



**Note:** *The draft you are looking for begins on the next page.*

## **Caution: DRAFT—NOT FOR FILING**

This is an early release draft of an IRS tax form, instructions, or publication, which the IRS is providing for your information. **Do not file draft forms** and do **not** rely on draft forms, instructions, and publications for filing. We do **not** release draft forms until we believe we have incorporated all changes (except when explicitly stated on this coversheet). However, unexpected issues occasionally arise, or legislation is passed—in this case, we will post a new draft of the form to alert users that changes were made to the previously posted draft. Thus, there are never any changes to the last posted draft of a form and the final revision of the form. Forms and instructions generally are subject to OMB approval before they can be officially released, so we post only drafts of them until they are approved. Drafts of instructions and publications usually have some changes before their final release.

Early release drafts are at [IRS.gov/DraftForms](https://www.irs.gov/DraftForms) and remain there after the final release is posted at [IRS.gov/LatestForms](https://www.irs.gov/LatestForms). All information about all forms, instructions, and pubs is at [IRS.gov/Forms](https://www.irs.gov/Forms).

Almost every form and publication has a page on IRS.gov with a friendly shortcut. For example, the Form 1040 page is at [IRS.gov/Form1040](https://www.irs.gov/Form1040); the Pub. 501 page is at [IRS.gov/Pub501](https://www.irs.gov/Pub501); the Form W-4 page is at [IRS.gov/W4](https://www.irs.gov/W4); and the Schedule A (Form 1040/SR) page is at [IRS.gov/ScheduleA](https://www.irs.gov/ScheduleA). If typing in a link above instead of clicking on it, be sure to type the link into the address bar of your browser, not a Search box.

If you wish, you can submit comments to the IRS about draft or final forms, instructions, or publications at [IRS.gov/FormsComments](https://www.irs.gov/FormsComments). We cannot respond to all comments due to the high volume we receive and may not be able to consider many suggestions until the subsequent revision of the product.

If you have comments on reducing paperwork and respondent (filer) burden, with respect to draft or final forms, please respond to the relevant information collection through the Federal Register process; for more info, click [here](#).

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 2021   | 1 |
| 2 | Enter the number of attached Forms 8609 for credits allocated prior to 2021   | 2 |
| 3 | Enter the number of attached Forms 8609 for credits attributable under section 42(h)(4) to projects financed by tax-exempt bonds          | 3 |
| 4 | Enter the total dollar amount of credits attributable to projects financed by tax-exempt bonds as described on line 3 above<br>▶ \$ _____ |   |
| 5 | Enter the number of attached Schedules A (Form 8610) reporting 2021 carryover allocations   | 5 |
| 6 | <b>Total number of attached forms and schedules.</b> Add lines 1, 2, 3, and 5   | 6 |

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

|    |  |    |
|----|--|----|
| 7a | Housing credit dollar amounts allocated to buildings in qualified disaster zones:<br>Enter housing credit dollar amounts allocated due to additional state housing credit authority. See instructions  | 7a |
| b  | Enter the <b>larger</b> of \$2.8125 multiplied by the state's population or \$3,245,625  | 7b |
| c  | Enter the amount of credit ceiling returned in 2021 from allocations prior to 2021. See instructions   | 7c |
| d  | Enter the amount (if any) allocated to the state from the 2021 National Pool   | 7d |
| e  | Add lines 7a through 7d  | 7e |
| f  | Enter the unused state housing credit ceiling (if any) from the 2020 Form 8610, line 9   | 7f |
| g  | <b>Total state housing credit ceiling for 2021.</b> Add lines 7e and 7f  | 7g |
| h  | Enter the total amount included on line 7g that was allocated during 2021 to qualified nonprofit organizations under section 42(h)(5). See instructions ▶ \$ _____                                     |    |
| 8a | Enter the total dollar amount of credits from Forms 8609, <b>identified on line 1 above</b> , used to allocate credit in 2021 where the year of allocation and the placed-in-service year are the same | 8a |
| b  | Enter the total dollar amount of credits from Schedules A (Form 8610), line 5  | 8b |
| c  | <b>Total credits allocated during 2021.</b> Add lines 8a and 8b. (Total can't exceed line 7g.)   | 8c |
| 9  | Enter the <b>smaller</b> of line 7f or line 8c   | 9  |
| 10 | Subtract line 9 from line 8c   | 10 |
| 11 | <b>State's unused housing credit ceiling carryover to 2022.</b> Subtract line 10 from line 7e. If zero or less, enter -0-  | 11 |
| 12 | <b>Unused 2020 carryover assigned to the 2022 National Pool.</b> Subtract line 9 from line 7f  | 12 |

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

- 13 Does the state's qualified allocation plan in effect for 2021 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
- 14 Has the housing credit agency, for 2021 (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
- 15 Has the housing credit agency, for 2021 (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

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.

### Future Developments

For the latest information about developments related to Form 8610 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/Form8610](http://www.irs.gov/Form8610).

### What's New

The population component of the state housing credit ceiling for 2021 is the greater of \$2.8125 times the state's population or \$3,245,625.

For calendar year 2021, the state housing credit ceiling for California has been increased. See P.L. 116-94, section 207, for more information. 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 2021 for any state is the sum of:

1. The larger of \$3,245,625 or \$2.8125 multiplied by the state's population;
2. The amount of state housing credit ceiling returned in 2021 from allocations made prior to 2021;
3. The amount, if any, allocated to the state from the National Pool; plus
4. The unused state housing credit ceiling, if any, for 2020.

See Regulations section 1.42-14 for more information.

**Credit ceiling increases.** For 2021, the housing credit ceiling for eleven states and Puerto Rico is increased to the extent of the aggregate housing credit dollar amount allocated by a state's housing credit agency to buildings located in a qualified disaster zone. Any increase is limited to the lesser of \$3.50 multiplied by the state's 2020 population residing in qualified disaster zones in the state, or 65% of the state's 2020 credit ceiling. See the instructions under *Line 7a*, later.

**Note:** The Consolidated Appropriations Act of 2021 (P.L. 116-260) defines a qualified disaster zone as that portion of any qualified disaster area which was determined by the President, during the period beginning on January 1, 2020, and ending on the date which is 60 days after the date of the enactment of this Act (February 25, 2021), to warrant individual or individual and public assistance from the federal government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of the qualified disaster with respect to such disaster area. COVID-19 related disasters are not included in this definition.

### 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.

If a housing credit agency has granted any project relief for carryover allocations discussed in section 6 of Rev. Proc. 2014-49, 2014-37 I.R.B. 535, the agency must attach to Form 8610 a copy of Schedule A (Form 8610) for each project for which it has approved relief. The attached copy of Schedule A (Form 8610) must have the box checked that indicates the housing credit agency granted carryover allocation relief under Rev. Proc. 2014-49. 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) isn't included on any line in Part I or Part II of Form 8610.

If a housing credit agency has granted any project relief to toll the beginning of the first year of the credit period as discussed in section 10 of Rev. Proc. 2014-49, the agency must attach to the Form 8610 filed for the calendar year in which the President declared the area a major disaster area a statement containing the following information: (1) the name, address, and TIN of the building owner; (2) the address of the building; (3) the building identification number (BIN); and (4) the agency-approved first year of the credit period. The statement should be labeled "Relief Under Section 10 of Rev. Proc. 2014-49." The statement should be signed by an agency-authorized official and a copy of the statement should be provided to the building owner.

### When To File

File the 2021 Form 8610 with accompanying Forms 8609 (with only Part I completed) and Schedules A (Form 8610) by February 28, 2022.

### Where To File

Send Form 8610 and attached forms and schedules to:

Department of the Treasury  
Internal Revenue Service Center  
Philadelphia, PA 19255-0549

### 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. 2014-49.
3. Schedules A (Form 8610) for projects approved for carryover allocation relief under Rev. Proc. 2014-49.

### 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 2021 Form 8610 to amend the 2021 report, a 2020 Form 8610 to amend the 2020 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 2021. Don't include Forms 8609 issued to taxpayers that reflect credit allocations made prior to 2021 on section 42(h)(1)(E) or 42(h)(1)(F) carryover allocation documents.

**Line 2**

Enter the total number of Forms 8609 attached to this Form 8610 for credit allocations made prior to 2021 on section 42(h)(1)(E) or 42(h)(1)(F) carryover allocation documents.

**Line 3**

Enter the total number of Forms 8609 attached to this Form 8610 for credits attributable to projects financed by tax-exempt bonds subject to the volume cap under section 42(h)(4).

**Part II**

**Line 7a**

If applicable, enter the aggregate housing credit dollar amount allocated by the state's housing credit agency to buildings located in a qualified disaster zone.

For 2021, this amount is limited to the lesser of \$3.50 multiplied by the state's 2020 population residing in qualified disaster zones in the state, or 65% of the state's 2020 credit ceiling. See Notice 2021-45 for state populations residing in qualified disaster zones.

**Note:** Based on the presidentially-declared disaster areas (other than COVID-19) that occurred during the designated time frame, additional housing credit authority was provided to eleven states (Alabama, California, Florida, Iowa, Louisiana, Michigan, Mississippi, Oregon, South Carolina, Tennessee, and Utah) and Puerto Rico.

**Line 7b**

A state's population is determined according to section 146(j). See Notice 2021-19 for applicable population figures.

**Note:** For more information on the increase to the state housing credit ceiling for California for calendar year 2021, see P.L. 116-94, section 207.

**Line 7c**

Don't include on this line allocations made and returned in the same year.

**Line 7d**

Enter the "Amount Allocated," if any, for your state in Rev. Proc. 2021-XX, 2021-XX I.R.B. XXX.

**Line 7f**

If the 2020 Form 8610 was amended, enter the amount (if any) from the amended Form 8610, line 9.

**Line 7g**

This is the state housing credit ceiling available for allocations during 2021.

**Line 7h**

Not more than 90% of the line 7g amount is allowed to be allocated to projects other than qualified low-income housing projects described in section 42(h)(5)(B).

Enter the sum of the following amounts.

- Any amount reported on line 1b of an attached Form 8609 with box 6f checked.
- Any amount reported on line 5 of an attached Schedule A (Form 8610) with question 3b answered "Yes."

**Lines 8a and 8b**

Enter on the applicable line the dollar amount actually allocated during 2021. Don't include the following.

- Credits allowed to tax-exempt bond financed projects under section 42(h)(4). These credits don't count against the total state housing ceiling authorized on line 7g.
- Amounts allocated and returned during the year, unless such amounts are reallocated by the close of the year.

On line 8a, 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 8b, enter the total amounts reported as carryover allocations that are included on line 5 of this Form 8610.

**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:

|  | <b>Form 8610</b> | <b>Schedule A<br/>(Form 8610)</b> |
|--|------------------|-----------------------------------|
| <b>Recordkeeping</b> . . . . .                                 | 7 hr., 39 min.   | 3 hr., 49 min.                    |
| <b>Learning about the law<br/>or the form</b> . . . . .        | 1 hr., 59 min.   | 24 min.                           |
| <b>Preparing and sending<br/>the form to the IRS</b> . . . . . | 2 hr., 12 min.   | 28 min.                           |

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. You can send us comments from [www.irs.gov/FormComments](http://www.irs.gov/FormComments). Or you can write to the Internal Revenue Service, Tax Forms and Publications Division, 1111 Constitution Ave. NW, IR-6526, Washington, DC 20224. Don't send the form to this office. Instead, see *Where To File*, earlier.