

**Annual Low-Income Housing
Credit Agencies Report**

Under section 42(l)(3) of the Internal Revenue Code

Name of housing credit agency _____ Employer identification number of agency _____

Address of housing credit agency _____ Check box if amended report FOR IRS USE ONLY

| Part I Reconciliation of Attached Forms and Schedules | |
|--|-----------|
| 1 Enter the number of attached Forms 8609 used to allocate credit in 2009 | 1 |
| 2a Enter the number of attached Forms 8609 for credits (1) allocated prior to 2009 and (2) attributable under section 42(h)(4) to projects financed by tax-exempt bonds | 2a |
| b Enter the total dollars allowed to those projects described in 2a(2) above | |
| 3 Enter the number of attached Schedules A (Form 8610) reporting 2009 carryover allocations | 3 |
| 4 Total number of attached forms and schedules. Add lines 1, 2a, and 3 | 4 |

Part II Reconciliation of Credit Ceilings and Allocations (see instructions)

| | | |
|---|-----------|-----------|
| 5a Additional housing credit dollar amounts: | | |
| <ul style="list-style-type: none"> Alabama, Louisiana, and Mississippi only: Enter the amount of any GO Zone credit allocated in 2006, 2007, or 2008 that was both returned and reallocated in the GO Zone in 2009 (see instructions). Arkansas, Illinois, Indiana, Iowa, Missouri, Nebraska, and Wisconsin only: Enter (1) Midwestern disaster area credits allocated in 2008 that were both returned and reallocated in the Midwestern disaster area in 2009, and (2) the smaller of \$8.00 multiplied by the portion of the state's population in the Midwestern disaster areas or the amount allocated by the housing credit agency to buildings in the Midwestern disaster areas in 2009. Texas only: Enter (1) Hurricane Ike disaster area credits allocated in 2008 that were both returned and reallocated in the Hurricane Ike disaster area in 2009, and (2) the smaller of \$14,906,160 or the amount allocated by the housing credit agency to buildings in the Hurricane Ike disaster areas in 2009. Louisiana only: Enter (1) Hurricane Ike disaster area credits allocated in 2008 that were both returned and reallocated in the Hurricane Ike disaster area in 2009, and (2) the smaller of \$3,070,816 or the amount allocated by the housing credit agency to buildings in the Hurricane Ike disaster areas in 2009 | | 5a |
| b Enter the larger of \$2.30 multiplied by the state's population or \$2,665,000 | | 5b |
| c Enter the amount of credit ceiling returned in 2009 from allocations prior to 2009 (see instructions) | | 5c |
| d Enter the amount (if any) allocated to the state from the 2009 National Pool | | 5d |
| e Add lines 5b, 5c, and 5d | | 5e |
| f Enter the unused state housing credit ceiling (if any) from the 2008 Form 8610, line 9 | | 5f |
| g Total state housing credit ceiling for 2009. Add lines 5a, 5e, and 5f | | 5g |
| h Enter the total amount (including the credit equivalent of any subaward made) included in line 5g that was allocated during 2009 to qualified nonprofit organizations under section 42(h)(5) (see instructions) | | |
| ▶ \$ _____ | | |
| 6a Enter the total dollar amount of credits from Forms 8609 used to allocate credit in 2009 | 6a | |
| b Enter the total dollar amount of credits from Schedules A (Form 8610), line 5 | 6b | |
| c Enter the credit equivalent amount of all low-income housing grant election amounts requested in 2009 (see instructions) | 6c | |
| d Total credits allocated and exchanged during 2009. Add lines 6a through 6c (cannot exceed line 5g) | | 6d |
| e Subtract line 5a from line 6d | | 6e |
| 7 Enter the smaller of line 5f or line 6e | | 7 |
| 8 Subtract line 7 from line 6e | | 8 |
| 9 State's unused housing credit ceiling carryover to 2010. Subtract line 8 from line 5e. If zero or less, enter -0- | | 9 |
| 10 Unused 2008 carryover assigned to 2010 National Pool. Subtract line 7 from line 5f | | 10 |

Part III Compliance With Low-Income Housing Requirements (see instructions)

- 11** Does the state's qualified allocation plan in effect for 2009 include compliance monitoring procedures as required in section 42(m)(1)(B)(iii) and Regulations section 1.42-5(a)(2), including monitoring for habitability standards through regular site visits? (If "No," attach an explanation.) Yes No
- 12** Has the housing credit agency, for 2009 (or its most recent 12-month operating period), complied with all applicable requirements under the compliance monitoring procedures in its qualified allocation plan? (If "No," attach an explanation.) Yes No
- 13** Has the housing credit agency, for 2009 (or its most recent 12-month operating period), complied with the requirements of its monitoring procedures to fulfill its notification of noncompliance responsibilities under Regulations section 1.42-5(e)? (If "No," attach an explanation.) Yes No

Part III Compliance With Low-Income Housing Requirements (see instructions) (continued)

| | | | |
|------------|--|------------|--|
| 14a | Number of projects subject to monitoring for which all buildings were placed in service before 2007 | 14a | |
| b | Number of projects on line 14a that have had on-site inspections of all buildings in the last 3 calendar years | 14b | |
| c | Number of projects on line 14a for which at least 20% of the low-income units have been inspected and reviewed in the last 3 calendar years as required by Regulations section 1.42-5(c)(2)(ii)(B) | 14c | |
| 15a | Number of projects for which the last building was placed in service in 2007 | 15a | |
| b | Number of projects on line 15a for which all buildings have had on-site inspections | 15b | |
| c | Number of projects on line 15a for which at least 20% of the low-income units have been inspected and reviewed as required by Regulations section 1.42-5(c)(2)(ii)(A) | 15c | |
| 16a | Number of projects for which the last building was placed in service in 2008 | 16a | |
| b | Number of projects on line 16a for which all buildings have had on-site inspections | 16b | |
| c | Number of projects on line 16a for which at least 20% of the low-income units have been inspected and reviewed as required by Regulations section 1.42-5(c)(2)(ii)(A) | 16c | |

Under penalties of perjury, I declare that I have examined this report and accompanying forms, schedules, binding agreements, and election statements, and other attachments, and to the best of my knowledge and belief, they are true, correct, and complete.

----- Signature of Authorizing Official ----- Print Name and Title ----- Date -----

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

What's New

Section 1602 of the American Recovery and Reinvestment Tax Act of 2009 (ARRTA) permitted low-income housing grants to be made to the housing credit agency of each state. These grants are explained in detail in section 1602(b) of ARRTA. A state housing credit agency that receives a grant is then able to use the grant to make subawards to finance the construction or acquisition and rehabilitation of qualified low-income buildings. Do not file Schedule A (Form 8610) for any subawards made.

Section 42(i)(9) provides that the state housing credit ceiling shall be reduced by the credit equivalent of low-income housing grant election amounts requested in 2009. See the instructions for line 6c for information on how to calculate the credit equivalent.

The population component of the state housing credit ceiling for 2009 is the greater of \$2.30 times the state's population or \$2,665,000.

In addition, certain states are able to increase their housing credit ceiling. The guidelines for these increases are explained in *Credit ceiling increases*, under *Purpose of Form*, below.

Purpose of Form

Housing credit agencies use Form 8610 to transmit Forms 8609, Low-Income Housing Credit Allocation and Certification, and Schedules A (Form 8610) to the IRS. Form 8610 is also used to report the dollar amount of housing credits allocated during the calendar year. The housing credit agency must not allocate more credits than it is authorized to allocate during the calendar year.

Generally, the state housing credit ceiling for any state is the sum of:

1. The larger of \$2,665,000 or \$2.30 multiplied by the state's population,
2. The amount of state housing credit ceiling returned in 2009 from allocations made prior to 2009,
3. The amount, if any, allocated to the state from the National Pool, plus
4. The unused state housing credit ceiling, if any, for 2008.

See Regulations section 1.42-14 for more information.

Credit ceiling increases. In the following situations, the housing credit ceiling for certain states will increase.

For 2009, the housing credit ceiling for the states of Alabama, Louisiana, and Mississippi is increased by the amount of any Gulf Opportunity (GO) Zone credit allocated in 2006, 2007, or 2008 that was both returned and reallocated in the GO Zone in 2009. See *Line 5a*, later.

For 2009, the housing credit ceiling for the states of Arkansas, Illinois, Indiana, Iowa, Missouri, Nebraska, and Wisconsin is increased by the Midwestern disaster area credits allocated in 2008 that were both returned and reallocated in the Midwestern disaster area in 2009, plus the smaller of \$8.00 multiplied by the state's population in the Midwestern disaster areas or the housing credit dollar amount allocated to buildings located in the state's Midwestern disaster areas. See *Line 5a*, later.

For 2009, the housing credit ceiling for Texas is increased by the Hurricane Ike disaster area credits allocated in 2008 that were both returned and reallocated in the Hurricane Ike disaster area in 2009, plus the smaller of \$16.00 multiplied by the population in the counties of Brazoria, Chambers, Galveston, Jefferson, and Orange, or the housing credit dollar amount allocated to buildings located in these counties. See *Line 5a*, later.

For 2009, the housing credit ceiling for Louisiana is increased by the Hurricane Ike disaster area credits allocated in 2008 that were both returned and reallocated in the Hurricane Ike disaster area in 2009, plus the smaller of \$16.00 multiplied by the population in the parishes of Calcasieu and Cameron, or the housing credit dollar amount allocated to buildings located in these parishes. See *Line 5a*, later.

See section 1400N(c) and sections 702 and 704 of Division C of Public Law 110-343 for more information.

Who Must File

Any housing credit agency authorized to make an allocation of the credit (even if no credit is actually allocated) on a Form 8609 or carryover allocation reported on a Schedule A (Form 8610) to an owner of a qualified low-income building during the calendar year must complete and file Form 8610. In states with multiple housing credit agencies (including states with constitutional home rule cities), the agencies must coordinate and file one Form 8610.

Major disaster declarations issued before July 2, 2007. If a housing credit agency has granted any project relief for carryover allocations discussed in section 5 of Rev. Proc. 95-28, 1995-1 C.B. 704, the agency must attach to Form 8610 a list of the projects for which it has approved relief. The housing credit agency should list only those projects that had received its approval of the carryover allocation relief since the agency last filed Form 8610.

Major disaster declarations issued after July 1, 2007. If a housing credit agency has granted any project relief for carryover allocations discussed in section 5 of Rev. Proc. 2007-54, 2007-31 I.R.B. 293, the agency must attach to Form 8610 a copy of the Schedule A (Form 8610) for the projects for which it has approved relief. These attached copies of Schedule A (Form 8610) must have the box checked that indicates the housing credit agency granted carryover allocation relief under

Rev. Proc. 2007-54. The housing credit agency should only include Schedules A (Form 8610) for projects receiving approval of the carryover allocation relief since the agency last filed Form 8610. The information from these particular Schedules A (Form 8610) are not included on any line in Part I or Part II of Form 8610.

When To File

File the 2009 Form 8610 with accompanying Forms 8609 (with only Part I completed) and Schedules A (Form 8610) by March 1, 2010.

Where To File

File Form 8610 and attached forms and schedules with:

Internal Revenue Service
P.O. Box 331
Attn: LIHC Unit, DP 607 South
Philadelphia Campus
Bensalem, PA 19020

Penalty

The \$100 penalty under section 6652(j) applies to any failure to file Form 8610 when due.

Specific Instructions

Note. The primary housing credit agency may rely on information provided by any constitutional home rule city or local housing credit agency under Temporary Regulations section 1.42-1T(c)(3) or (4).

To ensure that Form 8610 is correctly processed, attach all forms and schedules to Form 8610 in the following order.

1. Forms 8609.
2. Schedules A (Form 8610), not including those for projects approved for carryover allocation relief under Rev. Proc. 2007-54.
3. Listing of projects approved for carryover allocation relief under Rev. Proc. 95-28.
4. Schedules A (Form 8610) for projects approved for carryover allocation relief under Rev. Proc. 2007-54.

Amended Report

If this is an amended Form 8610, check the "amended report" box. Use the same version of the form that was originally filed (for example, a 2009 Form 8610 to amend the 2009 report, a 2008 Form 8610 to amend the 2008 report, etc.).

Complete only those lines that are being amended by entering the correct information. Attach any additional documentation necessary to explain why an amended Form 8610 is being filed.

Part I

Line 1

Enter the total number of Forms 8609 attached to this Form 8610 that were used to allocate credit during 2009. Do not include Forms 8609 issued to taxpayers

that reflect credit allocations made prior to 2009 on section 42(h)(1)(E) or 42(h)(1)(F) carryover allocation documents.

Line 2a

Enter the total number of Forms 8609 attached to this Form 8610 for:

- Credit allocations made prior to 2009 on section 42(h)(1)(E) or 42(h)(1)(F) carryover allocation documents and
- Credits attributable to projects financed by tax-exempt bonds subject to volume cap under section 42(h)(4).

Part II

Caution: For lines 5b, 5c, 5d, and 5f, enter the entire amount, regardless of whether or not some of the amounts entered on these lines were exchanged for funds under section 1602 of ARRTA. Adjustments for amounts exchanged under section 1602 of ARRTA are taken into account on line 6c.

Line 5a

For 2009, an additional housing credit amount is available ONLY to the states listed on this line. Follow the instructions to determine the additional housing credit amount available for the listed states.

Note. Louisiana appears twice on this list, and its additional housing credit amount is the total of the two separate calculations.

Alabama, Louisiana, and Mississippi. No additional housing credit dollar amounts are authorized for the GO Zone for 2009. But GO Zone credits that were allocated in 2006, 2007, or 2008 were permitted to be returned to the state in 2009 for reallocation in the GO Zone in 2009. Enter on line 5a only the amount of GO Zone credits allocated in 2006, 2007, or 2008 that were returned in 2009 and then reallocated in the GO Zone in 2009.

Arkansas, Illinois, Indiana, Iowa, Missouri, Nebraska, and Wisconsin. The additional amount is the total of the state's Midwestern disaster area credits allocated in 2008 that were returned **and** reallocated in the Midwestern disaster area in 2009, plus the smaller of the following.

1. The total housing credit dollar amount allocated by the state housing credit agency to buildings located in the state's Midwestern disaster areas for the calendar year, or

2. \$8.00 multiplied by the state's population in the Midwestern disaster areas.

When making the calculation described in (2) above, use the following figures for the state's population in its Midwestern disaster areas.

- Arkansas—957,100
- Illinois—1,515,271
- Indiana—3,098,222
- Iowa—2,615,995
- Missouri—1,414,492
- Nebraska—1,136,088
- Wisconsin—3,830,112

See Notice 2008-109, 2008-50 I.R.B. 1282, for more information, including a list of the counties in the Midwestern disaster areas and how the state's population in the Midwestern disaster areas was determined.

Texas. The additional amount is the total of the state's Hurricane Ike disaster area credits allocated in 2008 that were returned **and** reallocated in the Hurricane Ike disaster area in 2009, plus the smaller of the following.

1. The total housing credit dollar amount allocated by the housing credit agency to buildings located in the state's Hurricane Ike disaster area for the calendar year, or

2. \$16.00 multiplied by 931,635. The figure of 931,635 represents Texas' population in its Hurricane Ike disaster area.

See Notice 2008-109, 2008-50 I.R.B. 1282, for more information, including how Texas' population in the Hurricane Ike disaster area was determined.

Louisiana. The additional amount is the total of the state's Hurricane Ike disaster area credits allocated in 2008 that were returned **and** reallocated in the Hurricane Ike disaster area in 2009, plus the smaller of the following.

1. The total housing credit dollar amount allocated by the housing credit agency to buildings located in the state's Hurricane Ike disaster area for the calendar year, or

2. \$16.00 multiplied by 191,926. The figure of 191,926 represents Louisiana's population in its Hurricane Ike disaster area.

See Notice 2008-109, 2008-50 I.R.B. 1282, for more information, including how Louisiana's population in the Hurricane Ike disaster area was determined.

Line 5b

A state's population is determined according to section 146(j). See Notice 2009-21, 2009-13 I.R.B. 724, for applicable population figures.

Line 5c

Do not include on this line allocations made and returned in the same year. For states identified in line 5a, do NOT include line 5a disaster credits returned in 2009 (whether or not reallocated).

Line 5d

Enter the "Amount Allocated," if any, for your state in Rev. Proc. 2009-40, 2009-39 I.R.B. 438.

Line 5g

This is the state housing credit ceiling available for allocations during 2009.

Line 5h

Not more than 90% of the line 5g amount is allowed to be allocated to projects other than qualified low-income housing projects described in section 42(h)(5)(B).

The amount entered on line 5h is to also include the credit equivalent of any subaward the state housing credit agency made in accordance with section 1602(c) of ARRTA. The method for calculating the credit equivalent of a subaward is provided in the instructions for line 6c.

Lines 6a and 6b

Enter on the applicable line the dollar amount actually allocated during 2009. Do not include the following.

- Credits allowed to tax-exempt bond financed projects under section 42(h)(4). These credits do not count against the total state housing ceiling authorized on line 5g.
- Amounts allocated and returned during the year, unless such amounts are reallocated by the close of the year.

On line 6a, enter the total amounts reported on all Forms 8609, Part I, line 1b, that are included on line 1 of this Form 8610. On line 6b, enter the total amounts reported as carryover allocations that are included on line 3 of this Form 8610.

Line 6c

The credit equivalent of any low-income housing grant election amounts must be calculated and entered on line 6c. Section 42(i)(9) provides that the state housing credit ceiling shall be reduced with regard to low-income housing grants requested in 2009. The state housing credit agency may determine the credit equivalent of all grant election amounts by dividing the total amount of grant funds requested from the Treasury Department in 2009 (as reflected on Treasury's application form) by 8.5 and rounding the result up to the next dollar.

Part III**Lines 14a, 15a, and 16a**

Do not include buildings no longer subject to compliance monitoring because, for example, the buildings are no longer participating in the low-income housing credit program.

Line 14a

For buildings whose compliance periods ended during the last 3 calendar years, complete lines 14b and 14c with respect to the 3-year period ending on the date the compliance period ended. Include buildings financed by the Rural Housing Service and buildings financed with tax-exempt bonds.

Lines 14b and 14c

Take into account all the projects included on line 14a. See Regulations section 1.42-5(c)(2)(ii)(B) for details. Include buildings inspected by the Rural Housing Service under Regulations section 1.42-5(d)(3).

Caution: *Regulations section 1.42-5(c)(2)(ii)(B) requires that at least once every 3 years the Agency (or the Rural Housing Service, if applicable) conduct on-site inspections of all buildings in each project and, for at least 20 percent of each project's low-income units, inspect the units and review the low-income certifications, the documentation supporting the certifications, and the rent records for the tenants in those units. If the number entered on line 14b or line 14c does not equal the number entered on line 14a, attach an explanation.*

Line 15a

Only include projects for which the last building was placed in service in 2007. Include buildings financed by the Rural Housing Service and buildings financed with tax-exempt bonds.

Lines 15b and 15c

Take into account all the projects included on line 15a. See Regulations section 1.42-5(c)(2)(ii)(A) for details. Include buildings inspected by the Rural Housing Service under Regulations section 1.42-5(d)(3).

Caution: *Regulations section 1.42-5(c)(2)(ii)(A) requires that, by the end of the 2nd calendar year following the year the last building in the project is placed in service, the Agency (or the Rural Housing Service, if applicable) conduct on-site inspections of all buildings in each project and, for at least 20 percent of each project's low-income units, inspect the units and review the low-income certifications, the documentation supporting the certifications, and the rent records for the tenants in those units. If the number entered on line 15b or line 15c does not equal the number entered on line 15a, attach an explanation.*

Line 16a

Only include projects for which the last building was placed in service in 2008. Include buildings financed by the Rural Housing Service and buildings financed with tax-exempt bonds.

Lines 16b and 16c

Take into account all the projects included on line 16a. See Regulations section 1.42-5(c)(2)(ii)(A) for details. Include buildings inspected by the Rural Housing Service under Regulations section 1.42-5(d)(3).

Paperwork Reduction Act Notice

We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file the following forms will vary depending on individual circumstances. The estimated average times are:

| | Form 8610 | Sch. A (Form 8610) |
|---|----------------|-----------------------|
| Recordkeeping | 9 hr., 34 min. | 3 hr., 35 min. |
| Learning about the law or the form | 1 hr., 59 min. | 24 min. |
| Preparing and sending the form to the IRS | 2 hr., 13 min. | 28 min. |

If you have comments concerning the accuracy of these time estimates or suggestions for making these forms simpler, we would be happy to hear from you. You can write to the Internal Revenue Service, Tax Products Coordinating Committee, SE:W:CAR:MP:T:T:SP, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Do not send these forms to this address. Instead, see *Where To File*, earlier.