ihcda

Indiana Housing & Community Development Authority

2016

MORTGAGE CREDIT CERTIFICATE

PROGRAM GUIDE

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE
PROGRAM GUIDE
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INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
DEFINITIONS

"Acquisition Cost" shall have the meaning set forth in Section 3 of this Program Guide.

"Mortgagor" means any person or persons meeting the qualifications of the Program and the Program Guide, and includes any Co-Mortgagors.

"Commitment Expiration Date" means the date on which IHCDA's commitment under the Program expires.

"Committed Approved Date" means the date on which IHCDA approves the MCC loan in the IHSF system.

"Federal Recapture Tax" has the meaning set forth in Section 4 of this Program Guide.

"First Time Homebuyer" has the meaning set forth in Section 2 of this Program Guide.

"Program Guide" means the 2016 Mortgage Certificate Program Guide for IHCDA's MCC Program.

"IHCDA" means Indiana Housing and Community Development Authority.

"IHSF" means the Indiana Housing Single Family online system used by IHCDA to manage the Program.

"MCC" means Mortgage Credit Certificate.

"Participating Lender" means a lender that has signed a Mortgage Credit Certificate Program Registration Form and an MCC Mortgage Origination Sale Agreement with IHCDA.

"Program" means the Mortgage Credit Certificate Program.

"Purchase Agreement" means an agreement to purchase real property between, at a minimum, the seller of such property and Mortgagor(s).

"Qualified Census Tract" has the meaning set forth in Section 1 of this Program Guide.

"Recapture Amount" has the meaning set forth in Section 4 of this Program Guide.

"Targeted Area" has the meaning set forth in Section 1 of this Program Guide.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
INTRODUCTION

The Mortgage Credit Certificate Program was authorized by Congress in the Tax Reform Act of 1984 as a means of providing housing assistance to persons and families of low and moderate income. A Mortgagor purchasing a new or existing one (1) unit or a two to four (2 - 4) unit dwelling may apply for a MCC through a Participating Lender at the time it applies for its loan. An MCC cannot be issued to a Mortgagor who is refinancing an existing mortgage. A Mortgagor may not combine the benefits of an MCC with any IHCDA program funded by mortgage revenue bonds.

An MCC operates as a federal income tax credit, reducing Mortgagor's federal income tax. This credit, in effect, creates additional income that the Mortgagor may use toward its monthly mortgage payment. The annual amount of the tax credit is equal to a percentage (credit rate) of the annual interest paid and accrued on the mortgage loan for the residence. The maximum annual amount of the tax credit is $2,000.00. The credit rate is based on the total amount of the original mortgage as follows:

Original Mortgage Amount	MCC Credit Rate
$50,000 and under	35%
$50,001 - $70,000	30%
$70,001 - $90,000	25%
$90,001 and above	20%

The amount of tax credit that can be claimed each year cannot exceed the Mortgagor's annual federal income tax liability after all other credits and deductions. The itemized deduction for the mortgage interest will be reduced by the amount of the tax credit. Benefits of the MCC are available for the life of the original mortgage so long as the Mortgagor occupies the property as his principal residence. In most cases, the MCC may be reissued if the Mortgagor refinances.

Additional information about the Program, including the eligibility requirements and application requirements, are contained in this Program Guide.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
EXECUTIVE SUMMARY

This Executive Summary provides a summary of materials provided in this Program Guide.

What a Participating Lender should know about a Mortgagor and his or her home:

1. Both IHCDA and the Participating Lender reserve their rights to request any additional documentation needed to make an accurate determination on any given file.

2. The Participating Lender must be a mortgage banker. A mortgage broker is only permitted to be a Participating Lender if it can fully service a loan, open, fund and close a loan in its name or if it uses a Participating Lender to submit its loan to the Master Servicer.

3. IHCDA cannot email, fax or mail any document, including any mortgage documents provided by the Participating Lender containing the Mortgagor's Social Security Number.

4. The Mortgagor(s) does have to be a first-time homebuyer unless purchasing in a designated Targeted Area.

5. A Mortgagor must not have had an ownership interest in his or her principal residence within the past three (3) years. This restriction is waived for Mortgagor's who purchase in targeted areas and when the Mortgagor is an eligible veteran.

6. IHCDA recommends that each Mortgagor that meets the definition of a first-time homebuyer complete Homeownership training through Framework on the IHCDA website, which may be accessed at **https://ihcda.frameworkhomeownership.org**.

7. Household size will be determined by the number of Mortgagors and Co-Mortgagors along with all dependents listed on the Uniform Residential Loan Application (URLA Form 1003).

8. The Mortgagor(s) must meet special income guidelines. Income limits vary by county and are dependent on family size.

9. Household income will be determined for Mortgagor and Co-Mortgagor(s) only based off qualifying Gross Annual Income provided by the Participating Lender on the Uniform Residential Loan Application (URLA Form 1003).

10. Participating Lender must disclose all forms of qualifying income for Mortgagor and Co-Mortgagor(s) on the Uniform Residential Loan Application (URLA Form 1003).

11. The cost of purchasing the home must fall under the federally determined acquisition limits. Acquisition limits vary by county.

12. The property may be a one (1) unit or two to four (2 - 4) unit dwelling.

13. The home must be used as the Mortgagor's principal residence.

14. If a Mortgagor is purchasing a property that it is renting or has rented previously, the Participating Lender must supply a lease agreement or a title commitment and/or a chain of title with the application package.

15. The reservation fee for reserving a loan through the Program is a flat fee of $500.00.

16. Co-signers of the Mortgagor are allowed, however non-occupying Co-Mortgagors are not allowed. IHCDA does not include Co-signer's income in total household income. Participating Lender should exclude the co-signer's information from the application package that is being submitted to IHCDA.

17. An FHA case number must be assigned to each loan that has FHA financing.

18. In accordance with FHA Mortgagee Letters 99-18, 2004-04 and 2005-01, Participant must advise each Mortgagor of the importance of obtaining an independent home inspection for any home it plans to purchase.

19. A Mortgagor could be subject to a federal recapture tax if he or she sells his or her home within nine (9) years of purchase.

20. Any employee, agent, or associate of the Participating Lender caught forging or altering documentation or otherwise misrepresenting information will be suspended from the Program and the pertinent information will be turned over to the proper state and local authorities.

21. IHCDA strongly encourages Participating Lenders to print this program guide from **http://www.in.gov/myichda/2401.htm**

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
GEOGRAPHIC ELIGIBILITY
SECTION 1

Certain geographic areas in Indiana have been designated as "Targeted Areas" according to MCC Program requirements. Areas of the State not designated as Targeted Areas are referred to as "Non-Targeted Areas". For each series of the Program, a portion of the total funds available are set aside for loans in Targeted Areas.

A. TARGETED AREAS ARE EITHER:

1) A Qualified Census Tract: seventy percent (70%) or more of the families have an income which is eighty percent (80%) or less of the statewide median family income.

2) An "Area of Chronic Economic Distress" as designated by the State and approved by the Secretary of the Treasury and the Secretary of the U.S. Department of Housing and Urban Development.

Targeted Areas include the following counties in the State of Indiana:

Brown	Clinton	Crawford	Daviess	Dearborn	Decatur
Fayette	Franklin	Fulton	Greene	Jackson	Jasper
Jefferson	Knox	Lawrence	Miami	Ohio	Orange
Owen	Parke	Perry	Pike	Rush	Scott
Shelby	Spencer	Vermillion	Vigo	Washington	Wayne

Targeted Areas also include the following census tracts within counties that themselves are not Targeted Areas. The property appraiser must note the qualifying census tract information on the appraisal for property to be designated as within a Targeted Area.

2014 IRS SECTION 42(d)(5)(B) QUALIFIED CENSUS TRACTS

County	Census Tract				
Allen	0005.00	0006.00	0012.00	0013.00	0016.00
	0017.00	0021.00	0023.00	0028.00	0030.00
	0031.00	0043.00	0044.00		
Clark	0503.03	0504.03			
Delaware	0004.00	0005.00	0006.00	0009.02	0012.00
	0016.00	0020.00			
Elkhart	0026.00				
Floyd	0702.00	0708.01			
Grant	0002.00				
Henry	9765.00				
Howard	0002.00	0004.00	0012.00		
Jay	9630.00				
Lake	0102.01	0102.03	0102.05	0103.02	0105.00
	0110.00	0111.00	0113.00	0114.00	0116.00
	0119.00	0121.00	0122.00	0123.00	0205.00

	0206.00	0301.00	0302.00	0303.00	0310.00
	0412.00				
LaPorte	0413.00				
Madison	0005.00	0008.00	0009.00		
Marion	3103.05	3226.00	3308.03	3308.04	3308.05
	3401.08	3404.00	3407.00	3412.00	3416.00
	3417.00	3419.03	3423.00	3503.00	3505.00
	3508.00	3510.00	3519.00	3521.00	3523.00
	3524.00	3526.00	3527.00	3528.00	3535.00
	3547.00	3548.00	3549.00	3550.00	3551.00
	3557.00	3559.00	3564.00	3569.00	3572.00
	3573.00	3574.00	3581.00	3601.01	3603.02
	3604.01	3907.00			
Monroe	0002.01	0002.02	0006.01	0016.00	
Randolph	9516.00				
Shelby	7106.01				
St. Joseph	0004.00	0005.00	0006.00	0017.00	0019.00
	0020.00	0021.00	0024.00	0028.00	0029.00
	0030.00	0034.00			
Tippecanoe	0004.00	0054.00	0055.00	0105.00	
Vanderburgh	0011.00	0012.00	0013.00	0014.00	0019.00
	0020.00	0021.00	0025.00	0026.00	

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
MORTGAGOR ELIGIBILITY
SECTION 2

A Mortgagor applying for an MCC must meet the following eligibility requirements:

(A) **Must be a First-Time Homebuyer**. A "First-Time Homebuyer" is someone who has not, at any time during the three (3) years preceding the date of the loan closing, had a present ownership interest in his or her principal residence. This requirement does not apply to all members of the household only to those persons executing the loan documents. However, Mortgagors acquiring residences in Targeted Areas and eligible veterans are exempt from the First-Time Homebuyer requirement.

(B) An ownership interest includes**:**

a. A fee simple interest;

b. A joint tenancy, a tenancy in common, or a tenancy by the entirety;

c. The interest of a tenant shareholder in a cooperative;

d. A life estate;

e. A land contract (i.e. a contract under which possession and the benefits and burdens of ownership are transferred although legal title is not transferred until some later time);

f. An interest held in trust for the Mortgagor (whether or not created by the Mortgagor) that would constitute a present ownership interest if held directly by the Mortgagor; or

g. Ownership of a factory-made home permanently affixed to real property and taxed as real estate.

Interests that <u>do not</u> constitute ownership interest include:

a. A remainder interest;

b. A lease;

c. A mere expectancy to inherit an interest in a principal residence;

d. The interest that a purchaser of a residence acquires upon the execution of a purchase contract;

e. An interest in other than a principal residence during the previous three (3) years; or

f. Ownership of a factory-made home not permanently affixed to real property and taxed as personal property.

(C) **Must be income eligible**.

Mortgagors who are applying for an MCC must meet the income limits of the county in which the residence that the Mortgagor is planning to purchase is located. The income limits are located on IHCDA's website.

Income will be determined for Mortgagor and Co-Mortgagor(s) only based off qualifying Gross Annual Income provided on the Uniform Residential Loan Application (URLA Form 1003). The "Gross Annual Income" is defined below. IHCDA and/or the Participating Lender can request any additional information either needs to make this determination.

Gross Annual Income includes gross wages and salaries from employment, including any part-time, seasonal, or sporadic income, shift differentials, overtime pay, commissions, fees, tips, and bonuses. Gross Annual Income also includes:

1. Child support, alimony and separate maintenance payments;

2. Periodic payments for trust, annuities, inheritances, insurance policies, pensions, retirement funds and lotteries;

3. All public assistance payments (excluding Medicaid and food stamps) including any amount by which educational grants, scholarships, and/or Veteran Administration educational benefits exceed expenses for tuition, fees, books, and equipment and reasonable rent and utility costs for a student living away from home;

4. Interest and dividends;

5. Payments in lieu of earnings, including social security, unemployment benefits, worker's compensation, severance pay, disability or death benefits;

6. Income from partnerships;

7. Rental income from property owned;

8. Recurring monetary contributions or gifts regularly received from a person not living in the residence; and

9. All regular pay, special pay, and allowances of a member of the Armed Forces, except special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

(D) **Aliens.** U.S. citizenship is not required under current Fannie Mae and Ginnie Mae guidelines. However, the Participating Lender is required to determine the Mortgagor's residency status, in accordance with Fannie Mae, Ginnie Mae or the Master Servicer's guidelines, as applicable. IHCDA and/or the Participating Lender may request any additional immigration documentation needed to verify or make a determination on residency status or household size.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
PROPERTY ELIGIBLITY
SECTION 3

The proceeds of an MCC must be used to acquire the principal residence of the Mortgagor. The residence must meet the following requirements:

(A) The property must be located in the State of Indiana.

The property must be a one (1) unit or two to four (2 - 4) unit dwelling.

The "Acquisition Cost" of the residence must not exceed the applicable Program acquisition cost limits. The IHCDA website contains acquisition cost limits. The term "Acquisition Cost" means the cost of acquiring a residence from the seller(s) as a completed residential unit. The Acquisition Cost includes:

(1) All amounts paid, either in cash or in kind, by the Mortgagor (or a related party for the benefit of the Mortgagor) to the seller(s) (or a related party of the seller(s)) as consideration for the residence;

(2) If the residence is incomplete, the reasonable cost of completing the residence whether or not financed by the MCC loan. For example, if the residence is in need of repair and the repairs are necessary to make the residence habitable, to meet local building codes, or to meet Program requirements, the reasonable cost of making the repairs whether or not financed by the MCC loan;

(3) Settlement and financing costs in excess of amounts which are usual and reasonable (e.g. points paid by the Mortgagor for the purpose of "buying down" the interest rate);

(4) Property taxes, if not prorated between ownership by Mortgagor and seller (e.g., Mortgagor pays next installment due); and

(5) The cost of the land, or if a gift, the appraised value, is to be added to the Acquisition Cost if the Mortgagor has owned the land for less than two (2) years prior to construction of residence.

(B) Acquisition cost does not include:

(1) Usual and reasonable settlement and financing costs including:

(a) Title and transfer costs;

(b) Title insurance;

(c) Survey fees and other similar costs;

(d) Credit reference fees;

(e) Legal fees;

(f) Appraisal expenses;

(g) Usual and reasonable financing points paid by the Mortgagor;

(h) Structural and systems or pest inspections; and

(i) Other related costs of financing the residence.

(2) Land owned by the Mortgagor for more than two (2) years prior to construction.

(3) The imputed value of "sweat equity" performed by the Mortgagor or members of the Mortgagor's immediate family.

(C) No more than ten percent (10%) of the total area of the residence can reasonably be used as:

(1) The principal place of business for, or connected with, any trade or business on an exclusive or regular basis;

(2) A place where inventory is held for use in the trade or business of the selling of products at wholesale or retail, unless the residence is the sole fixed location of such trade or business; or

(3) A place used on a regular basis in a trade or business.

A residence used as an investment property or a recreational home would not qualify as a principal residence.

If the single family residence contains 2, 3 or 4 units, then (a) one unit is occupied by the Mortgagor of the units and (b) the units were first occupied at least five (5) years before the MCC-linked mortgage (but not necessarily occupied on the date hereof). If the residence is located in a Targeted Area clause (b) above shall not apply if the family income of the Mortgagor(s) meets the applicable income requirements.

All FHA appraisals must be conducted by a licensed appraiser in accordance with the US Department of Housing and Urban Development (HUD) Handbook No. 4150.1 Rev-1.

The amount paid to the seller(s) for consideration for the residence cannot be higher than it would be had the sale occurred without the benefit of the Program.

(D) Mortgage financing eligibility:

(1) The MCC loan cannot finance the following:

a. Acquisition of personal property;

b. Land not appurtenant to the residence;

c. Land appurtenant to the residence but not necessary to maintain the basic livability of the residence or which provides, other than incidentally, a source of income to the Mortgagor; or

d. Settlement and financing costs.

(2) The MCC loan cannot refinance an existing loan or acquire or replace existing mortgages of the Mortgagor for the property.

- Land sale contracts will be considered existing financing, regardless of whether or not they have been recorded.

(3) An MCC loan cannot be financed from the proceeds of a Qualified Mortgage Revenue Bond or Qualified Veterans' Mortgage Bond.

(4) None of the interest of an MCC loan can be paid to a member of the Mortgagor's immediate family.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
THE FEDERAL RECAPTURE TAX
SECTION 4

Congress enacted legislation in 1988, subsequently amended in October 1990, to recapture, under certain circumstances, some or the entire subsidy from homebuyers who receive qualified mortgage bond assistance after January 1, 1991 (the "Federal Recapture Tax"). Because the recapture rules apply to loans that were based on an MCC, a Mortgagor participating in the Program could be subject to the Federal Recapture Tax. THE FOLLOWING DOES NOT CONSTITUTE TAX OR LEGAL ADVICE AND EACH MORTGAGOR IS ADVISED TO CONSULT WITH A TAX SPECIALIST TO DETERMINE WHETHER HE OR SHE IS RESPONSIBLE FOR PAYING THE FEDERAL RECAPTURE TAX.

The law mandates a "recapture" of some of the benefit of the program if a Mortgagor meets all three (3) of the following criteria: (1) the property ceases to be the principal residence in the first full nine (9) years after the date that the mortgage loan is closed; (2) there is a profit on the sale of the home, and (3) the household income is more than that year's adjusted qualifying income for Mortgagor's family size that year.

If Federal Recapture Tax is owed, it is computed and paid to the IRS for the tax year in which the home is sold. If Federal Recapture Tax must be repaid, it will never exceed the lesser of 6.25% of the original loan amount or one-half (1/2) of the gain on the sale of the home.

The most that a Mortgagor will ever be required to pay when a Mortgagor sells his or her home within the first nine (9) years of purchasing it is 6.25% of the highest principal amount of the mortgage loan that was federally subsidized during the life of the loan. This 6.25% is the amount considered to be the federally subsidized amount. When a Mortgagor sells his or her home is as important as the amount a Mortgagor receives for the sale of his or her home and his or her income at the time of the sale. The actual Federal Recapture Tax, if any, can only be determined when the Mortgagor sells his or her home.

Remember:

- If a Mortgagor sells his or her home after nine (9) years of purchasing it, there is no Federal Recapture Tax due;
- If he or she does not receive a gain (net profit) on the sale of his or her home, there is no Federal Recapture Tax due, or
- If the household income is not more than that year's adjusted qualifying income for Mortgagor's family size that year, there is no Federal Recapture Tax due.

A Mortgagor is Not Subject to the Federal Recapture Tax if:

- His or her home is disposed of as a result of his or her death.
- A Mortgagor transfers his or her home to his or her spouse or his or her former spouse incident to a divorce and a Mortgagor has no gain or loss included in his or her income as a result of the transfer.
- A Mortgagor refinances his or her home (unless Mortgagor later meets the recapture rules).
- Mortgagor's home is destroyed by fire, storm, flood or other casualty if home is replaced on its original site within two (2) years after the end of the tax year when the casualty happened.

However, if a Mortgagor gives away his or her home (other than incident to a divorce), Federal Recapture Tax amounts must be calculated as if the home was sold at fair market value at the time of disposition.

Income Increase:
If a Mortgagor sold his or her home and made a net profit, then a Mortgagor may have to pay Federal Recapture Tax, depending on whether his or her income has increased above the maximum allowable amount. Within ninety (90) days from the date of the Final Approval, IHCDA will send to each Mortgagor a *Notice to Mortgagor of Maximum Recapture Tax and of Method to Compute Recapture Tax on Disposition of Home*. A sample of this notice is included on the following pages. Mortgagor should keep this notice for future reference in calculating the Federal Recapture Tax.

How much do I owe?
The amount a Mortgagor owes will be the lesser of fifty percent (50%) of the gain realized from the sale of his or her home OR the amount resulting from a calculation that uses:

- The income percentage (Consider the amount by which his or her income exceeds the limit in the year that a Mortgagor sells. If the amount is $5,000.00 or more, then his or her income percentage is one hundred percent (100%). If less than $5,000.00 then divide the amount by which his or her income exceeds the limit by $5,000.00 and round to the nearest whole percentage.)
- The maximum recapture tax or federally subsidized amount (this is .0625 x the highest principal amount of his or her loan).
- The holding period percentage as shown on the chart below:

Disposition Within # Months of Closing	Holding Period Percentage
1 - 12	20%
13 - 24	40%
25 - 36	60%
37 - 48	80%
49 - 60	100%
61 - 72	80%
73 - 84	60%
85 - 96	40%
97 - 108	20%
109 or More	No Recapture Tax

Again, a Mortgagor should consult with a tax advisor to determine whether he or she owes Federal Recapture Tax.

For more information, contact the IRS and request Form 8828 and the instructions for Form 8828 (both available on the IRS Website: http://www.irs.gov).

SAMPLE LETTER

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
30 SOUTH MERIDIAN STREET, SUITE 1000
INDIANAPOLIS, INDIANA 46204-3413

April 00, 2015

Series:	MCC
Orig :	(Code) Bank Name (Code)
SF #:	Number
Loan Amount:	$00,000.00
Term:	xx Months
Property:	Street Address
City/Zip:	City, zip
County:	County name
Reserv/Appl Date:	00-00-00
Commitment Date:	00-00-00
Closing Date:	00-00-00
Loan Purchase:	00-00-00

Notice to Mortgagor(s) of Maximum Recapture Tax
and of Method to Compute Recapture on Dispositions of Home

In accordance with Section 143 (m) of the Internal Revenue Code, the maximum recapture tax that you may be required to pay upon disposition of this property is $0000.00. This amount is 6.25% of the highest principal amount of the above-referenced mortgage loan, and is your federally subsidized indebtedness with respect to the loan.

Disposition Within Months of Closing	Holding Period Percentage	Adjusted Qualifying Income On date of Disposition, for Family Size 2 or Less	3 or More
1 - 12	20%	62,900	72.335
13 - 24	40%	66,045	75,951
25 - 36	60%	69,347	79,748
37 - 48	80%	72,814	83,735
49 - 60	100%	76,454	87,921
61 - 72	80%	80,276	92,317
73 - 84	60%	84,289	96,932
85 - 96	40%	88,503	101,778
97 - 108	20%	92,928	106,866
109 or More	No Recapture Tax		

A. **Introduction**

1. **General.** When you sell your home you may have to pay a recapture tax as calculated below. The recapture tax may also apply if you dispose of your home in some other way. Any reference in this notice to the "sale" of your home also includes other ways of disposing of your home.
2. **Exceptions.** In the following situations, no recapture tax is due:

(a) You dispose of your home later than nine (9) years after you close your mortgage loan;

(b) Your home is disposed of as a result of your death;

(c) You transfer your home either to your spouse or to your former spouse incident to divorce and you have no gain or loss included in your income under Section 1041 of the Internal Revenue Code; or

(d) You dispose of your home at a loss.

B. **Maximum Recapture Tax.** The maximum recapture tax amount is 6.25% of the highest principal amount of your mortgage loan and is your federally subsidized amount with respect to the loan or 50% of the gain on the sale of the residence.

C. **Actual Recapture Tax.** The actual recapture tax, if any, can only be determined when you sell your home, and is the lesser of (1) fifty (50%) of your gain on the sale of your home, regardless of whether you have to include that gain in your income for federal income tax purposes, or (2) your recapture amount determined by multiplying the following three (3) numbers:

1. The maximum recapture tax, as described in paragraph B above;

2. The holding period percentage, as listed in Column 1 in the table; and

3. The income percentage, as described in paragraph D below.

D. **Income Percentage**. You calculate the income percentage as follows:

1. Subtract the applicable adjusted qualifying income in the taxable year in which you sell your home, as listed in column 2 of the table on page one (1) of this letter, from your modified adjusted gross income in the taxable year in which you sell your home.

Your modified adjusted gross income means your adjusted gross income shown on your federal income tax return for the taxable year in which you sell your home, with the following two adjustments: (a) your adjusted gross income must be increased by the amount of any interest that you receive or acquire in the taxable year from tax-exempt bonds that is excluded from your gross income (under Section 103 of the Internal Revenue Code); and (b) your adjusted gross income must be decreased by the amount of any gain included in your gross income by the reason of the sale of your home.

2. If the amount calculated in (1) above is zero (0) or less, you owe no recapture tax and do not need to make any more calculations. If it is $5000.00 or more, your income percentage is one hundred percent (100%). If it is greater than zero (0) but less than $5000.00, it must be divided by $5000.00. This fraction, expressed as a percentage, represents your income percentage. For example, if the fraction is $1000.00/$5000.00, your income percentage is twenty percent (20%).

E. **Limitations and Special Rules on Recapture Tax**

1. If you give away your home (other than to your spouse or ex-spouse incident to divorce), you must determine your actual recapture tax as if you had sold your home for its fair market value.

2. If your home is destroyed by fire, storm, flood, or other casualty, there generally is no recapture tax if, within two (2) years, you purchase additional property for use as your principal residence or construct a new home on the site of the home financed with your original subsidized mortgage loan.

3. In general, except as provided in future regulations, if two (2) or more persons own a home and are jointly liable for the subsidized mortgage loan, the actual recapture tax is determined separately for each individual based on each individual's interests in the home.

4. If you repay your loan in full during the nine (9) year recapture period and you sell your home during this period, your holding period percentage may be reduced under the special rule in Section 143(m)(4)(c)(ii) of the Internal Revenue Code.

5. Other special rules may apply in particular circumstances. You may wish to consult with a tax advisor or the local office of the Internal Revenue Service when you sell or otherwise dispose of your home to determine the amount, if any, of your actual recapture tax. See Section 143(m) of the Internal Revenue Code generally.

Sincerely,

Authorized Officer

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
FEE SCHEDULE
SECTION 5

Reservation Fee:

Flat fee of $500.00.

The Participating Lender may ACH wire the reservation fee to IHCDA. IHCDA will forward the ACH wire information to the Participating Lender once a signed Mortgage Origination and Sale Agreement (MOSA) is received and approved by IHCDA. The Participating Lender may submit up to thirteen (13) reservation fees per ACH wire. The Participating Lender must have a reservation number from the IHSF before submitting fees.

If a Participating Lender is unable to submit the reservation fee by ACH wire they may submit Mortgagor's certified funds or Participating Lender's check payable to IHCDA. A separate check must be made out for each reservation fee. IHCDA does not accept cash or coins.

Any reservation fee overages will be refunded after the MCC Certificate is issued.

Extension Fee:

Commitment Extension: 0.25% of the mortgage amount for one (1) thirty (30) day extension.

Late Submission of Closing Package: 0.25% of the mortgage amount for a closing package received by IHCDA more than thirty (30) days after closing.

Reinstatement Fee:

Amount of Time Terminated	Fee
1-90 days	$500.00
91-180	$1,000.00
Greater than 180 days	$1,500.00 plus the appropriate reservation fee.

Refund of Reservation Fee:

If the application package has not been reviewed by IHCDA, the full reservation fee will be refunded upon the Participating Lender's request for termination of the reservation.

If IHCDA has reviewed the application package, 0.25% of the reservation fee will be retained by IHCDA, and the remaining reservation fee received by IHCDA will be refunded upon termination or denial to the Participating Lender.

Reinstatement, extension and late submission fees cannot be paid by the Mortgagor and are non-refundable.

Participation Fees for Participating Lenders:

Fees paid by the Participating Lender to IHCDA for the Program are non-refundable and are as follows:

1. Fees will be collected from Participating Lenders at the time of execution of the MCC Mortgage Origination and Sales Agreement. Any lenders choosing to become a Participating Lender later in the

year will be required to pay the full amount. All Participating Lenders are required to execute the MCC Mortgage Origination and Sales Agreement and Program Registration Form.

2. Fee Structure

Participating Lender	$500.00
Additional offices or branches	$125.00 (offices that require separate user IDs)

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
RESERVATION REQUEST PROCEDURES
SECTION 6

Preliminary Eligibility Review

Before making a reservation request for an MCC loan, the Participating Lender is required to receive a fully executed Purchase Agreement. The Participating Lender should determine if the home is located in a Targeted Area or Non-Targeted Area and whether the Mortgagor meets other Program eligibility requirements. Note: a Participating Lender cannot reserve a loan that it cannot close in its own name, except in the case of a broker working with a supporting lender and closing the loan in that supporting lender's name.

A reservation is important: the Mortgagor cannot execute IHCDA'S documents without an IHCDA reservation number.

Reservation Request

The Participating Lender must make reservation requests using the IHSF online system. All reservations will be accepted on a first-come, first-served basis and are always subject to availability of funds. IHSF will confirm the reservation number immediately.

MODIFICATIONS

A Participating Lender must request any change to a Mortgagor's reservation, subject to the following conditions:

1. **Increases in Mortgage Amount.** Requests for increases in loan amounts will be subject to the availability of funds. Participating Lenders should include the purchase price and loan amount (original and revised) via email.

2. **Change of Address.** The Participating Lender should contact the IHCDA Homeownership Department and the appropriate changes will be made at that time. In this case the commitment expiration date will start over. If the file has already been underwritten by IHCDA the Participating Lender will need to contact the appropriate IHCDA Homeownership Department underwriter.

3. **Transfer of Reservation (Mortgagor).** IHCDA will not allow the transfer of a reservation from one Mortgagor to another Mortgagor.

4. **Transfer of Reservation (Participating Lender).** IHCDA will allow a transfer of a reservation from one Participating Lender to another. The original Participating Lender must submit an e-mail stating that the reservation and the reservation fees are to be transferred to the new Participating Lender. The new lender must be a Participating Lender with the Program and submit an e-mail stating that it will accept the transfer of the reservation. The original reservation will be canceled allowing the new Participating Lender to reserve the loan. The reservation fee will be transferred to the new reservation number, if applicable. The new Participating Lender must submit a new application file to IHCDA. The new Participating Lender cannot close the loan without receiving approval from IHCDA with the new Participating Lender's name specified on the documents.

PARTICIPATING LENDER'S CANCELLATION OF A RESERVATION

If the Participating Lender determines that it will not close a loan for which it has received a reservation number, the Participating Lender should notify the IHCDA Homeownership Department as soon as possible.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
APPLICATION PACKAGE SUBMISSION
SECTION 7

Participating Lenders are encouraged to pre-qualify Mortgagors for credit eligibility whenever possible; the Unified Residential Loan Application (URLA) can be dated prior to the date of the purchase agreement. Note: IHCDA'S documents cannot be dated prior to the date of the reservation.

A. SUBMISSION

The Participating Lender is responsible for performing a thorough investigation to determine whether both the Mortgagor and the property meet Program requirements. The following information must be submitted to IHCDA to obtain preliminary approval needed to close:

- Reservation Fee
- IHCDA Homeownership Affidavit
- Certificate of Completion from FrameWork (if applicable)

B. APPLICATION PACKAGE SUBMISSION (APPROVAL)

All files will be reviewed in the order that they are received. IHCDA will underwrite all files within a reasonable amount of time from the date that the file is received. Participating Lenders are encouraged to check IHSF regularly for the status of its application packages.

When IHCDA determines that the application package is complete and in compliance with Program requirements, IHCDA will change the status to reflect "Approved" in the IHSF. IHSF will show a date on which the loan expires which is known as the Commitment Expiration Date, and the Participating Lender must have received final approval from IHCDA on or before such date.

C. APPLICATION PACKAGE SUBMISSION (PENDED)

If IHCDA needs additional information or if the application package is incomplete, the application package will be considered "pended" and the status will show "Incomplete" in IHSF. IHCDA will review the application conditions within a reasonable amount of time from the date the condition is received.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
CLOSING PACKAGE SUBMISSION
SECTION 8

A. DUE DATE

After the loan closing, the Participating Lender shall forward to IHCDA the executed closing package which must be received by IHCDA within 30 days of closing. The "Commitment Expiration Date" is sixty (60) days after the date of reservation on all existing properties and one hundred eighty (180) days on all new construction properties. Extensions may be granted. Contact IHCDA for extension requests.

B. SUBMISSION

After the loan closing, the Participating Lender shall forward to IHCDA the executed closing package, which consists of the following:

- Final Mortgage and Loan Originator Signed 1003 (Copy)
- Final Signed IHCDA Homeownership Informational Certificate "Info Cert" Document (Copy)
- 3 Years Tax Transcripts (Copy, required)
- Signed Purchase Agreement/Counters/Amendments (Copy)
- Appraisal (Copy)
- Signed Closing Disclosure (Copy)
- First Page of Mortgage (Copy)
- Signed Mortgage Note (Copy)

IHCDA documents cannot be dated prior to the date of closing.

C. CLOSING PACKAGE SUBMISSION (APPROVAL)

All files will be reviewed in the order that they are received. IHCDA will underwrite all files within a reasonable amount of time from the date that the file is received. Participating Lenders are encouraged to check IHSF regularly for the status of its closing packages.

When IHCDA determines that the closing package is complete and in compliance with Program requirements, IHCDA will change the status to reflect "Approved" in the IHSF. IHSF will show a date on which the loan expires which is known as the Commitment Expiration Date, and the Participating Lender must have received final approval from IHCDA on or before such date.

D. CLOSING PACKAGE SUBMISSION (PENDED)

If IHCDA needs additional information or if the closing package is incomplete, the closing package will be considered "pended" and the status will show "Incomplete" in IHSF. IHCDA will review the closing conditions within a reasonable amount of time from the date the conditions are received.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
CANCELLED/REJECTED/TERMINATED FILES
SECTION 9

A. CANCELLATION

If the Participating Lender fails to receive final approval from IHCDA by the Commitment Expiration Date, IHCDA will cancel the reservation. If the reservation is canceled by IHCDA, the Participating Lender may request reinstatement of the reservation. Reinstatements will be approved at IHCDA's sole discretion, and subject to the availability of funds. The Participating Lender has thirty (30) days to reinstate the reservation.

B. DENIED RESERVATION

IHCDA may post a "Rejected" status in IHSF if the information included indicates that either the Mortgagor or the property or both do not meet Program requirements. IHCDA will cancel rejected loans thirty (30) days after the date it is given a "Rejected" status in IHSF. Any funds previously allocated to the property shall be made available for other loan applications.

C. PERMANENT TERMINATION POLICY

Once a reservation shows a status of "Terminated" in IHSF, a Participating Lender cannot reinstate the loan. At this time, the applicable portion of the reservation fee will be refunded. The decision concerning whether or not a permanently terminated loan can be reinstated will be based on the following factors: the availability of funds, IHCDA's receipt of all outstanding conditions, IHCDA's receipt of the Reinstatement fee, IHCDA's receipt of the Reservation fee and IHCDA's sole discretion.

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INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
PARTICIPATING LENDER'S TAX ADVISORY OBLIGATION TO THE MORTGAGOR(S)
SECTION 10

The Participating Lender has an obligation to provide the Mortgagor(s) with a copy of the Internal Revenue Service Form W-4, Employee's Withholding Allowance Certificate. This form contains the Internal Revenue Service instructions for the Mortgagor to file with his or her employer the number of exemptions to be used in calculating the payroll withholding for Federal Income Tax purposes. The Mortgagor(s) must decide whether or not to adjust his and/or her withholding exemptions and decrease his and/or her federal Income Tax withholding in an amount comparable to the expected credit usable by the Mortgagor(s).

The Participating Lender shall advise the Mortgagor(s):

(a) To consult a tax advisor or accountant to determine the Federal Income Tax consequences of participating in the Mortgage Credit Certificate Program and not to rely on statements made by IHCDA, the Participating Lender or others; and

(b) That the use of the Mortgage Credit Certificate will reduce the Mortgagor(s) itemized deduction for mortgage interest used to compute Federal Taxable Income and that the credit is only usable if the Mortgagor(s) has a Federal Income Tax Liability and, depending upon the amount of such liability, may not be fully usable; and

(c) Any such credit, which may be available, will be prorated during the first year and the last year the credit is available based upon the number of months during which the Mortgagor(s) and the one (1) unit or two to four (2 – 4) unit dwelling qualifies under the Internal Revenue Code for the credit; and

(d) That the Mortgagor(s) must prepare his Federal Income Tax Return on Form 1040 in order to be able to take any such credit which may be available. IRS Form 1040A or 1040EZ cannot be used in conjunction with the MCC.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
PARTICIPATING LENDER REPORTING REQUIREMENTS
SECTION 11

IRS FORM 8329

IHCDA is responsible for mailing the original MCC to the Mortgagor and a copy of the MCC to the Participating Lender. The Participating Lender must keep a copy of the MCC in order to complete IRS Form 8329.

IRS Form 8329 must be completed for each MCC series for which the Participating Lender originated MCC loans and IHCDA issued a MCC. The IRS Form 8329 is to be completed and filed with the IRS no later than January 31 following the applicable calendar year. An MCC assisted mortgage need only be reported once on IRS Form 8329.

RECORDS RETENTION

The Participating Lender must retain the following information for each MCC holder for six (6) years:

1. Name, address, and Social Security Number or Tax Identification (TIN) of each of the MCC holders.

2. Name, address, and TIN of issuer:
   Indiana Housing & Community Development Authority
   30 South Meridian Street, Suite 1000
   Indianapolis, IN 46204

3. Date of loan closing, certified indebtedness amount (original mortgage amount) and the MCC rate.

Please consult www.irs.gov for the appropriate address to deliver the Form 8329 to the IRS.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
REVOCATION PROCEDURES
SECTION 12

Automatic revocation of an MCC occurs when the dwelling for which the MCC was issued ceases to be the MCC holder's principal residence or when the MCC loan is paid in full or assumed.

The Participating Lender must notify IHCDA within five (5) days of the following occurrences with respect to any MCC loan:

1. Foreclosure of the MCC loan;
2. Payment of the MCC loan in full;
3. Assumption of the MCC loan; or
4. Refinancing of the MCC loan.

The Participating Lender shall be responsible for advising any person servicing the MCC loan of this reporting requirement.

The MCC holder must notify IHCDA within five (5) days if the dwelling ceases to be the MCC holder's principal residence.

In the event that IHCDA determines that an MCC holder's eligibility for the MCC was possibly based on misrepresentation or on fraudulent statements made, IHCDA will notify the Participating Lender and the MCC holder of its intent to revoke the MCC. The notification will give the reasons for the intended revocation and give the Participating Lender and the MCC holder fifteen (15) days to respond in writing and/or provide additional information for IHCDA's consideration.

If no response is received from either the Participating Lender or the MCC holder, the MCC will be revoked by IHCDA. Upon receipt, IHCDA will review and consider additional information or documentation presented in support of the MCC holder's eligibility and determine whether to revoke the MCC. If the decision is made to revoke the MCC, IHCDA will notify the Participating Lender and the MCC holder of such decision.

Revocations of MCCs are reported to the IRS by IHCDA quarterly on IRS Form 8330. The MCC holder's name, address, and Social Security Number or Taxpayer Identification Number are reported on the form.

INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY
MORTGAGE CREDIT CERTIFICATE PROGRAM
RE-ISSUANCE AFFIDAVIT

THERE ARE IMPORTANT LEGAL CONSEQUENCES TO THIS AFFIDAVIT:

*****READ IT CAREFULLY BEFORE SIGNING*****

(Please print or type)

***MORTGAGOR NAME: _____LAST 4 OF SS#_____**
***CO-MORTGAGOR NAME: _____ LAST 4 OF SS#_____**
***EMAIL ADDRESS: _____**
TELEPHONE NUMBER (HOME) _____
MORTGAGOR TELEPHONE NUMBER (WORK) _____
CO-MORTGAGOR TELEPHONE NUMBER (WORK) _____
***ADDRESS: _____**
_____, INDIANA _____
(CITY) (ZIP CODE)

THE UNDERSIGNED, DO HEREBY AFFIRM UNDER THE PENALTIES FOR PERJURY THAT THE FOLLOWING REPRESENTATIONS ARE TRUE AND COMPLETE:

The property for which we were originally issued a Mortgage Credit Certificate ("MCC") and for which the address is shown above is currently our principal residence. NOTE: If your address has changed for 911 purposes please specify.

Except only for reason of death or divorce (see number 5, attached), we are the same persons to who the existing, original MCC was issued.

We have refinanced our mortgage after December 22, 1992 and an MCC was previously issued. We are requesting that an MCC be re-issued for our new mortgage indebtedness.

We will not use both the original and re-issued MCC and, we will use only the amortization of the Certified Indebtedness rather than the principal balance of our new Mortgage when calculating our annual tax credit.

We are/were not restricted as to which Lender we used to refinance our MCC mortgage loan.

We understand that we will be dealing directly with IHCDA in regards to being issued another MCC, not the mortgage Lender.

In support of our request that a MCC be re-issued for our refinanced mortgage loan, we hereby submit to IHCDA the following:

1. This Affidavit together with a **Certified Check, Cashier's Check or Money Order (payable to Indiana Housing & Community Development Authority /IHCDA)** for the re-issuance fee in an amount of $50.00.

2. Copy of the HUD-1 Settlement Statement (if re-financed loan closed **PRIOR** to October 3, 2015) which has been signed by the title company and you or Closing Disclosure (if re-financed loan closed **ON OR AFTER** October 3, 2015) which has been signed by you. (Obtain a copy from the Lender or title company)

3. Copy of the Mortgage Promissory Note for the **re-financed** loan (which must be signed by you). (Obtain a copy from Lender or title company)

4. Original or, if lost, a copy of the Mortgage Credit Certificate originally issued to us. ***If you have previously had your certificate re-issued you should also include a copy of the re-issued certificate.***

5. If a change from original recipients, copy of Death Certificate or Decree of Divorce.

6. Payoff Statement showing exact principal balance and payoff of old mortgage. (Needed if this is the first time refinanced.)

All of the required documentation must be sent to the address below:

Indiana Housing & Community Development Authority
Attn: MCC Re-Issuance
30 South Meridian Street
Suite 1000
Indianapolis, IN 46204

_____ _____
Mortgagor Signature Date Signed

_____ _____
Co-Mortgagor Signature Date Signed