



Guide Update 21-02: Multifamily Affordable Housing

Effective: 03/18/21
Retired: 03/18/22

Summary of Changes

HIGHLIGHTS

Effective March 18, 2021, Part III, Chapter 7: Multifamily Affordable Housing Properties was updated to expand delegation and clarify requirements, including new form Loan Documents and associated edits to:

- Part I, Chapter 3 - Borrower, Guarantor, Key Principals, and Principals;
- Part II, Chapter 3 - Legal Compliance; and
- Part V, Chapter 4 - Asset Management: Loan Document Administration.

Primary Changes

Multifamily Affordable Housing Properties

- Expanded your delegated authority to underwrite:
 - rents on Properties with
 - new HAP contracts, or
 - recently approved HAP contract rents;
 - HAP contract rents up to 10% above market rents for certain Properties;
 - using 3% economic vacancy
 - in Nationwide markets, and
 - for Properties without HAP contracts;
 - using 2.5% Property management fees for certain Properties in
 - Strong Markets, or
 - Eligible MSAs;
 - the Florida Affordable Housing property tax exemption;
 - without a Restabilization Reserve for Tier 4 Mortgage Loans; and
 - using 35-year amortization for Properties with new LIHTCs and loan terms of at least 10 years.



- Clarified information regarding:

- Special Public Purpose and Sponsor Initiated Affordability;
- components of Restricted and Unrestricted Values;
- for LIHTC Properties,
 - when Sponsors elect to use LIHTC Income Averaging,
 - requiring a minimum 20% LIHTC equity contribution at closing,
 - deferred developer fees, and
 - applicable LIHTC rents equals the lower of maximum allowable LIHTC rents and actual rents in place;
- LIHTC equity bridge loan
 - terms and conditions, and
 - requiring it to be paid off with the final LIHTC equity payment;
- restrictive covenants and Affordable Regulatory Agreements apply to both MAH properties and non-MAH properties;
- Conflict Mortgage Loan requirements if you have a LIHTC equity interest in the Property; and
- for FHA Risk Sharing Mortgage Loans,
 - Special Public Purpose properties are ineligible,
 - specific Property locations are ineligible,
 - process change for reserving FHA units, and
 - when a subsidy layering review is required.

Associated Edits

Clarified:

- Any equity interest you acquire in the Borrower relating solely to obtaining the associated LIHTCs is not considered when determining if the Mortgage Loan is a Conflict Mortgage Loan.
- Any Affordable Regulatory Agreement for a non-MAH Property must be subordinated to the Security Instrument Lien.
- Asset management guidance for LIHTCs and added asset management requirements for an MAH Property with Sponsor-Initiated Affordability.

Added the following new required form Loan Documents for Sponsor-Initiated Affordability on www.fanniemae.com:



- Payment Guaranty (Pricing Incentive Recapture) (Form 6020.PIR);
- Modifications to Multifamily Loan and Security Agreement (Sponsor-Initiated Affordability Restrictions) (Form 6271); and
- Sponsor-Initiated Affordability Agreement (Form 6490).

Questions

Please contact Brian Wolf at brian_f_wolf@fanniemae.com, or Georgia Hessick at georgia_p_hessick@fanniemae.com with any questions.