

Unified Regulatory Plan of the Virginia Housing Development Authority for State Fiscal Year 2023

Prepared on September 30, 2022

Description of Agency or Boards

The Virginia Housing Development Authority (VHDA) is a self-supporting, not-for-profit organization created by the Commonwealth of Virginia in 1972, to help Virginians attain quality, affordable housing. Under Virginia Housing Development Authority's enabling legislation, the principal purposes of Virginia Housing Development Authority are to: (1) encourage the investment of private capital in and stimulate the construction and rehabilitation of residential housing for low and moderate income Virginians; (2) provide mortgage loan financing for the purpose of supplying sanitary and safe housing at rents or prices which persons or families of low and moderate income can afford; and (3) assist in coordinating federal, state, regional, and local public and private efforts and resources in providing housing for low and moderate income Virginians. The powers of Virginia Housing Development Authority are vested in its Board of Commissioners which consists of a representative of the Board of Housing and Community Development, the Director of the Department of Housing and Community Development, the Treasurer of the Commonwealth, and eight other Commissioners who are appointed by the Governor and confirmed by the General Assembly for terms of four years.

Title of Proposed Regulatory Action or Guidance Document	
Amendments to the Rules and Regulations for the Allocation of Virginia Housing Opportunity Tax Credits (13 VAC 10-200)	
Brief Overview	
The Virginia housing opportunity tax credit (HOTC) is created in §§ 58.1-439.29 and 58.1-439.30 of the Code of Virginia. Pursuant to those Code sections, Virginia Housing is the administrator of the HOTC and authorized to promulgate regulations to implement the HOTC program. These regulations begin at 13 VAC 10-200. Certain amendments to these Code sections were made by the 2022 General Assembly sessions in Senate Bill 47. The proposed amendments to the regulations (i) implement these changes and (ii) also expand the use of the HOTC permitted under the regulations by allowing HOTC to be paired with the 4% federal low-income housing tax credit (as has always been permitted in the HOTC statute).	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input checked="" type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input type="checkbox"/> Action required by federal statute <input checked="" type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	N/A
Expected Date	The proposed regulations were submitted for AG's review in August of 2022. The final regulations are expected to be adopted by the Virginia Housing Board of Commissioners in October of 2022.

Title of Proposed Regulatory Action or Guidance Document	
Amendments to Rules and Regulations for Allocation of Low-Income Housing Tax Credits (13VAC-180)	
Brief Overview	
The Internal Revenue Code requires that Virginia Housing, as administrator of the federal low-income housing tax credit (LIHTC) program in Virginia, adopt a “qualified allocation plan” or “QAP” (in the form of regulations) governing the award and compliance monitoring of the LIHTC program. The QAP begins in 13 VAC 180. Virginia Housing typically updates the QAP every other year to address any new state housing priorities, changes in the housing industry and economic environment, and other administrative changes.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input checked="" type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input checked="" type="checkbox"/> Exempt Rule <input type="checkbox"/> Guidance Document
Legal Authority	<input checked="" type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Not known at this time.
Expected Date	Anticipated that proposed regulations will be sent to the AG in April or June of 2023, with the final regulations adopted in FY24.

Title of Proposed Regulatory Action or Guidance Document	
Virginia Housing Low Income Housing Tax Credit Manual (Guidance Document)	
Brief Overview	
The Internal Revenue Code requires that Virginia Housing, as administrator of the federal low-income housing tax credit program (LIHTC) in Virginia, adopt a “qualified allocation plan” or “QAP” (in the form of regulations) governing the award and compliance monitoring of the LIHTC program. The QAP begins in 13 VAC 180. To provide additional clarity, guidance and forms related to the QAP to developers applying for an award of LIHTC, Virginia Housing annually updates its LIHTC manual as a Guidance Document.	
Regulatory Stage (check one box)	<input type="checkbox"/> NOIRA <input type="checkbox"/> Proposed Rule <input type="checkbox"/> Final Rule <input type="checkbox"/> Emergency Rule <input type="checkbox"/> Fast-Track Rule
Additional Description	<input type="checkbox"/> Expedited Rule <input type="checkbox"/> Exempt Rule <input checked="" type="checkbox"/> Guidance Document
Legal Authority	<input checked="" type="checkbox"/> Action required by federal statute <input type="checkbox"/> Action required by state statute <input checked="" type="checkbox"/> Discretionary action
Deregulatory Component	Not known at this time.
Expected Date	The LIHTC Manual is expected to be updated in December of 2022 or January of 2023.