS Noncompliance Notification Letter
2	Instructions for Completing Form 8823
3	Guidelines for Determining Noncompliance
4	11a – Household Income Above Income Limit Upon Initial Occupancy *Exhibit 4-1, CCA 2009090416224806*
5	Category 11b – Owner Failed to Correctly Complete or Document Tenant’s Annual Income Recertification
6	Category 11c – Violation(s) of the UPCS or Local Inspection Standards Exhibit 6-1, Checksheet for the Physical Inspection of LIHC Properties Exhibit 6-2, Notification Letter – No Violations Noted Exhibit 6-3, Notification Letter – Noncompliance Exhibit 6-4, Notification Letter – Critical Violations
7	Category 11d – Owner Failed to Provide Annual Certification or Provided Incomplete or Inaccurate Certifications
8	Category 11e – Changes in Eligible Basis
9	Category 11e – Changes in the Applicable Percentage
10	Category 11f – Project Failed to Meet Minimum Set-Aside Requirement
11	Category 11g – Gross Rent(s) Exceed Tax Credit Limits
12	Category 11h – Project not Available to the General Public
13	Category 11h – Project not Available to the General Public (Notifications of Fair Housing Act Administrative and Legal Actions) Exhibit 13-1, HUD’s Regional Offices Exhibit 13-2, Memorandum of Understanding Among the Department of the Treasury, the Department of Housing and Urban Development, and the Department of Justice Exhibit 13-3, Sample Letter to Notify Building Owner of Potential Fair Housing Act Violations
14	Category 11i – Violations of the Available Unit Rule Under Section 42(g)(2)(D)(ii)

- 15 Category 11j – Violation(s) of the Vacant Unit Rule under Reg. 1.42-5(c)(1)(ix)
- 16 Category 11k – Owner Failed to Execute and Record Extended Use Agreement Within Time Prescribed by Section 42(h)(6)(J)
- 17 Category 11l – Low-Income Units Occupied by Nonqualified Full-Time Students
Exhibit 17-1, Student Status Verification
- 18 Category 11m – Owner Did Not Properly Calculate Utility Allowance
- 19 Category 11n – Owner has Failed to Respond to Agency Requests for Monitoring Reviews
- 20 Category 11o – Low Income Units Used on a Transient Basis
- 21 Category 11p – Project is No Longer in Compliance Nor Participating in the LIHC Program
- 22 Category 11q – Other Noncompliance Issue – Qualified Nonprofit Organization Failed to Materially Participate
- 23 Category 11q – Other Noncompliance Issues
- 24 Line 13 – Building Disposition
Exhibit 24-1, Explanation of Credit Recapture Requirements Under IRC §42(j)
- 25 Miscellaneous Noncompliance Topics
 - Tenant Misrepresentation or Fraud
 - Owner/Taxpayer Fraud
- 26 Tenant Good Cause Eviction and Rent Increase Protection

Explanations of Revisions

1. Revisions takes into account amendments to IRC §42 by the Housing Assistance Tax Act of 2008, HUD’s revisions to Handbook 4250.3, and revisions to Treas. Reg. 1.42-10. Revisions were also made to clarify existing text. Revisions are identified by surrounding new/revised text with astericks.
2. There are two new exhibits, Exhibit 4-1 and Exhibit 17-1.
3. Although the revision date is October 2009, no revisions were made to Chapters 3, 7, 13, 19, or 20.
4. The only technical change is the treatment of Unit 8 in Example 1 on page 4-29 and 4-30. In the January 2007 revision of the guide, the unit was considered a low-income unit. It is now considered a vacant market rate unit. Please note that the IRS will not challenge a taxpayer’s reliance on the January 2007 explanation for determining the status of a unit before January 1, 2010. See Chapter 4, footnote 45.