

In accordance with IRS Notice 2020-53 New York State Homes and Community Renewal provides the following information to our external partners, owners, and agents.

*Notice is effective August 3, 2020*

**I) COMPLIANCE-MONITORING**

For purposes of §1.42-5, an Agency is not required to conduct compliance-monitoring inspections or reviews in the period beginning on April 1, 2020 and ending on December 31, 2020. The Agency must resume compliance-monitoring inspections or reviews as due under §1.42-5 after December 31, 2020.

**II) GRANT OF RELIEF PURSUANT TO §1.42-13(a)**

An Owner of a low-income building is not required to perform income **recertifications** under §1.42-5(c)(1)(iii) in the period beginning on April 1, 2020 and ending on December 31, 2020. The Owner must resume the income certifications as due under §1.42-5(c)(1)(iii) after December 31, 2020.

- Owner/Agents will be required to resume income recertifications as due under §1.42-5(c)(1)(iii) after December 31, 2020.
- Owner/Agents **will be required during calendar year 2020** to provide 120-day initial notifications to households for income recertification due as of January 1, 2021.

Notwithstanding any of the aforementioned, New York State Homes and Community Renewal reminds Owner/Agents that the following are still required to be executed and maintained in tenant files during the period April 1, 2020 through December 31, 2020.

- Lease
- HFA Lease Rider *-applies to 4% HFA projects only*
- DHCR Exhibit D Lease Rider *– applies to 9% DHCR projects only*
- Full Time Student Status Affidavit (For all LIHTC projects within their initial 15 year compliance period)
- VAWA Lease Addendum
- Certification that units are decent, safe and sanitary

NYS HFA and NYS DHCR, as separate tax credit allocating agencies are temporarily suspending the Full Time Student Status Affidavit requirement for projects in their extended-use period to coincide with the IRS recertification waiver period of April 1, 2020 through December 31, 2020.

1. New Move-Ins during the period April 1, 2020 through December 31, 2020

There is **no change** to the required process or documentation necessary to confirm income eligibility at initial move in for households during the period April 1, 2020 through December 31, 2020. Files must comply with NYS criminal reentry and credit check worksheets when applicable.

2. New York State Homes and Community Renewal *-applies to 4% HFA Projects only*, will accept Owner/Agent submission of the *Pre* 8609 Annual Income Qualified Unit Report (AIQUR) for purposes of review and sign off for issuance of Form 8609 Low-Income Housing Credit Allocation and Certification. For questions surrounding Pre 8609 AIQUR requirements, Owner/Agents may contact [Pamela.Butler@nyshcr.org](mailto:Pamela.Butler@nyshcr.org), Asst. Vice Pres. Compliance.

*Lastly, where the IRS has not provided clear guidance, monitoring and compliance guidelines have not been waived.*