

# Emergency Housing Relief

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Rev. Proc. 2007-54

## ADFA Requirements to Provide Emergency Housing Relief

Refer to the Rev. Proc. 2007-54 Section (11) for detailed requirements for the following areas:

- ADFA's authorization to approve Temporary Housing Relief
- Requirements for the Owner
- Self-Certification requirements
- Record Keeping
- Rent Restrictions
- Protection of Existing Tenants
- Non-transient use requirement shall not apply

ADFA will require that Owners will provide the following:

- Rules and Regulations executed by the assisted families that coincide with the Lease in order to enforce the requirements of the Emergency Housing Relief.
- Record Keeping – ADFA will require a report of all displaced families. The report must include the date the families began and ceased temporary occupancy. The report must be submitted at the end of the 4 month expiration period.

Below: Section 11 Emergency Housing Relief

Self-Certification for Emergency Housing Relief form can be obtained from ADFA's web site, by going to (Publications and Forms under Compliance)

## SECTION 11. EMERGENCY HOUSING RELIEF

**.01 Approval of Housing Credit Agency.** Without prior authorization from the Service, an Agency may permit some or all Owners within the Agency's jurisdiction to provide temporary emergency housing after a major disaster to displaced low-income individuals that were living within the Agency's jurisdiction at the time of the major disaster. Prior to housing any displaced low-income individuals, the Owner must obtain written approval from the Agency to participate in temporary emergency housing relief. For this purpose, temporary emergency housing means housing displaced low-income individuals for a period not to exceed 4 months beyond the date of the President's major disaster declaration. An individual is a displaced individual if the individual was displaced from his/her principal place of residence as a result of a major disaster and the principal place of residence is in a city, county, or other local jurisdiction designated for Individual Assistance by FEMA as a result of the major disaster.

**.02 Requirements for Owner.** The temporary housing of displaced low-income individuals in low-income units without meeting the documentation requirements of § 1.42-5(b)(1)(vii) will not cause the building to suffer a reduction in qualified basis that would cause the recapture of low-income housing credits, provided the owner ensures the following requirements are met:

**(1) Temporary Self-Certification of Income Requirements.** An Owner may rely on a displaced low-income individual's self-certification of income eligibility signed under penalties of perjury in applying for temporary tenancy in the building as a result of a major disaster declaration as defined in section 4 of this revenue procedure. The self-certification shall provide that such individual's income will not exceed the applicable income limits of § 42 at the beginning of the individual's tenancy. The self-certification shall not extend for more than 4 months beyond the date of the President's major disaster declaration. The self-certification may be relied on by the Owner for purposes of determining the building's qualified basis under § 42(c)(1), and for purposes of satisfying the project's 20-50 or 40-60 minimum set-aside requirement as elected by the Owner under § 42(g)(1). During the 4-month self-certification period, the self-certified tenant is deemed a qualified tenant. After the 4-month self-certification period, the Owner must obtain all required documentation required under § 42 to support the tenant's continued status as a qualified low-income individual.

**(2) Self-Certification of Status as Displaced Individual.** An owner may rely on an individual's certification signed under penalties of perjury that the individual was displaced from his/her principal place of residence as a result of a major disaster and the principal place of residence is in a city, county, or other local jurisdiction designated for Individual Assistance as a result of the major disaster.

**(3) Recordkeeping.** To comply with the requirements of § 1.42-5, Owners must maintain and certify certain information concerning each displaced low-income individual temporarily housed in the project, specifically: name, address of damaged residence, social security number, the temporary self-certification of income, and the self-certification of status as a displaced individual. The Owner must also maintain and report to the Agency at the end of the emergency housing period a list of the names of the displaced individuals, and the dates the displaced individuals began and ceased temporary occupancy. This information shall be provided to the Service upon request.

**(4) Rent Restrictions.** Rents for the low-income units housing displaced individuals must not exceed the existing rent-restricted rates for the low-income units established under § 42(g)(2).

**(5) Protection of Existing Tenants.** Existing tenants in occupied low-income units cannot be evicted or have their tenancy terminated as a result of efforts to provide temporary housing for displaced individuals.

**(6) Suspension of Non-Transient Requirements.** The non-transient use requirement of § 42(i)(3)(B)(i) shall not apply to any unit providing temporary housing to a displaced individual during the 4-month temporary emergency housing period described in this section 11 of this revenue procedure.