



HOME RENTAL HOUSING COMPLIANCE MANUAL

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PREFACE

The purpose of this manual is to prescribe and outline the methods and procedures by which Missouri Housing Development Commission (MHDC) will monitor and assess compliance with HOME Program requirements, for HOME funds allocated by MHDC to rental properties throughout the state of Missouri. Further, it is intended to be a training and reference guide to answer questions regarding the procedures, rules and regulations that govern HOME loan properties in Missouri. This manual is intended only as a supplement to existing laws and rules and is not a comprehensive guide to the HOME Program and all of its requirements. This manual was produced for use by HOME Program participants in Missouri to be used in conjunction with the HOME Program Final Rule and MHDC Regulatory Agreement. Upon request, MHDC may provide the latest federal rule changes and advise participants of internal processing requirements; however, MHDC will not make authoritative interpretations of the federal law.

The Asset Management Department utilizes a systematic approach to effectively monitor the physical, fiscal, and regulatory operations of affordable housing properties. This approach is based on sound business practices and economic rationale to measure performance.

NOTE: Employees and officers of MHDC are not liable for any adverse consequences to taxpayers and/or investors as a result of programmatic non-compliance with federal laws.

Compliance monitoring is administered by the MHDC Asset Management Department. Questions regarding compliance issues should be directed to the compliance team at (314) 877-1350 or (816) 759-6600 or at asset.mgmt@mhdc.com.

I. INTRODUCTION

A. Missouri Housing Development Commission

Missouri Housing Development Commission (MHDC) was established in 1969 by the 75th General Assembly to assist in the creation of low-income and moderate-income housing in Missouri. The legislature established a commission which is currently composed of 10 members. The governor, lieutenant governor, state treasurer and the attorney general serve on the commission by virtue of office. The remaining six members are appointed by the governor for staggered terms of four years, with the advice and consent of the Senate. These individuals must have demonstrated a concern for Missouri's housing needs. MHDC programs are varied and are available to low- and moderate-income Missourians, regardless of race, color, creed, or national origin.

B. Background

The HOME Program was created under Title II (the Home Investment Partnerships Act) of the National Affordable Housing Act of 1990. The HOME Program is not a categorical housing program requiring a specific housing activity. Instead, the HOME Program provides states and local governments flexibility to decide what kind of housing assistance is most appropriate to meet the housing needs of the local jurisdiction. Eligible activities include new construction, rehabilitation, and acquisition of standard housing, assistance to homebuyers and tenant-based rental assistance.

The HOME Program affirms the federal government's commitment to provide decent, safe, and affordable housing to all Americans, and to alleviate the problems of excessive rent burdens, homelessness, and deteriorating housing stock in the nation. The United States Department of Housing and Urban Development (HUD) provides funding and guidelines to HOME Program participating jurisdictions (state and local governments) to design and tailor affordable housing strategies to address local needs and housing conditions. The program strives to meet both the short-term goal of increasing the supply and availability of affordable housing, and the long-term goal of building partnerships between state and local governments, and private and public organizations, and strengthening their capacity to meet the housing needs of low- and very low-income families.

C. Key HOME Program Participants

Participating Jurisdiction (PJ): These are state and local governments or consortia that serve as the primary entities designated by HUD to administer the HOME Program.

Community Housing Development Organizations (CHDOs): A CHDO is a private, nonprofit organization that meets certain legal, organizational, and capacity qualifications prescribed in the HOME regulations. PJs evaluate the qualifications of an organization according to the regulations and certify it as a CHDO for purposes of the HOME Program.

PJs must match every dollar of HOME funds used (except for administrative costs) with 25 cents from nonfederal sources, which may include but are not limited to cash contributions from nonfederal sources, forbearance of fees, donated materials or labor, the value of donated property, and proceeds from bond financing. PJs must reserve at least 15 percent of their allocations to fund housing to be owned, developed, or sponsored by experienced CHDOs. PJs must ensure that HOME-funded housing units remain affordable in the long term (20 years for new construction of rental housing; 5-15 years for construction of homeownership housing and housing rehabilitation, depending on the amount of HOME funds provided). PJs have two years to commit funds (including reserving funds for CHDOs) and five years to spend funds.

II. RESPONSIBILITIES

A. MHDC

MHDC is responsible for administering the HOME Rental Housing Production Program which provides financing to developers for the acquisition and rehabilitation and new construction of rental housing for low-income and very low-income households. To be considered, all sponsoring entities and proposals must meet the regulations prescribed in the HOME Investment Partnerships Program at 24 CFR Part 92. MHDC accepts applications in response to a Notice of Funding Availability (NOFA) published at specific times during the year. MHDC attempts to select applications consistent with the current Qualified Allocation Plan and within the limits of the funds available.

B. The Owner/Management Agent/Developer

In order to take advantage of the benefits provided under the HOME Program, the owner and property must meet certain requirements and HOME required property standards (24 CFR 5.703; 24 CFR 200.925; §92.251; <https://www.hudexchange.info/programs/home/>; 2025 HOME Final Rule) that will benefit low- and moderate-income families. The property Owner/Agent (O/A) is responsible for administering the required compliance for all applicable programs, such as LIHTC, HOME, Rural Development, Section 8, etc. Properties layered with multiple sources of financing are subject to the most restrictive rules of all the funding programs they participate in. The O/A is responsible for maintaining comprehensive knowledge of current program requirements and updates.

Requirements:

- 1) Manage the property in accordance with the HOME regulations and all additional requirements agreed to during the allocation process for the duration of the compliance period. This includes continuous compliance with regard to income and rent restrictions detailed in the initial application. Any violation of the requirements could result in default of a loan and suspension of further utilization of MHDC resources. Residents should be made aware of their responsibility to provide all information necessary to assess the household's eligibility to occupy the HOME-assisted unit.
- 2) Ensure that once the property has been completed and all units are rented, the property is properly administered. The Owner guarantees that all units are suitable for occupancy by meeting HOME property standards requirements, local health, safety and building codes are taken into account, and that the on-site management team complies with all applicable rules, regulations and policies which govern the property. This includes following policies and regulations pertaining to lead-based paint and asbestos disclosure and/or remediation where required (see §92.253(f)).
- 3) Advise and receive MHDC approval of any material changes in ownership or management. No changes in management or ownership can be made without prior written approval of MHDC.
- 4) Ensure that a duly executed management certification and management entity profile is in force at all times. No changes to the management certification can be implemented without prior written approval of MHDC. For changes in management, please refer the Management Agent Certification information at mhdc.com. All existing and/or new management companies seeking to manage properties in Missouri are required to submit an application to be approved as a Certified Property Management Agent.
- 5) Certify that the property is being managed in accordance with all applicable federal, state and local fair housing laws.

- 6) Provide MHDC the annual certification of continuing program compliance and annual occupancy report within 30 days of the end of the property's annual reporting period. See Exhibit K and Exhibit H on the MHDC website. HOME properties that also contain tax credits must submit the annual occupancy information through the Certification Portal (CP) in accordance with the seasonal reporting schedule and must submit the annual certification (Exhibit K) signed by the owner, by the last day of the month following the CP submission due date.
- 7) Provide MHDC an annual operating budget and annual financial statement.
- 8) Request annual approval from MHDC before implementing a rent increase.
- 9) Assume liability for any instances of noncompliance and the correction of such deficiencies.
- 10) Attend compliance training, with ongoing training to be updated at least every two years. Reference may be found on the MHDC website and in Chapter V. of this manual.
- 11) Electronic Signature, Transmission, and Storage: Please be advised that electronic signatures allowed under HOME.
- 12) More information on electronic signatures may be found here:
 - <https://www.hudexchange.info/programs/home/>
 - MHDC Electronic Signature, Transmission, and Storage Policy for Owner and Agents

The management agent is responsible for properly implementing HOME Program requirements at the property, and must be thoroughly familiar with all federal laws, rules or regulations governing certification and leasing procedures. The management agent provides all necessary and required information to MHDC; this includes submission of various program compliance reports within specified time frames. Further, if the management agent determines that the property is not in compliance with HOME Program requirements, the Asset Management Department must be immediately notified in writing, directed to the attention of the Program Compliance Administrator at 505 N. 7th Street, Suite 2000, St. Louis, MO 63101 or at asset.mgmt@mhdc.com. A duly executed management certification, and management plan is required to be in place at the onset of leasing activity and continually throughout the period of affordability. No changes to the management certification can be implemented without prior written approval of MHDC.

C. MHDC Asset Management Department

The MHDC Asset Management Department is responsible for compliance monitoring of properties that receive HOME Program funding. This department performs the following functions:

- 1) Provide HOME Program compliance Manuals and related materials.
- 2) Receive, review and file all documentation and certifications required for compliance by owners, developers, and management agents.
- 3) Initiate, schedule, and conduct on-site physical, management and file reviews.
- 4) Receive, review, and approve all rent increase requests prior to implementation.
- 5) Provide HOME Program compliance monitoring staff to serve as a point-of-contact for information for owners, developers, and management agents.
- 6) Notify owners when the property is found to be out of compliance with HUD or MHDC requirements, including submission of reports or other requested information.
- 7) Ensure that development certifications and other records will be retained for the applicable record retention period.

NOTE: Asset Management Manuals, Forms, and Policies may be updated from time to time due to regulation or improvements. Please check the mhdc.com website frequently.

Correspondence from MHDC to the owner will be sent to the owner/owner representative designated on the Exhibit L: Property Information Sheet submitted by the property and as listed in AMRS. For additional reference, see Asset Management Reporting System (AMRS) at mhdc.com.

III. COMPLIANCE REQUIREMENTS

A. Management Plan

The foundation of any successful residential property is a sound management plan. In preparing the management plan, it is important for the owner to consider potential problems that may arise during initial leasing and during operation of the property. The development of this plan should be a cooperative effort between the owner and property manager, where applicable. The management plan must ensure compliance with applicable state and federal laws. A copy of the management plan must be submitted to MHDC with the initial rental development application, and the plan should be updated whenever an important element changes. A copy of the updated plans must be provided to the asset management department. For further information on completing a management plan, please refer to the Exhibit A-1: Management Plan Outline and Checklist on the MHDC website under MHDC Exhibits & Forms. The Exhibit A-1 must be reviewed to be sure all areas and applicable language are covered in the Plan.

B. Affirmative Fair Housing Marketing Plan

A current Affirmative Fair Housing Marketing Plan must be established, followed, and made readily available for review by MHDC staff. The HOME Program requires affirmative marketing efforts for all properties of five or more units (24 CFR 92.351). Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the housing market area to the property without regard to race, color, national origin, sex, religion, familial status, or disability. Owners (or management agents) must prepare and submit for approval by MHDC an Affirmative Fair Housing Marketing Plan (HUD Form 935.2) or provide to MHDC a plan that has been approved by HUD or Rural Development. The plan must be reviewed and updated every five years at a minimum. If it is determined that the information contained in the plan has not changed in the last five years, documentation indicating "No Change" should be maintained with the most recently approved plan and presented to MHDC staff upon request. Fair housing posters must be posted in conspicuous places (i.e., anywhere management meets with the public) within the property for public viewing. Non-discriminatory advertisements, statements and notices should be used. Discriminatory words, phrases, photographs, symbols, or forms that convey that rental units are available or not available to a particular group of people because of race, color, religion, sex, handicap, familial status, or national origin must not be used. All advertisements and office or property signs must reflect the Equal Housing Opportunity slogan or logo, which can be accessed at: HUD Office of Fair Housing and Equal Opportunity (FHEO) HUD.gov. Additionally, MHDC requires the AFHMP to be updated and submitted for approval when there is a management company change and/or an ownership change.

Please review the matrix below to determine who the AFHMP should be submitted to for review and approval:

Funding Type	AFHMP Approval by	Comments
MHDC Risk share/Fund Balance	MHDC	Owner/Agent must submit AFHMP, for subject property, in AMRS. The signer must be listed on the subject property's Ex. J-1.

Funding Type	AFHMP Approval by	Comments
HOME	MHDC	Owner/Agent must submit AFHMP, for subject property, in AMRS. The signer must be listed on the subject property's Ex. J-1.
Tax Credit	MHDC	Owner/Agent must submit AFHMP, for subject property, in AMRS. The signer must be listed on the subject property's Ex. J-1.
Participation Loans where MHDC is the servicer	MHDC	i.e., Fannie Mae, US Bank. Owner/Agent must submit AFHMP, for subject property, in AMRS.
HAP only	HUD	Owner/Agent must submit a copy of the approved AFHMP, for subject property, in AMRS.
HUD Section 8/HAP/TC/HOME	HUD	Owner/Agent must submit a copy of the approved AFHMP, for subject property, in AMRS.
HUD Section 8/HAP (layered with HUD funding) NOTE: Risk Share to be approved by MHDC.	HUD	Owner/Agent must submit a copy of the approved AFHMP, for subject property, in AMRS.
NOTE: If a property is layered with HUD funding, the AFHMP must be approved by HUD. A copy of the approved AFHMP must be submitted to MHDC by uploading the approved Plan in AMRS.		
The instructions provided are intended to supplement but do not take place of Form 935.2A AFHMP instructions provided.		

C. Resident Selection Criteria

Reference: 2025 HOME Final Rule and 24 CFR 92.253 Tenant protections and selection.

Resident selection criteria must be properly established and maintained in accordance with the provisions of HUD 4350.3 REV-1 Chapter 4, and readily available for review by MHDC. An owner of rental housing assisted with HOME Program funds must adopt written resident selection policies and criteria that are applied consistently and:

- 1) Are consistent with the purpose of providing housing for very low-income and low-income families.
- 2) Are reasonably related to program eligibility and the applicants' ability to perform the obligations of the lease, including:
 - a) maximum income limits
 - b) ability to pay rent
 - c) ability to comply with lease terms
 - d) meet property specific requirements
 - e) occupancy standards
- 3) Provide for the selection of residents from a written waiting list in chronological order of application receipt, observing any preferences that may be established.
- 4) Follow a consistent method of accepting and processing applications.
- 5) Provide that all applications received are date and time stamped.

- 6) Provide prompt, written notification to any rejected applicant, including the reason for rejection.
- 7) Provide that any preferences observed at the property, and the methodology used to implement such preferences, shall be clearly stated in the management plan.
- 8) Provide in accordance with Section 504 – (ADA), that existing residents who would benefit from a vacated unit's accessibility features be offered the vacated unit.
- 9) Provide for Citizenship verification in accordance with 24 CFR Part 5.
- 10) Provide - Fair Housing and Equal Opportunity Housing (FHEO).

D. Citizenship Declaration and Verification

Section 4.14 (C): US Citizen Status

The IRS does not currently have a regulation for U.S. citizenship and has directed owners to refer to HUD policies for guidance. Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Secretary of HUD from making financial assistance available to persons other than U.S. citizens, nationals, or certain categories of eligible non-citizens in certain HUD programs. The covered programs are as follows: (1) Section 236 properties; (2) Rent Supplement; (3) Rental Assistance Payments (RAP); and (4) Section 8 programs. Notice H95-95 issued by HUD provides the procedures for implementing the requirements of Section 214 and is available on the HUD website at: HUD.gov (HUDCLIPS-HUD Handbooks, Forms, and Publications)

Pursuant to Section 4.14 (C) and Missouri House Bill No. 1549 Section 4- 208-009, 1-8, which took effect January 1, 2009, and Missouri House Bill No. 390 Section A-208-009, 1-8, which took effect July 7, 2009, and as summarized below, owners (or management agents) must ensure that:

- 1) No alien unlawfully present in the United States receive any “public benefit,” which is defined to include the provision of housing.
- 2) In addition to providing proof of other eligibility requirements at the time of application, an applicant who is 18 years of age or older shall provide affirmative proof that the applicant is a citizen or a permanent resident of the United States or is lawfully present in the United States.
- 3) The resident file contains a copy of a Missouri driver’s license, as well as any document issued by the federal government that confirms an alien’s lawful presence in the United States.
- 4) The resident file contains a signed affidavit attesting to either United States citizenship or classification by the United States as an alien lawfully admitted for permanent residence. The affidavit shall include the applicant’s Social Security number or any applicable federal identification number and an explanation of the penalties under state law for obtaining public assistance benefits fraudulently.
- 5) Any applicant who has provided the sworn affidavit receives housing on a temporary benefit as follows:
 - a) For 90 days or until such time that it is determined that the applicant is not lawfully present in the United States, whichever is earlier; or
 - b) Indefinitely if the applicant provides a copy of a completed application for a birth certificate that is pending in Missouri or some other state. An extension granted under this subsection shall terminate upon the applicant’s receipt of a birth certificate or a determination that a birth certificate does not exist because the applicant is not a United States citizen.
- 6) An applicant who is an alien does not receive housing assistance unless their citizenship status or lawful presence in the United States is first verified using the Systematic Alien Verification for Entitlements Program operated by the United States Department of Homeland Security.

- 7) The resident file contains a completed HUD Exhibit 3-4: The Family Summary Sheet, Exhibit 3-5 Declaration Format form and Exhibit 3-6 Verification consent Form for all applicants prior to the initial move in and at recertification for existing residents. These forms are only required to be completed once for each household member unless the alien status for any household member changes.

Sample documents may be located on the HUD website at: [HUD.gov](https://www.hud.gov) (HUDCLIPS-HUD Handbooks, Forms, and Publications).

E. Collection of Race and Ethnicity Data

According to HUD Notice 03-23, issued on November 13, 2003, owners of property financed with HOME Program funds are required to maintain completed HUD-27061-H Race and Ethnic Data Reporting Forms in resident files. The form is to be completed at the time of application or not later than at lease signing and must be completed for each household member. Parents or guardians are to complete the form for children under the age of 18. The owner (or management agent) should complete the property name, project number, address of property, name of owner or management agent and the type of assistance program being utilized at the property (e.g., HOME Program). The household member is to complete the ethnic and racial categories, sign, and date the form. Do not complete this information for the household member. If the household member refuses to complete the form, place a note in the file indicating such refusal. The information collected from the residents is to be reported to MHDC either through the CP reporting system or by use of Exhibit H if reporting manually.

F. Fixed and Floating HOME Units

According to 24 CFR 92.252j, in a property containing HOME-assisted and other units, the PJ may designate fixed or floating HOME units at the time of project commitment. Fixed units remain the same throughout the period of affordability. Floating units are changed to maintain conformity with the requirements of this section during the period of affordability so that the total number of housing units meeting the requirements of this section remains the same, and each substituted unit is comparable in terms of size, features and number of bedrooms to the originally designated Home assisted units. **NOTE:** In a property where 100% of the units have been financed with HOME Program funds, the HOME units are considered to be fixed.

G. HOME Unit Transfers

HUD guidance does not discuss unit transfers; therefore, unit transfers are not allowed in the HOME Program. Transfers from one HOME unit to another HOME unit must be treated like a new move-in. All applications, verifications, and tenant income certification procedures and tenant income certifications (TICs) must be completed for the transferring resident(s), including the execution of new income and asset verifications to determine continued eligibility for a HOME unit. The effective date of future recertifications will be the date of the anniversary of the initial move-in to the project, not the date of transfer.

H. Income Restrictions

HUD publishes the Area Median Gross Income (AMGI) information for each Missouri County on an annual basis. Each year, when the new published HUD median income limits are available, MHDC places the new annual income limits and corresponding rent limits on the MHDC website at www.mhdc.com. When determining eligibility, the HOME Program income limits in effect on the date the resident moves in must be used.

NOTE: It is the owner's (or management agents') responsibility to obtain the limits as they are published by HUD and to implement the new limits within 45 days of the effective date published.

NOTE: HOME-assisted units must follow the HOME Program rent and income limits.

- 1) HOME Program requirements for rent and occupancy must be met at property lease-up and throughout the period of affordability. It is the responsibility of the owner and management agent to be aware of and comply with the income restrictions for the property. Income restrictions specific to the property are located in the Regulatory Agreement. For properties with five or more HOME-assisted units, at least 20% of the households must have gross incomes at or below 50% of the area median income.
- 2) Properties must maintain the required number of units at each designated income restriction level. For example, if a resident initially certified at the 50% income limit exceeds the 50% income limit at a subsequent recertification, the owner or management agent must verify that there is still the required number of units in the property at the 50% income limit. If not, the next unit must be rented to a household that qualifies at 50% of area median income in order to regain the required number of income restricted units.

NOTE: According to HR3221, for those properties in service prior to July 30, 2008, funded with both HOME funds and 9% Low Income Housing Tax Credit (LIHTC) financing, 40% or more of all residential units (including market rate) in every building must be occupied by individuals with income of 50% or less of the area median income. Therefore, if the property consists of individual single-family homes, every household must meet the 50% area median income limit upon initial occupancy. Refer to Section 42(i)(2)(E) of the IRS Code.

- 1) Individuals applying to live in HOME-assisted units should be advised of the maximum income limits at the initial visit to the property. The owner or management agent should explain that all anticipated income must be verified for all individuals over the age of 18 who will occupy a unit, and these people must be included on the application and income certification form prior to occupancy.
- 2) New applicants and existing residents should be advised of what happens when their income exceeds 80% of area median income. In the event that a household's current annual income at recertification exceeds the designated eligibility limit for the unit, the unit continues to qualify as affordable housing so long as the owner fills the next available unit with an income-eligible household. However, once a household's income at recertification exceeds 80% of the area median income, the household is considered over-income by HOME Program standards and the amount of rent the resident must pay is the lesser of the amount required by state or local law or 30% of their adjusted income. The property will still be in compliance provided the requirements of 24 CFR 92.252(i) are met.
- 3) Residents of HOME-assisted units that have been allocated LIHTCs must pay the rent governed by Section 42 of the Internal Revenue Code. In properties where HOME-assisted units are designated as floating, residents who no longer qualify as low-income are not required to pay as rent an amount that exceeds the market rent for comparable, unassisted units in the neighborhood. § 92.252(h)(i)

I. Rents & Rent Increase Guidelines

(*Also refer to the 2025 HOME Final Rule)

The HOME Program has two rent structures: High HOME Rents and Low HOME Rents. In both instances, the limit includes rent charged plus the utility allowance.

- 1) *High HOME Rents: For properties with four units or fewer, the High HOME rents apply. The High HOME rent is the lesser of the Section 8 fair market rent or 30% of the adjusted income of a household whose annual income equals 65% of the area median income. HUD makes this determination annually.

- 2) ***Low HOME Rents:** The HOME Program rules specify that if a property contains five or more HOME-assisted units, at least 20% of those units must be rented to families at or below 50% of the area median income. The rents charged to these residents must be at or below the Low HOME rents. The Low HOME rent is the lesser of the Section 8 fair market rent or 30% of the adjusted income of a household whose annual income equals 50% of the area median income. HUD makes this determination annually.
- 3) ***NOTE:** The 2025 Final Rule update removed the limit on subsidized rents that tenants pay, and owners can collect. See 24 CFR 92.252(a)(1) and 92.252(a)(2). Rent limits do not apply to any rental assistance or subsidy payment provided under a Federal, State, or local rental assistance or subsidy program. If a household receives tenant-based rental assistance (e.g., a Housing Choice Voucher) under a subsidy program in which the tenant-paid rent portion is no more than 30% of the household's monthly adjusted income or 10% of the household's monthly gross income, then the owner may ignore the rent limit and accept the rent allowable under the rental assistance program. Additionally, if a Low HOME unit is also a Low-Income Housing Tax Credit program unit, the owner agent may ignore the HOME rent limit and instead charge the rent allowable under the tax credit program.
- 4) Rents may not be charged in excess of those prescribed by MHDC and may not be increased without prior written approval from MHDC. Initial rents can be found in the regulatory documents for the property, which were executed at the time of loan closing. Rents on HOME-assisted units may not exceed the mandatory base rents established by MHDC. All rent increases must be requested and approved by MHDC's compliance accounting team prior to implementation. Rents may only be increased 12 months from the last requested date (if denied) or Schedule II date (if approved). The window for submitting a rent increase request is October 1 – December 31. All rent increase requests submitted outside this period will not be processed. All rent increase requests are required to be submitted online at amrs.mhdc.com, the MHDC Asset Management Reporting System.
- 5) Properties with outstanding non-compliance issues will not be approved for any funding requests (i.e., rent increase, reserve withdrawals, and surplus/residual receipt fund distributions, etc.) until all non-compliance issues have been resolved. Rent increases cannot exceed the maximum amounts imposed by HOME Program rules. Increases in rents is subject to the provisions of outstanding leases and the owner (or management agent) must provide residents not less than 60 days prior written notice before implementing an increase. In the event that the property receives federal project-based rental assistance for residents with incomes at or below 50% of area median income, the rent limits from the project-based rental assistance program can be used. In this instance, a copy of the current HUD-approved rent schedule must be provided to MHDC, and the rent increases must be approved by MHDC prior to implementation.
- 6) In the event a household's income at recertification exceeds 80% of the area median income, the amount of rent the resident must pay is the lesser of the amount required by state or local law or 30% of their adjusted income. (See language at 3.8 #4 above) and the asset management department must be notified. However, residents of HOME-assisted units that have been allocated LIHTCs must pay the rent governed by Section 42 (See 3.6(d) above).

MHDC Rent Increase Guidelines

For MHDC rent increase policies and procedures, refer to MHDC rent increase guidance on the MHDC website under [Rent Increases](#).

The earliest development can request a rent increase is one year from when the development's last building was placed in service. The window for submitting rent increase requests is open from October 1st to December 31st. All rent increases must be submitted via MHDC's Asset Management Reporting System (AMRS). MHDC approved rent increases are issued on Form Schedule II. The Exhibit A-11 Owner/Agent's Certification of Rent Increase Notice to Residents is an Owner/Agent (O/A) certification that must be uploaded with the rent increase submission that acknowledges the O/A's understanding of MHDC's rent increase policies, and the required notice provisions the O/A must provide their residents. The O/A is required to send their residents a rent increase notice no later than 60 days prior to the proposed rent increase effective date. The rent increase notice to residents must state the resident's current rent, proposed rent, percentage of increase, monthly dollar amount of such increase, proposed effective date of the rent increase, and purpose for the rent increase. The O/A must keep a copy of the rent increase notices to residents on file, and the rent increase notices must be provided to MHDC upon request. A resident cannot have their rent increased mid-term and leases should not allow for mid-term rent increases. Rent cannot be increased until their lease anniversary date. In addition, a resident cannot receive more than one rent increase in a 365-day period, and this includes tenants with month-to-month leases. Rent increases must not be implemented before the effective date or before a signed Schedule II has been provided to the O/A. In the event the O/A has not complied with MHDC rent increase guidelines, the Schedule II will be placed on hold until the non-compliance is corrected.

IV. QUALIFYING AND CERTIFYING RESIDENTS

A. Resident Income Certification and Verification

NOTE: Beginning 1/1/2024, refer to MHDC HOTMA Guidance and HOTMA Implementation Notice H 2023-10, as it relates to income and asset calculations. Additionally, please see 2025 HOME Final Rule.

HOTMA extensively changes how HUD calculates income for a property. This involves both periodic income and income calculated from assets. HUD published the Final rule officially in the Federal Register in February 2023. HOTMA covers Sec. 102 ["Income reviews"], Sec.103 ["Limitation on public housing tenancy for over-income families," effective March 16, 2023], and Sec. 104 ["Limitation on eligibility for assistance based on assets," effective January 1, 2024]. Title I of HOTMA contains 14 sections that affect the public housing and Section 8 rental assistance programs (Section 8 PBRA (including RAD), Section 202/811 Project Rental Assistance Contract (PRAC), 202/8, 202/162 PAC, Senior Rental Preservation Assistance Contract (SPRAC), and Section 811 Project Rental Assistance (PRA)). LIHTC, HOME, and NHTF are affected by HOTMA Section 102 provisions, effective January 1, 2024. MHDC refers to HUD Section 8 income definitions and guidelines for LIHTC, HOME, and NHTF. HUD HOTMA reference and updates can be found at: https://www.hud.gov/program_offices/housing/mfh/hotma.

For income calculation requirements, asset limitations, and verification requirements, refer to the MHDC HOTMA Manual on the MHDC website under Manual and Reference Guides. Additionally, please see 2025 HOME Final Rule. HOME 2025 allows a HOME PJ to select local and state means-tested programs in addition to the federal programs listed in the HOTMA Rule. See 24 CFR § 92.203(a).

Verifications

With HOTMA, HUD has implemented a new order of preference for verifications in their Verification Hierarchy Table J2. The Verification Hierarchy table describes verification documentation from most acceptable to least acceptable (HUD HOTMA Joint Implementation Notice H 2023-10 & PIH 2023-27). See Verification for HOME & NHTF in the MHDC HOTMA Manual and 2025 HOME Final Rule. HOME and NHTF still require two months of source documentation for income at initial determination and for recertification every sixth year of the period of affordability.

NOTE: It is a recommended practice to engage a consultant to review all first-year files to ensure compliance. This should be done early during the leasing process to identify any potential qualification issues early enough to remedy.

The owner or management agent shall obtain for each prospective resident a Tenant Income Certification (Exhibit B) and verification of income prior to admission to the property. Refer to 4.7 for recertification requirements. HUD 50058/50059 and RD 1944-A can be used in place of the Tenant Income Certification after initial certification. **NOTE:** Exhibit B must be completed for all first-year residents, ensuring that Part VIII includes marking the HOME program box. **NOTE:** A document that has been altered with correction fluid or “white-out” will not be accepted by MHDC.

MHDC utilizes the Part 5 definition for determining annual income. This annual income definition is found at 24 CFR Part 5.609, 5.603, 5.100, and is used by a variety of federal programs including Section 8, public housing and the LIHTC Program. This definition was formerly commonly referred to as the Section 8 definition. Annual Income is defined as the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period (for additional information on determining income eligibility, you may obtain a current copy of the publication Technical Guide for Determining Income and Allowances for the HOME Program, HUD-1780-CPD by contacting the Community Connections Information Center at 1-800-998-9999). The owner or management agent must obtain third-party verification of income sources of all adult household members aged 18 or older, as well as benefits paid on behalf of minors living in the household. The income certification and verifications must be maintained in the resident file and be readily available for review by MHDC.

B. Annual Income

For income calculation requirements and asset limitations refer to MHDC HOTMA guidance on the MHDC website under [Manual and Reference Guides](#).

Annual Income is the gross income the household anticipates it will receive in the 12-month period following the effective date of certification of income.

“Some circumstances present more than the usual challenges to estimating *anticipated income*. In all instances, owners (or management agents) are expected to make a *reasonable judgment as to the most reliable approach to estimating* the amount of income a resident will receive during the certification year.” HUD 4350.3: 5-5 (A:1, 2; B, C)

Determining Employment Income:

For purposes of calculating annual household income, refer to HUD Handbook 4350.3. Some non-HUD methodologies include using the highest of a range of hours supplied by an employer or basing income determinations on the HIGHER of information provided by the employer and a calculation of annual income based on year-to-date information. While viewed as more “conservative,” these methods are not consistent with Section 8 rules. MHDC only requires compliance with the regulation and does not add additional rules that could exclude otherwise eligible households. Generally, HUD would use the average of the hours given and use anticipated information supplied by the employer. It is understood that the use of non-HUD methodologies is often required by investors/owners.

While MHDC does not forbid these methodologies, it does not feel it is in the best interest of the program to exclude households that qualify based on Section 8 methodologies but do not qualify based on more conservative methods. MHDC will not find an owner/agent who uses averages in a range of hours provided by the employer or other basic HUD methodology to be out of compliance if a household is qualified by the owner/agent using HUD methods, even if another method would determine the household to be over-income. As HUD nowhere requires that owners always conduct a comparative year-to-date analysis, they have never provided YTD calculation instructions. If the owner/agent chooses to examine YTD and it is crucial to eligibility, an owner/agent may, according to consistent company policy, determine why there is a discrepancy through further interaction with the employer. To satisfy Fair Housing equal treatment, any approach developed by an owner/agent must be consistently applied to each household at a property.

Example: Range of Hours

An applicant's employer anticipates that the applicant will work 35-40 hours a week.

What number of hours should be used in calculating annual income?

An owner/agent may use the average, 37.5 hours. When ranges on items such as the number of hours are provided by the employer, an average should be used.

Example: Year-to-Date (where an owner/agent chooses to analyze YTD)

An employer anticipates on a verification of employment that an applicant will make \$31,228 a year.

Per the owner/agent policy, the applicant's year-to-date income annualizes to \$34,345 a year.

What annual income may be used? \$31,228

There are many reasons the recent past income may not reflect what is anticipated in the future, and MHDC does not require YTD analysis. If the owner chooses to examine YTD and it is crucial to eligibility (in this example because the income limit is below \$34,345 but above \$31,228), an owner/agent may, according to consistent company policy, determine why there is a discrepancy through further interaction with the employer. Excluding the household automatically as over-income is discouraged by MHDC.

Student Rule

The HOME Program adopted the Section 8 student rules in the 2013 regulation revision (4350.3 3-13 and 3-40 to 3-41). See HUD Notice H 2023-10; HUD Implementation Notice G. 8, G.16.

The new restrictions apply to all HOME units and are effective for all income determinations after August 23, 2013. A household that is eligible at move-in but later becomes student ineligible is treated as an over-income household with the resulting action depending on if the unit is fixed or floating HOME.

C. Assets

For additional income calculation requirements and asset limitations refer to MHDC HOTMA guidance on the MHDC website under [Manual and Reference Guides](#).

NOTE: It is a recommended practice to engage a consultant to review all first-year files to ensure compliance. This should be done early during the leasing process to identify any potential qualification issues early enough to remedy.

D. Household Size and Eligibility

Whose Income is Counted? (HUD 4350.3 5-6/5-7; HUD 4350.3 Figure 5-2/5-8)		
Household Member	Earned Income	Unearned Income
Head, Spouse, Co-head	Yes	Yes
Other Adult Household Member	Yes	Yes
Children (under the age of 18)	No	Yes
Foster Adults and Children	No	No
Full-Time Student (18 & older - not the head, co-head, or spouse)	Yes, up to current dependent deduction	Yes
Temporarily Absent Household Member (HUD 4350.35-6 B./5-9)	Yes	Yes
Permanently Confined Family Members (i.e., living in a hospital or nursing home; HUD 4350.3 5-6 D./5-11)	Household Decision	
Live in Attendant/Guests (non-household member)	No	No

Foster adults and foster children are members of the household. They will be considered when determining appropriate unit size and utility allowance. Under HOTMA, HUD clarifies that foster adults and foster children are no longer considered members of the assisted family and as such, their income and assets are excluded.

HOTMA Rule: For all programs, foster members in a unit are now part of the "household" (occupants of a unit) but not the "family" (those who are counted toward income limit and who have their income counted). For HUD programs, childcare expenses are allowed to be deducted for foster children under age 13 if the expenses allow a family member to work, look for work, or attend school. The definitions of foster child and foster adult are based on state law.

Reference: 24 CFR 5.603; 24 CFR § 5.609(b)(8); Notice H 2023-10 -E.2; Notice H 2023-10 -C.5

E. Computing Total Household Income

After all income and asset information has been obtained and computed for a household, all sources of income are added together to derive the total household income. In order for the household to qualify for a HOME-assisted unit, the total household income must be less than or equal to the maximum allowable qualifying income in effect at the time of resident certification. If the total household income is greater than the maximum allowable qualifying income, the household cannot be approved for a HOME-assisted unit.

For additional income calculation requirements and asset limitations refer to MHDC HOTMA guidance on the MHDC website under [Manual and Reference Guides](#).

F. Initial Income Certification Guidelines

Once all income and asset information has been obtained and computed, the management agent must prepare a Tenant Income Certification (TIC (Exhibit B) for each resident. The form is a legal document which, when fully executed, qualifies applicants to live in the HOME-assisted units in the property. The TIC must be executed along with the lease prior to move-in. **NOTE:** Any changes to documentation must be initialed by all parties involved.

The following guidelines apply:

- 1) The owner or management agent should instruct the prospective resident(s) to sign the TIC exactly as their name(s) appear on the form.
- 2) The TIC must be executed on or prior to the date of move-in.
- 3) No one may live in a HOME-assisted unit in the property unless he or she is certified and under lease.
- 4) The Exhibit M-1 form is to be used when certifying or re-certifying a household for eligibility with the HOME program. You must complete this document along with the Exhibit M: LIHTC Certification of Student Eligibility form if you are qualifying an applicant/resident for a unit that is both a HOME and an LIHTC unit as the requirements are different for each. The household must qualify under both programs in order to be eligible to occupy a HOME/LIHTC unit.
- 5) Upon receipt of all verifications, the owner or management agent should review all documentation and calculations, as necessary. If all requirements for eligibility are met, the applicant is qualified.

G. Annual Income Recertification Requirements

On an annual basis, an income certification must be completed and documentation to support that certification must be retained for each household occupying a HOME-assisted unit. Upon receipt of all verifications, the owner or management agent must determine if the household is below 80% of the area median income limit. If a household's income at recertification exceeds 80% of the area median income, the household is considered over-income by HOME Program standards and the rent must be increased accordingly (see 3.7.4 above).

1. Recertification of Income

MHDC monitors recertification of income 365 days from the later of the following:

- a) The move-in date, or
- b) The date of the last certification.

Households in HOME units must be recertified annually, once every calendar year. Full source documentation must be used at move-in, and then every sixth year of the HOME period of affordability. For recertifications that are due in years other than every sixth year, self-certification, or verification of income from a PHA for voucher holders is acceptable. In the intervening years (not the 6th year of the period of affordability), the owner/agent can choose one of three methods permitted by HUD to recertify income:

- a) Source documents, as required at initial occupancy.
- b) Written statement and certification by tenant that: (1) Specifies household's size and anticipated annual income; and (2) Certifies that the information is complete and accurate; acknowledging that source documentation is available upon request. If it is not, the owner must examine source documentation.
- c) Written statement by administrator of government program under which the tenant receives benefits. The statement must: (1) Indicate the household size; (2) Specify the current income limit for the program and verify that the household's income does not exceed that limit; and (3) Acknowledge that the household's income is examined each year.

The household must continue to annually complete an Exhibit B Tenant Income Certification (TIC) and each household must continue to certify student status annually.

Mixed-income LIHTC projects with market units are subject to annual income recertification and HOME units will be recertified at the same time.

A household may indicate that they are now over the 80% income limit during one of the years that self-certification is allowed at recertification. If this is true at a HOME-only property and rent based on adjusted income must be calculated, the owner should switch to source documents to ensure accurate calculations.

Example of HOME Regulatory Agreement Period of Affordability

The HOME Period of Affordability Starts 5/1/2018:	
5/1/2018 to 5/31/2019:	The 1st year of the HOME period of affordability.
5/1/2019 to 5/31/2020:	The 2nd year of the HOME period of affordability.
6/1/2019 Jordan moves into a HOME unit, full certification with source documents is required.	
5/1/2020 to 5/31/2021:	The 3rd year of the HOME period of affordability.
5/1/2021 to 5/31/2022:	The 4th year of the HOME period of affordability.
6/1/2021 Jordan is recertified using self-certification.	
6/1/2021 Maya moves into a HOME unit, full certification with source documents is required.	
5/1/2022 to 5/31/2023:	The 5th year of the HOME period of affordability.
5/1/2023 to 5/31/2024:	The 6th year of the HOME period of affordability.
6/1/2023 Jordan has full certification with source documents.	
6/1/2023 Maya has full certification with source documents.	

Example: Every Sixth-Year HOME Recert Cycle

Jordan moves in on the 4th year of a HOME property's period of affordability. He is fully source document certified, as all move-ins are. The next year, Maya moves in and is fully certified. As this is the 5th year of the period of affordability, Jordan provides self-certification for his recertification. The following year is the 6th year of the period of affordability and all recerts that year are fully certified, including Jordan and Maya. The next year, both Jordan and Maya are eligible for self-certification and will be for the following years until the 12th year of the period of affordability, when all recerts will again be fully certified. **See Table.**

Year of Period of Affordability	Person	Type of certification	Full Certification	Self-Certification
4	Jordan	Move-in	x	
5	Jordan	Recertification		x
	Maya	Move-in	x	
6	Jordan	Recertification	x	
	Maya	Recertification	x	
7	Jordan	Recertification		x
	Maya	Recertification		x

Recertifications are to be effective on the anniversary date of initial verification, time of lease renewal, or by an annual schedule whereby verifications for all tenant households are performed at the same time.

The recertification process should begin 120 days before the anniversary date of the original move-in. Recertifications that are done or effective after the anniversary date cause a noncompliance event. However, if an owner sends timely notice(s) informing a tenant that annual recertification is due, but the household vacates the unit after the anniversary date, the unit will not be considered out of compliance. Owners must document the file regarding attempts to complete the recertification by the due date and when the tenant moves out of the unit. This must also be disclosed on the TIC. Similarly, if an owner takes action to remove a noncompliant household by initiating an eviction action the unit will not be considered out of compliance. If the household does not vacate the unit because the court does not support the eviction, a recertification will be required within 120 days of the court determination.

2. Adding a New Member to an Existing Household

If a new adult member joins an existing household during the initial six months of residency, the household must re-qualify as if it is a new household qualifying for residency (the only exception would be the addition of child/children born to or adopted by a member of the original household).

In the event that a tenant wishes to add an additional person to the household, the following steps must be taken:

- The prospective tenant must complete an application and provide verification of income and assets as required of the initial tenant;
- Once accepted as a qualified tenant, the new household member must sign the lease and must also complete other paperwork required of new move-ins, including student status certification;
- The new household member's income must be added to the next annual certification (or self-certification). Owner/Agent can choose to execute a new Tenant Income Certification immediately to reflect the new composition and income of the household; however, it is not required. The low or high HOME status will be addressed at the next annual certification, as usual for HOME.

In the event a household's income at recertification exceeds 80% of the area median income, the household is considered over-income by HOME Program standards and the amount of rent the resident must pay is the lesser of the amount required by state or local law or 30% of their adjusted income. The development will still be in compliance provided the requirements of 24 CFR 92.252(i) are met. Residents of a HOME-assisted unit subject to rent restrictions under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) must pay a rent amount that complies with that section.

NOTE: If a unit is both LIHTC and HOME, the rent charged would be the approved MHDC LIHTC rent in the most recent Schedule II. Reference: 2025 HOME Final Rule.

3. Removing a Household Member

If any adult household member moves out of a unit after the initial occupancy certification and leaves existing qualified household members, a new certification is not necessary until the annual recertification. However, the change in household member(s) should be noted in the file.

If all original household members vacate a unit, the member(s) left in the unit that was added after the initial household moved in will need to qualify as a new household at that time, unless one of the following applies:

- a) The household was entirely recertified and qualified under income limits when any new member moved in or any time thereafter. This essentially created a new qualified "original household" including the new members.

- b) The remaining person was individually income-qualified at move-in.

H. Leases

Reference 2025 HOME Final Rule for provisions that must be incorporated into the lease agreement, and §92.253 Tenant protections and selection for additional compliance requirements and §92.253(a)(1)(iii) through (a)(iv) - Required Lease Addendums.

All residents must execute a lease for no less than one year, unless mutually agreed otherwise by the resident and owner or management agent. Leases executed for less than one year require a statement signed by the resident indicating that a one-year lease was offered but a shorter term was chosen. The lease and statement, as applicable, is to be maintained in the resident file and readily available for review by MHDC. The lease must contain the security deposit amount, utility information, monthly rental amount, and signatures for all parties involved. The lease must comply with all applicable state and local laws and should incorporate the drug-free lease addendum, and VAWA addendums, as originated by HUD.

Security deposits must be refundable and not more than two months' rent. Alternatives (e.g., surety bonds) are not allowed (§92.252(i)), and there must be an itemized list if deductions are made. See §92.253 for additional reference.

NOTE: HOME Final Rule prohibits the use of surety bonds and security deposit insurance in lieu or in addition to HOME security deposits. Reference: §92.252(i)

Minimum Lease Requirements (**Reference § 92.253(a)**):

- 1) List legal names of parties to the agreement and all household members;
- 2) All household members over 18 years of age must sign the lease;
- 3) List description, including address of the unit being rented;
- 4) List effective date lease begins (the date of move-in or resident takes possession);
- 5) List specific terms of the lease;
- 6) List full unit rental amount;
- 7) List any additional optional and non-optional charges/fees with description;
- 8) List resident portion of rent;
- 9) List the acceptable use of the premises;
- 10) Any changes to the lease must be made in writing;
- 11) List the rights and obligations of the residents, including the following:
 - a) The resident's obligation to certify annually to income and consequences of not meeting program requirements;
 - b) The resident's obligation to notify management of any changes to household composition;
 - c) Any new household members are subject to eligibility requirements. See Chapter 4 of this manual and the 2025 HOME Final Rule.
 - d) There must be more than one convenient and accessible method to communicate directly with the owner or the property management staff, including in person, by telephone, email, or through a web portal (§92.253(a)(1)(i) through (a)(ii)).

Tenants may:

- e) Report poor conditions to the owner, PJ, code enforcement, or HUD;
- f) Report lease violations;
- g) Enforce rights under federal, state, or local law.

Initial HOME Program Lease Term

HOME-assisted units are subject to an initial lease term of no less than 12 full months, unless otherwise agreed by all parties. The 12-month requirement may include free rental periods or rental concessions of a month or less. Succeeding leases are not subject to a minimum lease term; however, there must be a lease term in effect (e.g., a month-to-month lease is acceptable, but the requirements must be established in the lease). See MHDC Exhibit R: HOME and/or HTF/NHTF Form HOME Provisions (Reference 2025 HOME Final Rule).

Nonrenewal of Leases

24 CFR 92.253(b) prohibits HOME-assisted properties from including specific language in a lease. These protections are offered to residents in the event of the foreclosure or sale of the property. Thus, qualified residents may not be evicted or not allowed to renew a lease for other than “good” or “just cause.” Owners and management agents are encouraged to consult a legal advisor for interpretation of the requirement. Owners are encouraged to consult their legal and property management advisors regarding development of each property’s standard lease, taking into account applicable landlord-tenant laws, HOME Program requirements and any other governmental programs in effect at the property.

I. Violence Against Women Act (VAWA)

On March 7, 2013, The Office on Violence Against Women reauthorized The Violence Against Women Act (VAWA). Specific to the Low-Income Housing Tax Credit (LIHTC) and HOME programs, a key element of VAWA includes requiring public housing agencies (PHAs), assisted housing owners and managers to bifurcate leases of tenants residing in federally subsidized housing. This assists in evicting a tenant who engages in domestic violence, dating violence, sexual assault, or stalking without penalizing a victim of such criminal activity.

The VAWA 2013 and 2022 reauthorization now provides that if the person removed as a result of bifurcation was the sole eligible tenant, remaining tenants must have the opportunity to establish their eligibility for the program, or, if not eligible, be given a reasonable amount of time to find new housing. Public Housing Agencies (PHAs) assisted housing owners and managers are required to attach the HUD-approved Lease Addendum, Form HUD-91067, which includes the VAWA provisions to each existing or new lease.

All tenants must get a Notice of Occupancy Rights (HUD Form 5380) and VAWA Self Certification Form (HUD Form 5382) when an applicant is denied admission or assistance, when someone is admitted (move-in) or given assistance, and with any notification of eviction or assistance termination.

VAWA forms are available on the HUD website at <https://www.hud.gov/vawa>.

The forms are as follows:

- HUD-5380 Notice of Occupancy Rights Under the Violence Against Women Act
- HUD-5381 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation

- HUD-5383 Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- HUD 5384 – VAWA Emergency Transfer Data Collection Form.

The lease must incorporate the VAWA lease term/addendum required under § 92.359(e). Reference 2025 HOME Final Rule and HUD.gov/vawa, and VET Plan in Chapter 5.

V. ADDITIONAL COMPLIANCE REQUIREMENTS AND MONITORING

A. Certification Portal and Annual Reporting

Certification of Continuing Program Compliance HOME Program

All properties are required to enter resident data using the Emphasys Certification Portal (CP) (<https://cp.mhdc.com>). In order for resident data to be uploaded in CP, an Exhibit A Annual Owner Certification of Continuing Compliance must be uploaded in CP first. Resident events that must be reported online do not include interim certifications performed for other programs such as Section 8 or RD.

However, some HOME only properties do not have the capability for reporting resident data in CP. In that case, the Exhibit H: Annual Occupancy Reports for Non-Internet Reporting must be submitted in AMRS (*only for projects not reporting on-line*).

In accordance with MHDC HOME Program requirements, a Certification of Continuing Program Compliance HOME Program Exhibit K must be completed and submitted to the MHDC asset management department within 30 days of the end of the property's annual reporting period in the AMRS system.

Housing Priority Certification

The Exhibit Z Housing Priority Checklist certification is to be updated and completed annually for properties with Permanent Supportive Housing units (formerly known as Special Needs) and/or Served Enriched priority. The certification is to be completed in the Asset Management Reporting System (AMRS), Ex. Z module, and is due based on the property's placed-in-service date and the seasonal reporting schedule.

The seasonal reporting schedule is as follows and is based on the year the last building is placed in service.

SEASONAL REPORTING SCHEDULE			
Placed-In- Service Date	Activity Period Covered	CP Report Due Date	Exhibit A, K, and Housing Priority Certification Due Date
1990, 1991, 1992, 1993, 2006, 2010, 2014, 2018, 2022, 2026, 2030, 2034, 2038, 2042	April 1 – March 31	April 15	April 30
1994, 1995, 1996, 1997, 2007, 2011, 2015, 2019, 2023, 2027, 2031, 2035, 2039, 2043	July 1 – June 30	July 15	July 31
1998, 1999, 2000, 2001, 2008, 2012, 2016, 2020, 2024, 2028, 2032, 2036, 2040, 2044	October 1 – September 30	October 15	October 31
2002, 2003, 2004, 2005, 2009, 2013, 2017, 2021, 2025, 2029, 2033, 2037, 2041, 2045	January 1 – December 31	January 15	January 31

NOTE: If the property also participates in the LIHTC Program, the information compiled on the LIHTC/HOME Occupancy Report (Exhibit H) must be submitted through the Certification Portal (CP) System utilizing the same seasonal reporting schedule (based on the LIHTC placed-in-service dates) that is required for the tax credit program. In this instance, only the signed Exhibit K must be uploaded into AMRS, no later than the last day of the month following the CP submission. Whether submitting online through CP or reporting manually, race and ethnic data must be included.

If the document is NOT part of a TPA, please complete and submit this form via upload in MHDC's Asset Management Reporting System (AMRS).

B. Utility Allowances

It is the responsibility of the owner to obtain accurate utility allowances for MHDC's use in comparing HOME rents to the maximum program rent for the property. The utility allowance schedule should include all costs to be paid by the resident for utilities including heat, electricity, water, sewer, oil, gas, or trash. **NOTE:** Range, microwave and refrigerator are only included in the Utility Allowance amount if the resident supplies or leases the appliances. Utilities do not include telephone, cable and/or Internet (HR3221 Ruling).

Acceptable Source of Utility Allowance Reporting

Please be advised that the 2025 HOME final rule is to be used for reference for the allowable utility allowances/acceptable utility models.

The HOME Rule requires the PJ to establish a utility allowance for a HOME-assisted unit. However, a PJ may require property owners to complete initial UA calculations and submit their calculations for review and approval of the PJ prior to implementation. The staff cost of determining UAs can be charged as an administrative cost under 24 CFR 92.207(a). In addition, the staff cost of determining the initial UA, prior to project completion, can be charged as a project-related soft cost for projects to which HOME funds were committed on or after August 23, 2013, under 24 CFR 92.206(d).

HOME Program Requirements require project specific utility allowances for each HOME project using the HUD Utility Schedule Model or an estimate based on actual utilities at a property. Any other form of utility allowance source must be approved by MHDC in advance. Reference the 2025 HOME Final Rule. In the 2025 HOME Final Rule, HUD adopted language permitting participating jurisdictions to use the HUD Utility Schedule Model, the utility allowance established by a local PHA, or other methods approved by HUD for their maximum monthly allowances. The Final Rule applies to projects for which HOME funds are committed on or after April 20, 2025.

- 1) The utility allowance must be updated on an annual basis.
- 2) The property owner must clearly identify, on the supporting documentation, the utility allowance calculated and provide evidence of each utility utilized for the property, (i.e., circling, underlining, highlighting, etc.).
- 3) MHDC requires a quarterly update submitted through AMRS. New utility allowances may be implemented on the effective date of the newly calculated data. If there is no change the same information must be submitted.
- 4) All utility allowance information must be available for review by property inspections or upon request by MHDC.
- 5) If an error is discovered after submitting utility allowances, contact Asset Management at: asset.mgmt@mhdc.com and request access to the original submission to make any corrections.

Utility Allowances (UA)		References
LIHTC	Projects with RD or HUD funding use the UA for those programs. There are 5 additional choices for other properties: 1) Local PHA published UAs; 2) Estimate from a Utility Company; 3) Estimate from an HFA; 4) HUD Utility Schedule Model (HUSM); 5) Engineer Model. For non-RD/HUD-regulated buildings, the UA for voucher-holding households is the PHA published UA that their rent calculation is based on.	Treas. Reg. 1.42-10, 8823 Guide Chapter 18 HCV 24 CFR Part 982-§982.517
HUD	UA for a property is calculated based on actual consumption at a property every 3rd year and adjusted by a HUD published rate the other years.	MF Notice H-2015-4
RD	UA for a property is calculated based on Rural Development (RD) policy. If there is more than a 15% rate increase, owners should collect a "significant sampling" of tenant data. If any increase 15% or less, "a sampling" is required. Buildings that receive RD assistance MUST use the applicable utility allowance provided by RD for all rent restricted units, even those units rent restricted with RD and HUD. NOTE: If a project receives assistance from a Rural Housing Service (RHS) program through RD, the Utility Allowance for all LIHTC units in the project must be determined by using the method required by RD.	7 CFR 3560.202 HB-2-3560 4.26/ 4-29; 7.3 / 7-3 Notice H 2015-04 Treas. Reg 1.42-10 (b)(2)
HOME & NHTF/HTF	Reference the 2025 HOME Final Rule effective April 20, 2025. In the 2025 HOME Final Rule, HUD adopted language permitting participating jurisdictions to use the HUD Utility Schedule Model, the utility allowance established by a local PHA, or other methods approved by HUD for their maximum monthly allowances (MHDC allows use of the local PHA source for properties funded prior to the 2025 change). NHTF/HTF units are allowed to use the PHA, HUSM, Energy Consumption Model (ECM) or Utility Company Estimate utility allowances.	For the HTF, the grantee must establish UAs each year. NHTF 24 CFR 93.302 (c) HOME Guide 3.3 D; 24 CFR 92.252 (d) (2013) CPD HOME FAQ 11-13, HOMEfires Vol. 13 No. 2 2025 HOME Final Rule, effective April 20, 2025, Paragraph § 92.252(b).

Utility Allowances (UA)		References
HOME ARP	Initial Rent Schedule and Utility Allowance: The PJ must establish maximum allowances for utilities and services and update the allowances annually. The PJ may adopt the utility allowance schedule of the PHA. The PJ must review and approve the HOME-ARP rents proposed by the owner, subject to the HOME-ARP rent limitations. For HOME-ARP units where the tenant is paying utilities and services (e.g., trash collection), the PJ must determine that the rent for the unit does not exceed the maximum rent minus the monthly allowance for utilities and services. Excludes telephone.	Notice: CPD-21-10, Section VI.B.13.d
BOND	The bond program does not impose rent limits, thus a UA is irrelevant. The bond LURA agreement may impose further rent restrictions.	N/A
811 PRA	Rental Assistance Contract (RAC) Part II, Section 2.7 (f) allows an owner to align utility allowances with other underlying programs.	HUD Handbook 4350.3 24 C.F.R. part 5
PBRA	Calculated following HUD Notice H 2015-04; Based on actual consumption at property; Every 3 years and adjusted using HUD-published rate intervening years; UAF could increase or decrease UA.	HUD Notice H 2015-04

C. On-Site Physical Inspection and File Reviews

The on-site physical inspection and audit of resident and related files are performed under the HOME Program requirements for rental housing every two years. Correspondence will be sent to the Owner Primary Contact and the Management Primary Contact as listed in AMRS.

MHDC will provide a report summarizing the results of the review to the owner and management agent and will require a written response to the findings and a schedule for making corrections. In addition, MHDC is to be notified immediately of any property-damage losses as a result of fire, vandalism, or weather.

Frequency of the Required Inspection and Management Reviews

For developments layered with several affordable housing programs MHDC must conduct the inspection consistent with the most restrictive regulations applicable to the development.

- 1) MHDC Fund Balance, Risk Share, Participation Loan, TCR, TCAP are conducted annually.
- 2) HOME Funds and/or NHTF with LIHTCs – inspections are conducted every two years.
- 3) HOME Funds – inspections are conducted every two years.
- 4) LIHTC-only – inspections are conducted every three years.

MHDC reserves the right to adjust any given project's inspection schedule and frequency of inspection for any reason.

MHDC reserves the right to conduct a review of any building after serving appropriate notice and to examine all records pertaining to the rental of tax credit units throughout the extended use period of the buildings in the project.

D. Annual Inspection by Owners

In addition to the on-site physical inspection and audit conducted by MHDC, the owner shall perform unit inspections on at least an annual basis to determine whether the appliances and equipment in the unit are functioning properly and to assess whether a component needs to be repaired or replaced. This is also an opportunity to determine any damage to the units caused by the resident's abuse or negligence, and if so, make the necessary repairs. Owners and/or management agents are strongly encouraged to immediately correct any deficiencies noted during the MHDC annual on-site physical inspection. Also refer to HUD's National Standards for Physical Inspection of Real Estate (NSPIRE) requirements. The HUD NSPIRE standards must be met for all MHDC monitored properties.

Maintaining the Property in Habitable Condition

The owner is responsible for ensuring that the property is maintained in a decent, safe, and sanitary condition in accordance with appropriate standards. Failure to do so is a reportable act of noncompliance. The owner guarantees that all units are suitable for occupancy by meeting HUD's National Standards for Physical Inspection of Real Estate (NSPIRE) requirements, local health, safety and building codes are taken into account, and that the on-site management team complies with all applicable rules, regulations and policies which govern the property. This includes the following policies and regulations pertaining to lead-based paint and asbestos disclosure and/or remediation where required. 5.5 Fair Housing and Lead-Based Paint Regulations (*built pre-1978*).

Upon property entry, households living in HOME-assisted units must be given the Fair Housing brochure entitled "You May Be a Victim Of" and the Lead Based Paint brochure entitled "Protect Your Family from Lead in Your Home." The household must sign documentation acknowledging the receipt of these brochures at time of move-in. Although this is not a requirement of Section 42, all HOME-assisted units in a tax credit property should have a signed copy of the acknowledgement located in the resident file. The owner must incorporate ongoing lead-based paint maintenance activities into regular building operations as a preventative maintenance measure.

For HOME-assisted properties these include the following:

- 1) A visual inspection for lead-based paint annually and at unit turnover;
- 2) Repair of all unstable paint surfaces; and
- 3) Repair of encapsulated or enclosed areas that are damaged.

E. HOME Loan with LIHTC

In the event a property has both tax credits and HOME Program funds, the most restrictive compliance requirements are applied to units containing both. See the MHDC LIHTC Compliance Manual for further details.

F. Non-Compliance Issues

Non-compliance issues will be communicated to the owner and/or management agent in writing and must be corrected within the period stated by MHDC. Failure to satisfactorily correct or resolve discrepancies may result in recapture of HOME Program funds, as well as non-consideration for and exclusion from participation in future MHDC program opportunities. In addition, properties in non-compliance status, regardless of reason, will not be approved for rent increases, reserve withdrawals, and surplus/residual receipt fund distributions etc., until such time as the non-compliance is corrected. Non-compliant properties that also contain tax credits will be reported to the IRS.

G. Compliance Accounting

The compliance accounting team promotes the financial health of participating properties by monitoring compliance of program requirements for the Affordable Housing Tax Credits (AHTC), LIHTC, HOME-assisted and/or MHDC fund balance properties. Reviews and approvals are performed annually for budgets and financial statements. Requests are processed for rent increases, reserve withdrawals, and surplus/residual receipt fund distributions.

Casualty Loss

The owner that experiences a loss of unit due to fire, natural disaster, or other circumstance must inform MHDC immediately and submit a plan that sets a timeframe for reconstruction/replacement.

H. Compliance Training

Representatives of the ownership entity and management company, who are responsible for the day-to-day operations and compliance reviews for the property, must have successfully completed HOME training within the most recent two years and for every two-year period following, in the case where HOME is the only funding source. If the funding source is a combination of HOME and LIHTC, then LIHTC training will suffice.

The owner must ensure that the onsite management knows, understands, and complies with all applicable federal and state rules, regulations, and policies governing the property.

MHDC encourages the owner to make certain that the property's management and compliance

personnel are familiar with all MHDC program compliance manuals and forms and information on

the MHDC website. Owners and management companies should provide Fair Housing and Equal Opportunity training for all staff, including maintenance staff, associated with any property. It is suggested that staff attend a Fair Housing and Equal Opportunity training at least once every calendar year. All owners, managers, and staff members should be familiar with both state and federal civil rights and fair housing laws.

For those companies that designate staff (employer trainer or internal company instructor) to attend a third party provided training and return to train other members of ownership and/or management staff who conduct day-to-day operations and compliance reviews at the property, the following rules apply:

- 1) If a third-party source conducts training, the person or entity must not be an identity-of-interest party to the ownership or management entity.
- 2) The third-party training provider must issue certificates of completion to attendees to be retained on file as evidence of completion.
- 3) If training is conducted by an employer trainer or internal company instructor, the owner or management agent must submit to MHDC both a resume that supports the trainer's qualifications and the training curriculum or agenda to be considered and approved by MHDC prior to the training session. The employer trainer or internal company instructor must issue certificates of completion to attendees to be retained on file as evidence of completion and upon MHDC request.

Staff responsible for ongoing day-to-day operations and qualifying households who have not completed program training that satisfies MHDC's training requirements are considered non-compliant.

I. Infectious Disease Plan

All applications for funding must establish an Infectious Disease Management Plan (“ID Plan”) to be adopted and followed by the owner/property management agent in response to an outbreak of infectious disease, or comparable circumstances. The ID Plan should be prepared in accordance with guidance from the Centers for Disease Control (CDC) or other appropriate local health authorities. Details of what the ID Plan must address are detailed in the MHDC Developer’s Guide.

J. VAWA Emergency Transfer (VET) Plan

Developments with MHDC funding must have an Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking. The Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD-5381) form contains only general provisions of an Emergency Transfer Plan that apply across HUD programs. Adoption of this model plan without further information will not be sufficient to meet an O/A’s responsibility to adopt an emergency transfer plan. O/As must consult applicable regulations and program-specific HUD guidance when developing their own emergency transfer plans, to ensure their plans contain all required elements.

Reference may be found on the HUD website (<https://www.hud.gov/vawa>) and in the 2025 HOME Final Rule.

K. Fees and Charges

Application, screening, and other fees must be approved by the Participating Jurisdiction (PJ). The specific amounts of fees and any additional fees charged must be approved by MHDC before the owner/agent charges the fees and any time that the owner seeks to change fees. Any allowed monthly fees must be deducted from the HOME rent limit to determine the maximum rent charged for a unit. Fees that are not customary in rental housing are prohibited. Reasonable application fees may be charged or fees for services or meals, as long as the services are voluntary (Home Guide 3.3 D 4 HOME Regs § 92.214(b) (2013) | NHTF: 24 CFR 93.204(b); Reference 2025 HOME Final Rule.

MHDC EXHIBITS AND WHEN TO USE THEM

NOTE: Refer to the seasonal reporting schedule when applicable, Chapter 2, Part 2.1. If the document is NOT part of a TPA, please complete and submit this form via upload in MHDC's Asset Management Reporting System (AMRS). For MHDC Asset Management forms and exhibits authorized signatory requirements, see the MHDC Exhibits & Forms Authorized Signatory Chart at MHDC.com.

Asset Management Exhibits may be updated from time to time due to regulation or improvements. Please check the MHDC website, located at Asset Management Exhibits at MHDC.com, frequently to ensure you are utilizing the most recent forms.

Exhibit		On what type of property is it used?	When is it used?	Please Note
A	Owner's Certificate of Continuing Program Compliance	LIHTC	Annually when submitting resident data.	May be submitted more frequently during property lease-up.
A-2	Project Owner's Management Agent Certification	All programs	If your role is an Owner or Management Agent and you own and/or manage an MHDC Multifamily Housing property or an LIHTC Multifamily Housing property, you must complete this form.	The signer must be listed on the Exhibit J-1 for the subject property.
B	Tenant Income Certification	LIHTC/HOME/MHDC/AHAP	Initial qualification and recertification. May also be used to correct a TIC or if household composition changes within the first 6 months of certification.	If Section 8 and utilizing 50059, there must be a TIC completed at move-in.
C	Employment Verification	LIHTC/HOME/MHDC/ SECTION 8/AHAP	Initial qualification and recertification.	Refer to MHDC HOTMA Manual Verification Hierarchy.
C-5	Management Review Questionnaire	LIHTC/HOME/MHDC/ SECTION 8/AHAP	Prior to property inspection.	Must be submitted to Compliance Officer within seven (7) business days prior to the inspection date.
D	Asset Self-Certification and Worksheet	LIHTC/HOME/MHDC/ SECTION 8/AHAP	For households whose combined net assets do not exceed the applicable Imputed Income Limitation.	If this is a HOME unit, use if no assets are reported by resident(s). For HOME, see MHDC HOME Manual.
E	Certification of Zero Income	LIHTC/HOME/MHDC/ SECTION 8/TBRA	Move in and re-certification when there is no reported income from an adult member of the household.	
F	Student Verification	LIHTC/HOME/SECTION 8	Move in and re-certification if household member is a full-time student.	Not needed if allowed to utilize the Ex. U. NOTE: HOME units follow Section 8 Student Rule.
G	Notice of Change of Ownership or Ownership Interest	All programs	Initial and if there are any changes of ownership or ownership interest.	

Exhibit		On what type of property is it used?	When is it used?	Please Note
H	Annual Occupancy Reports for Non internet Reporting	LIHTC/HOME	Annually.	Only for projects NOT reporting on-line.
I	Unit Certification	LIHTC	At move-in or at transfer.	
J	Authorized Representative Designation	All programs LIHTC/HOME/MHDC	Initial and if there are any changes in authorized representatives.	
J-1	Management Authorized Representative Designation	All programs LIHTC/HOME/MHDC	Initial and if there are any changes in authorized management representatives.	
K	Certification of Continuing Program Compliance HOME Program	HOME	Annually when submitting resident data.	May be submitted more frequently during property lease-up.
L	Property Information Sheet	All programs LIHTC/HOME/MHDC/TBRA/AHAP	Submit the MHDC Exhibit L: Property Information Sheet at property setup, or when there is an Ownership or Primary Contact Change.	If the property is active in the Asset Management Reporting System (AMRS) and neither change applies, the Management Company's AMRS System Administrator can update information directly in AMRS.
M	LIHTC Certification of Student Eligibility	LIHTC, HOME, MHDC	At move in and recertification.	Student rules, as defined by Section 42, will no longer apply. Other programs such as HOME have longer compliance periods where the student rule may apply.
M-1	HOME Program Certification of Student Eligibility	HOME	At move in and recertification.	See MHDC HOME Manual.
N	Disclosure of Lead Paint-Hazards Warning	HOME/LIHTC/MHDC	At move-in.	For all properties built before 1978.
O	Section 42 Form	LIHTC	This form must be completed at the time of the initial occupancy certification, and any instance a new lease is signed for all tax credit units.	This form should be placed in the tenant file and made available to MHDC upon request.
P	Request for Common Use Unit	All programs LIHTC/MHDC/HOME	When a common use unit is requested or cancelled.	Common use units are that could be occupied by a qualified resident, but instead are used for management, security, or maintenance purposes.
Q	Non-Employment Affidavit	LIHTC/MHDC/HOME/TBRA/SECTION 8	At move in and re-certification.	

Exhibit		On what type of property is it used?	When is it used?	Please Note
R	HOME and/or HTF/NHTF Form	HOME/ HOME-ARP and/or HTF/NHTF	This form must be completed at the time of the initial occupancy certification, and any instance a new lease is signed for all HOME units.	See 2025 HOME Final Rule and 24 CFR 92.253 Tenant protections and selection. To the extent that any portion of this agreement conflicts with the HUD Lease Agreement, the HUD requirements shall control.
T	Owner's Request for an Extension and Action Plan	All programs LIHTC/MHDC/ HOME/AHAP	When an extension for time to cure deficiencies is needed.	Due to MHDC by the 10th business day from the mail-out date of inspection report.
U	Annual Resident Certification	100% LIHTC properties only	3rd year recertification on 100% tax credit properties only. If there market-rate units, the Exhibit U may not be used.	Prior approval must be requested to use the Exhibit U.
V	IOI Statement Qualifications	All properties with MHDC interest LIHTC/ MHDC/HOME/ AHAP/TBRA	To be completed by the principal for each business or trade with an identity of interest (IOI) relationship with a contracting entity. Use additional sheets for each IOI entity, if necessary.	
W	IRS First Year Credit Period Certification	LIHTC	When original 8609s cannot be obtained by any other means.	8609s must be requested of the original owner and/or the IRS before an Exhibit W will be accepted.
Y	Corrective Action Plan	All properties subject to management review	When a property is out of compliance to track uncorrected deficiencies.	Due on the 10th of the month until the property is no longer on a corrective action plan.
Z	Housing Priority Certification	Properties with Permanent Supportive and Vulnerable Population units and/or Service Enriched Housing Priority	To be completed annually. Refer to the Seasonal Reporting Schedule.	Submitted in AMRS Housing Priority Certification module.

NOTE:

Forms are revised from time to time. It is the responsibility of the owner/management company to check the MHDC website and implement new forms immediately. Revision dates are printed on the bottom of the form and new or updated forms are denoted with a banner on the website. Additionally, required MHDC exhibits must be used. No other forms are acceptable.

ADDITIONAL RESOURCES

Asset Management Reporting System (AMRS): <https://amrs.mhdc.com>

MHDC's Asset Management Reporting System (AMRS) is MHDC's property data collection system that assists Asset Management staff with the overall monitoring of physical, financial, and compliance data that is required per each development's LURA and/or Regulatory Agreement. For additional information, see Asset Management Reporting System (AMRS) at mhdc.com.

Owner/Agents are required to use AMRS to submit development occupancy, utility allowance, budget, financial statement, compliance exhibits, and management certification data. In addition, all rent increase, owner distribution, and reserve requests must be submitted in the AMRS system for MHDC staff to process. The AMRS systems allows the owner/agent to access executed documents such as Schedule II's and Management Agent Certification letters.

MHDC Certification Portal Link: <https://CP.mhdc.com/>

HOME: HOME Investment Partnerships Program - HUD Exchange: <https://www.hudexchange.info/>

HUD Exchange-HOME Investment Partnerships Program (Policy guidance, Rent limits, Income limits, etc.)

HUD.gov / U.S. Department of Housing and Urban Development (HUD): <https://www.hud.gov/>

HUDCLIPS (HUD Handbooks, Forms, and Publications) & HUD Physical inspection standards

HUD VAWA Forms: <https://www.hud.gov/vawa>

- Notice of Occupancy Rights under VAWA (Form HUD-5380)
- Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking (Form HUD-5381)
- Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, and Alternate Documentation (Form HUD-5382)
- Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking (Form HUD-5383)
- VAWA Emergency Transfer Data Collection (Form HUD-5384)

HOTMA Resources: (hud.gov): <https://www.hud.gov/hud-partners/hotma>

HOTMA Pre and Post HOTMA Regulatory Citation Matrix (hud.gov):

https://www.hud.gov/sites/dfiles/PIH/documents/HOTMA_Pre_and_Post_HOTMA_Regulatory_Citation_Matrix.pdf

NSPIRE Resources: <https://www.hud.gov/reac/inspire>

National Standards for the Physical Inspection of Real Estate (NSPIRE), HUD.gov, U.S. Department of Housing and Urban Development.

US Armed Forces Resources: If you or someone you know served in the U.S. Armed Forces, we encourage you to visit: <http://veteranbenefits.mo.gov> or call (573) 751-3779 to learn about available resources.