10/3/22 Tenant Talk Live Remaining Questions

1. Do you have any suggestions for people running into issues accessing legal aid due to capacity issues?

Legal aid programs rely on grants and government funding so, unfortunately, being short staffed is a common problem. Ask if there is a *pro bono* (volunteer attorney) program in your area.

1. How do you find out where in the 30 year cycle the building is?

One place is the National Housing Preservation Database: <https://nhpd.preservationdatabase.org>. It’s a little clunky to use, but you can narrow your search by checking LIHTC in the Program drop-down, then type in the abbreviation for your state in the State column. When you find the property you want, click on Details at the far right. Scroll down and look for the LIHTC end date.

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1. Are LIHTC properties allowed to have "recognized tenant organizations w/resident participation funds" like they have in public housing.

Nothing in the rules prohibits tenant organizations, but nothing specifically authorizes or protects them, either.

1. Where is the rule located where you cannot be evicted if your income increases? Your lease or elsewhere?

The way the LIHTC law is written, the section on over-income tenants tells owners that they will not lose their credits if a tenant’s income increases as long as they rent the next available unit to an income-eligible household. So, it’s not actually a tenant right as much as an owner protection. What *is* a tenant right is good-cause eviction. This is found in Revenue Ruling 2004-82, which is an IRS guidance. A tenant or their advocate can argue that an increase in income is not good cause for eviction because there is no harm to the landlord. Of course, the tenant has to keep paying their rent. In Pennsylvania, good cause eviction is written into the LIHTC Lease Addendum. Check with the property manager or your state housing finance agency.

1. What advocacy can be done to address issues with the AMI formula not accurately capturing everyone who is under- or unemployed

It is true that LIHTC does not help people with very low incomes. The problem is, LIHTC does not have a subsidy attached to it, only a 15-year tax credit. Owners have to be able to pay their bills, so they need income from tenants’ rent. If there were enough Housing Choice Vouchers available – which can be used in LIHTC apartments – that would solve the problem.

1. If there is a sudden influx of higher income residents in an area, will that affect the housing stability of the original residents on fixed incomes?

Only income-eligible tenants would be able to rent the LIHTC units, so these buildings are a nice hedge against gentrification. If the question is about rising Area Median Incomes (AMI), you probably won’t see a change just because higher income people move into a neighborhood. The AMI is generally a multi-county calculation (a “metropolitan statistical area” or “MSA”), so a change in one neighborhood won’t make much of a difference, especially if the new residents are coming from another part of the same MSA.