



## **MULTIFAMILY HOUSING ASSET MANAGEMENT HOTMA IMPLEMENTATION EFFECTIVE JULY 1, 2025**

Consistent with all current rules, housing notices, and guidance, all multifamily properties will be required to implement the [Housing Opportunity Through Modernization Act \(HOTMA\) Final Rule](#) no later than July 1, 2025. Unless otherwise extended by [HUD's Office of Multifamily Housing \(MFH\)](#), this requirement applies to all properties in New Hampshire Housing's multifamily portfolio.

HOTMA was signed into law on July 29, 2016 and was intended to streamline processes and reduce burdens on housing providers and applicants/residents of affordable housing. On September 17, 2019, MFH issued a proposed rule to update its regulations according to HOTMA's statutory requirements and the Final Rule was published on January 9, 2023. Since then, several regulations and Housing Notices have been issued by both MFH and HUD's Office of Community Planning and Development (CPD) offering implementation guidance and/or extending implementation dates.

Currently, the following required implementation dates apply:

- MFH programs, including Section 8 and Section 811 – July 1, 2025
- CPD programs, including HOME, Housing Trust Fund (HTF), and HOME-American Rescue Plan (HOME-ARP) – no later than January 1, 2026
- Low-Income Housing Tax Credit (LIHTC) – IRS has not issued any HOTMA-related notices or guidance; however, Treasury Regulation §1.42-5 states that “tenant income is calculated in a manner consistent with the determination of annual income under Section 8 of the U.S. Housing Act of 1937.” For this reason, NH Housing is following HUD MFH's implementation guidance.

NH Housing's intention is to apply HOTMA as consistently as possible across all housing programs. As such, we will follow MFH's guidance unless otherwise mandated by another governing agency (IRS, HUD Community Planning and Development (CPD)). This will include allowance of the following:

- Self-certification of net family assets that do not exceed \$50,000 (including at move-in)
- Use of two (2) current and consecutive paystubs to verify employment income. *Important Note: Current regulations still require two (2) months of source documents for the HOME program.*
- Use of the current balance in determining a checking account value
- Use of other programs' income determinations (a.k.a. “Safe Harbor”) (including at move-in)
- A Tenant Income Certification (TIC) produced by the owner/agent's software or other HOTMA-compliant TIC. Use of NH Housing's TIC will be discontinued. *Important Note: When completing*

*the income and rent restriction information on the TIC, owners/management agents (owners/agents) must check the appropriate income/rent restriction that the unit meets according to the governing documents for the property (i.e. Land Use Restriction Agreement, Regulatory Agreement) and **not** the minimum set-aside for the property, as specified in most TIC instructions. This may require additional set-up in software programs.*

Prior to HOTMA implementation, all owners/agents must do the following:

- Make sure all software is up-to-date and able to process applicable HOTMA provisions.
- Ensure that staff receive adequate training on the new requirements and processes.
- Review and update all applicable forms, policies, and procedures. *Note: NH Housing will have no required forms. Owners/agents are encouraged to take advantage of any of the many sample forms and documents available from training and consulting companies.*
- Communicate any policy and procedural changes to residents and applicants.
- Execute HOTMA-compliant leases with all residents, if applicable.

Owners/agents may choose to implement HOTMA sooner than July 1, 2025 for non-Section 8 properties. If so, they must keep the following in mind:

- It must be applied consistently among all households.
- It is strongly recommended that all elements of HOTMA are implemented at the same time. If not, each tenant file must be documented with which HOTMA rules were applied.
- An email must be sent to [assetmanagement@nhhfa.org](mailto:assetmanagement@nhhfa.org) indicating the applicable properties and the implementation date for each.

In order to keep up with any changes and/or delays to the implementation deadlines, owners/agents are strongly encouraged to monitor MFH's HOTMA website and sign up for the various affordable housing industry newsletters and alerts available. NH Housing will announce any changes on our [Asset Management page](#) of the [nhhousing.org website](http://nhhousing.org) and via our email newsletters (sign up [here](#)).