DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5432–N–02]

Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for 2011

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: On September 9, 2010 (75 FR 54902), HUD published a notice designating “Difficult Development Areas” (DDAs) for 2011. HUD makes new DDA designations annually for purposes of the Low-Income Housing Tax Credit (LIHTC) under Section 42 of the Internal Revenue Code of 1986 (IRC) (26 U.S.C. 42). HUD’s September 9, 2010, notice also provided that designations of “Qualified Census Tracts” (QCTs) under IRC Section 42 published October 6, 2009 (74 FR 51304), remain in effect. HUD’s September 9, 2010, notice included a summary of the LIHTC and an explanation of HUD’s methodology in designating DDAs. HUD’s September 9, 2010, notice, however, inadvertently omitted the tables listing the metropolitan and nonmetropolitan DDAs for 2011. For the convenience of the public, today’s Federal Register notice republishes HUD’s DDA notice in its entirety, and includes the tables listing metropolitan and nonmetropolitan DDAs.

FOR FURTHER INFORMATION CONTACT: For questions on how areas are designated and on geographic definitions, contact Michael K. Hollar, Senior Economist, Economic Development and Public Finance Division, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8234, Washington, DC 20410–6000; telephone number 202–402–5078, or send an e-mail to Michael.K.Hollar@hud.gov. For specific legal questions pertaining to Section 42, contact Branch 5, Office of the Associate Chief Counsel, Passthrushs and Special Industries, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224; telephone number 202–402–3040, fax number 202–622–4753. For questions about the “HUB Zones” program, contact Mariana Pardo, Assistant Administrator for Procurement Policy, Office of Government Contracting, Small Business Administration, 409 Third Street, SW., Suite 8800, Washington, DC 20416; telephone number 202–205–8885, fax number 202–205–7167, or send an e-mail to hubzone@sba.gov. A text telephone is available for persons with hearing or speech impairments at 202–708–8339. (These are not toll-free telephone numbers.) Additional copies of this notice are available through HUD User at 800–245–2691 for a small fee to cover duplication and mailing costs.

Copies Available Electronically: This notice and additional information about DDAs and QCTs are available electronically on the Internet at http://www.huduser.org/datasets/qct.html.

SUPPLEMENTARY INFORMATION:

This Document

This notice designates DDAs for each of the 50 states, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. The designations of DDAs in this notice are based on final Fiscal Year (FY) 2010 Fair Market Rents (FMRs), FY2010 income limits, and 2000 Census population counts, as explained below. In accordance with the Gulf Opportunity Zone Act of 2005 (GO Zone Act) (Pub. L. 109–135, approved December 21, 2005), as amended by the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007, (Pub. L. 110–118, approved, May 25, 2007), GO Zone DDAs expire on December 31, 2010. Thus, this notice does not designate GO Zone DDAs.

2000 Census

Data from the 2000 Census on total population of metropolitan areas and nonmetropolitan areas are used in the designation of DDAs. The Office of Management and Budget (OMB) first published new metropolitan area definitions incorporating 2000 Census data in OMB Bulletin No. 03–04 on June 6, 2003, and updated them periodically through OMB Bulletin No. 09–01 on November 20, 2008. The FY2010 FMRs and FY2010 income limits used to designate DDAs are based on these new metropolitan statistical area (MSA) definitions, with modifications to account for substantial differences in rental housing markets (and, in some cases, median income levels) within MSAs.

Background

The U.S. Department of the Treasury (Treasury) and its Internal Revenue Service (IRS) are authorized to interpret and enforce the provisions of the IRC, including the LIHTC found at Section 42. The Secretary of HUD is required to designate DDAs and QCTs by IRC Section 42(d)(5)(B). In order to assist in understanding HUD’s mandated
designates of DDA and QCTs for use
in administering IRC Section 42, a
summary of the section is provided. The
following summary does not purport to
bind Treasury or the IRS in any way, nor
does it purport to bind HUD, since
HUD has authority to interpret or
administer the IRC only in instances
where it receives explicit statutory
delegation.

Summary of the Low-Income Housing
Tax Credit

The LIHTC is a tax incentive intended
to increase the availability of low-
income housing. IRC Section 42
provides an income tax credit to owners
of newly constructed or substantially
rehabilitated low-income rental housing
projects. The dollar amount of the
LIHTC available for allocation by each
state (credit ceiling) is limited by
population. Each state is allowed a
credit ceiling based on a statutory
formula indicated at IRC Section
42(h)(3). States may carry forward unallocated credits derived from the
credit ceiling for one year; however, to
the extent such unallocated credits are
not used by then, the credits go into a
national pool to be redistributed to
states as additional credit. State and
local housing agencies allocate the
state’s credit ceiling among low-income
housing buildings whose owners have
applied for the credit. Besides IRC
Section 42 credits derived from the
credit ceiling, states may also provide
IRC Section 42 credits to owners of
buildings based on the percentage of
certain building costs financed by tax-
 exempt bond proceeds. Credits provided
under the tax-exempt bond “volume cap” do not reduce the credits available
from the credit ceiling.

The credits allocated to a building are
based on the cost of units placed in
service as low-income units under
particular minimum occupancy and
maximum rent criteria. In general, a
building must meet one of two
thresholds to be eligible for the LIHTC;
either: (1) 20 percent of the units must
be rent-restricted and occupied by
tenants with incomes no higher than 50
percent of the Area Median Gross
Income (AMGI), or (2) 40 percent of the
units must be rent-restricted and
occupied by tenants with incomes no
higher than 60 percent of AMGI. The
term “rent-restricted” means that gross
rent, including an allowance for tenant-
paid utilities, cannot exceed 30 percent
of the tenant’s imputed income
limitation (i.e., 50 percent or 60 percent
of AMGI). The rent and occupancy
thresholds remain in effect for at least
15 years, and building owners are
required to enter into agreements to
maintain the low-income character of
the building for at least an additional 15
years.

The LIHTC reduces income tax
liability dollar-for-dollar. It is taken
annually for a term of 10 years and is
intended to yield a present value of
either: (1) 70 percent of the “qualified
basis” for new construction or
substantial rehabilitation expenditures
that are not federally subsidized (as
defined in Section 42(i)(2)), or (2) 30
percent of the qualified basis for the cost
of acquiring certain existing buildings or
projects that are federally subsidized.
The actual credit rates are adjusted
monthly for projects placed in service
after 1987 under procedures specified in
IRC Section 42. Individuals can use the
credits up to a deduction equivalent of
$25,000 (the actual maximum amount of
credit that an individual can claim
depends on the individual’s marginal
tax rate). For buildings placed in service
after December 31, 2007, individuals
use the credits against the
alternative minimum tax. Corporations,
other than S or personal service
corporations, can use the credits against
ordinary income tax, and, for buildings
placed in service after December 31,
2007, against the alternative minimum
tax. These corporations also can deduct
losses from the project.

The qualified basis represents the
product of the building’s “applicable
fraction” and its “eligible basis.” The
applicable fraction is based on the
number of low-income units in the
building as a percentage of the total
number of units, or based on the floor
space of low-income units as a
percentage of the total floor space of
residential units in the building. The
eligible basis is the adjusted basis
attributable to acquisition, rehabilitation, or new construction costs
(depending on the type of LIHTC
involved). These costs include amounts
chargeable to a capital account that are
incurred prior to the end of the first
taxable year in which the qualified
low-income building is placed in service or,
at the election of the taxpayer, the end
of the succeeding taxable year. In the
case of buildings located in designated
DDAs or designated QCTs, eligible basis
may be increased by up to 30 percent
from what it would otherwise be. This means
that the available credits also can be
increased by up to 30 percent. For
example, if a 70 percent credit is
available, it effectively could be
equivalent to as much as 91 percent.

IRC Section 42 defines a DDA as any
area designated by the Secretary of HUD
as an area with high construction,
land, and utility costs relative to the
AMGI. All designated DDAs in
metropolitan areas (taken together) may
not contain more than 20 percent of the
aggregate population of all metropolitan
areas, and all designated areas not in
metropolitan areas may not contain
more than 20 percent of the aggregate
population of all nonmetropolitan areas.

IRC Section 42(d)(5)(B)(v) allows
states to award an increase in basis up
to 30 percent to buildings located
outside of federally designated DDAs
and QCTs if the increase is necessary to
make the building financially feasible.

This state discretion applies only to
buildings allocated credits under the
state housing credit ceiling and is not
permitted for buildings receiving credits
in connection with tax-exempt bonds.

Rules for such designations shall be set
forth in the LIHTC-allocating agencies’
qualified allocation plans (QAPs).

Explanation of HUD Designation
Methodology

A. Difficult Development Areas

In developing the list of DDAs, HUD
compared housing costs with incomes.
HUD used 2000 Census population data
and the MSA definitions, as published in
OMB Bulletin No. 09-01 on
November 20, 2008, with modifications,
as described below. In keeping with past
practice of basing the coming year’s
DDA designations on data from the
preceding year, the basis for these
comparisons is the FY2010 HUD income
limits for very low-income households
(very low-income limits, or VLILs),
which are based on 50 percent of AMGI,
and final FY2010 FMRs used for the
Housing Choice Voucher (HCV)
program. In formulating the FY2010
FMRs and VLILs, HUD modified the
current OMB definitions of MSAs to
account for substantial differences in
rents among areas within each new
MSA that were in different FMR areas
under definitions used in prior years.
HUD formed these “HUD Metro FMR
Areas” (HMFAs) in cases where one or
more of the parts of newly defined
MSAs that previously were in separate
FMR areas had 2000 Census base 40th-
percentile recent-mover rents that
differed, by 5 percent or more, from
the same statistic calculated at the MSA
level. In addition, a few HMFAs were
formed on the basis of very large
differences in AMGIs among the MSA
parts. All HMFAs are contained entirely
within MSAs. All nonmetropolitan
counties are outside of MSAs and are
not broken up by HUD for purposes of
setting FMRs and VLILs. (Complete
details on HUD’s process for
determining FY2010 FMR areas and
FMRs are available at http://www.
huduser.org/portal/datasets/fmr/fmrs/
nonmetropolitan areas. HUD’s unit of analysis for designating metropolitan DDAs, therefore, consists of: Entire MSAs, in cases where these were not broken up into HMFAs for purposes of computing FMRs and VLILs; and HMFAs within the MSAs that were broken up for such purposes. Hereafter in this notice, the unit of analysis for designating metropolitan DDAs will be called the HMFA, and the unit of analysis for nonmetropolitan DDAs will be the nonmetropolitan county or county equivalent area. The procedure used in making the DDA calculations follows:

1. For each HMFA and each nonmetropolitan county, a ratio was calculated. This calculation used the final FY2010 two-bedroom FMR and the FY2010 four-person VLIL.
   a. The numerator of the ratio was the area’s final FY2010 FMR. In general, the FMR was based on the 40th-percentile gross rent paid by recent movers to live in a two-bedroom apartment. In metropolitan areas granted a FMR based on the 50th-percentile rent for purposes of improving the administration of HUD’s HCV program (see 71 FR 5068), the 40th-percentile rent was used to ensure nationwide consistency of comparisons.
   b. The denominator of the ratio was the monthly LIHTC income-based rent limit, which was calculated as 1/12 of 30 percent of 120 percent of the area’s VLIL (when the VLIL was rounded to the nearest $50 and not allowed to exceed 80 percent of the AMGI in areas where the VLIL is adjusted upward from its 50 percent-of-AMGI base).
   2. The ratios of the FMR to the LIHTC income-based rent limit were arrayed in descending order, separately, for HMFA and for nonmetropolitan counties.
   3. The DDAs are those with the highest ratios cumulative to 20 percent of the 2000 population of all metropolitan areas and of all nonmetropolitan areas.

B. Application of Population Caps to DDA Determinations

In identifying DDAs, HUD applied caps, or limitations, as noted above. The cumulative population of metropolitan DDAs cannot exceed 20 percent of the cumulative population of all metropolitan areas, and the cumulative population of nonmetropolitan DDAs cannot exceed 20 percent of the cumulative population of all nonmetropolitan areas.

In applying these caps, HUD established procedures to deal with how to treat small overruns of the caps. The remainder of this section explains those procedures. In general, HUD stops selecting areas when it is impossible to choose another area without exceeding the applicable cap. The only exceptions to this policy are when the next eligible area contains either a large absolute population or a large percentage of the total population, or the next excluded area’s ranking ratio, as described above, was identical (to four decimal places) to the last area selected, and its inclusion resulted in only a minor overrun of the cap. Thus, for both the designated metropolitan and nonmetropolitan DDAs, there may be minimal overruns of the cap. HUD believes the designation of additional areas in the above examples of minimal overruns is consistent with the intent of the IRC. As long as the apparent excess is small due to measurement errors, some latitude is justifiable, because it is impossible to determine whether the 20 percent cap has been exceeded. Despite the care and effort involved in a Decennial Census, the Census Bureau and all users of the data recognize that the population counts for a given area and for the entire nation are not precise. Therefore, the extent of the measurement error is unknown. There can be errors in both the numerator and denominator of the ratio of populations used in applying a 20 percent cap. In circumstances where a strict application of a 20 percent cap results in an anomalous situation, recognition of the unavoidable imprecision in the census data justifies accepting small variances above the 20 percent limit.

C. Exceptions to OMB Definitions of MSAs and Other Geographic Matters

As stated in OMB Bulletin 09–01, defining metropolitan areas:

"OMB establishes and maintains the definitions of Metropolitan * * * Statistical Areas, * * * solely for statistical purposes. * * * OMB does not take into account or attempt to anticipate any non-statistical uses that may be made of the definitions. [In cases where * * * an agency elects to use the Metropolitan * * * Area definitions in nonstatistical programs, it is the sponsoring agency’s responsibility to ensure that the definitions are appropriate for such use. An agency using the statistical definitions in a nonstatistical program may modify the definitions, but only for the purposes of that program. In such cases, any modifications should be clearly identified as deviations from the OMB statistical area definitions in order to avoid confusion with OMB’s official definitions of Metropolitan * * * Statistical Areas."

Following OMB guidance, the estimation procedure for the FY2010 FMRs incorporates the current OMB definitions of metropolitan areas based on the Core-Based Statistical Area (CBSA) standards, as implemented with 2000 Census data, but makes adjustments to the definitions, in order to separate subparts of these areas in cases where FMRs (and in a few cases, VLILs) would otherwise change significantly if the new area definitions were used without modification. In CBSAs where subareas are established, it is HUD’s view that the geographic extent of the housing markets are not yet the same as the geographic extent of the CBSAs, but may approach becoming so as the social and economic integration of the CBSA component areas increases.

The geographic baseline for the new estimation procedure is the CBSA Metropolitan Areas (referred to as Metropolitan Statistical Areas or MSAs) and CBSA Non-Metropolitan Counties (nonmetropolitan counties include the county components of Micropolitan MSAs where the counties are generally assigned separate FMRs). The HUD-modified CBSA definitions allow for subarea FMRs within MSAs based on the boundaries of “Old FMR Areas” (OFAs) within the boundaries of new MSAs. (OFAs are the FMR areas defined for the FY2005 FMRs. Collectively, they include the June 30, 1999, OMB definitions of MSAs and Primary MSAs (old definition MSAs/PMSAs), metropolitan counties deleted from old definition MSAs/PMSAs by HUD for FMR-setting purposes, and counties and county parts outside of old definition MSAs/PMSAs referred to as nonmetropolitan counties). Subareas of MSAs are assigned their own FMRs when the subarea 2000 Census Base FMR differs significantly from the MSA 2000 Census Base FMR (or, in some cases, where the 2000 Census AMGI differs significantly from the MSA 2000 Census Base AMGI). MSA subareas, and the remaining portions of MSAs after subareas have been determined, are referred to as “HMETRO FMR Areas (HMFA),” to distinguish such areas from OMB’s official definition of MSAs.

In the New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), HMFAs are defined according to county subdivisions or minor civil divisions (MCDs), rather than county boundaries. However, since no part of an HMFA is outside an OMB-defined, county-based MSA, all New England nonmetropolitan counties are kept intact for purposes of designating Nonmetropolitan DDAs.
For the convenience of readers of this notice, the geographical definitions of designated Metropolitan DDAs are included in the list of DDAs.

The Census Bureau provides no tabulations of 2000 Census data for Broomfield County, Colorado, an area that was created from parts of four Colorado counties when the city of Broomfield became a county in November 2001. Broomfield County is made up of former parts of Adams, Boulder, Jefferson, and Weld counties. The boundaries of Broomfield County are similar, but not identical to, the boundaries of the city of Broomfield at the time of the 2000 Census. In OMB metropolitan area definitions and, therefore, for purposes of this notice, Broomfield County is included as part of the Denver-Aurora, CO MSA. Census tracts in Broomfield County include the parts of the Adams, Boulder, Jefferson, and Weld County census tracts that were within the boundaries of the city of Broomfield according to the 2000 Census, plus parts of three Adams County tracts (85.15, 85.16, and 85.28), and one Jefferson County tract (98.25) that were not within any municipality during the 2000 Census but which, according to Census Bureau maps, are within the boundaries of Broomfield County. Data for Adams, Boulder, Jefferson, and Weld counties and their census tracts were adjusted to exclude the data assigned to Broomfield County and its census tracts.

Future Designations

DDAs are designated annually as updated income and FMR data are made public. QCTs are designated periodically as new data become available, or as metropolitan area definitions change.

Effective Date

The 2011 lists of DDAs are effective: (1) for allocations of credit after December 31, 2010; or (2) for purposes of IRC Section 42(h)(4), if the bonds are issued and the building is placed in service after December 31, 2010.

If an area is not on a subsequent list of DDAs, the 2011 lists are effective for the area if: (1) The allocation of credit to an applicant is made no later than the end of the 365-day period after the applicant submits a complete application to the LIHTC-allocating agency, and (b) the submission is made before the effective date of the subsequent lists, provided that both the issuance of the bonds and the placement in service of the building occur after the application is submitted.

An application is deemed to be submitted on the date it is filed if the application is determined to be complete by the credit-allocating or bond-issuing agency. A “complete application” means that no more than de minimis clarification of the application is required for the agency to make a decision about the allocation of tax credits or issuance of bonds requested in the application.

In the case of a “multiphase project,” the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the project received its first allocation of LIHTC. For purposes of IRC Section 42(h)(4), the DDA or QCT status of the site of the project that applies for all phases of the project is that which applied when the first of the following occurred: (a) The building(s) in the first phase were placed in service, or (b) the bonds were issued.

For purposes of this notice, a “multiphase project” is defined as a set of buildings to be constructed or rehabilitated under the rules of the LIHTC and meeting the following criteria:

(1) The multiphase composition of the project (i.e., total number of buildings and phases in project, with a description of how many buildings are to be built in each phase and when each phase is to be completed, and any other information required by the agency) is made known by the applicant in the first application of credit for any building in the project, and that applicant identifies the buildings in the project for which credit is (or will be) sought;

(2) The aggregate amount of LIHTC applied for on behalf of, or that would eventually be allocated to, the buildings on the site exceeds the one-year limitation on credits per applicant, as defined in the Qualified Allocation Plan (QAP) of the LIHTC-allocating agency, or the annual per-capita credit authority of the LIHTC allocating agency, and is the reason the applicant must request multiple allocations over 2 or more years; and

(3) All applications for LIHTC for buildings on the site are made in immediately consecutive years.

Members of the public are hereby reminded that the Secretary of Housing and Urban Development, or the Secretary’s designee, has sole legal authority to designate DDAs and QCTs, by publishing lists of geographic entities as defined by, in the case of DDAs, the several states and the governments of the insular areas of the United States and, in the case of QCTs, by the Census Bureau; and to establish the effective dates of such lists. The Secretary of the Treasury, through the IRS thereof, has sole legal authority to interpret, and to determine and enforce compliance with the IRC and associated regulations, including Federal Register notices published by HUD for purposes of designating DDAs and QCTs.

Representations made by any other entity as to the content of HUD notices designating DDAs and QCTs that do not precisely match the language published by HUD should not be relied upon by taxpayers in determining what actions are necessary to comply with HUD notices.

The designations of “Qualified Census Tracts” under IRC Section 42, published October 6, 2009 (74 FR 51304), remain in effect. The above language regarding 2011 and subsequent designations of DDAs also applies to the designations of QCTs published October 6, 2009 (74 FR 51304) and to subsequent designations of QCTs.

Interpretive Examples of Effective Date

For the convenience of readers of this notice, interpretive examples are provided below to illustrate the consequences of the effective date in areas that gain or lose DDA status. The examples covering DDAs are equally applicable to QCT designations.

(Case A) Project A is located in a 2011 DDA that is NOT a designated DDA in 2012. A complete application for tax credits for Project A is filed with the allocating agency on November 15, 2011. Credits are allocated to Project A on October 30, 2012. Project A is eligible for the increase in basis accorded a project in a 2011 DDA because the application was filed BEFORE January 1, 2012 (the assumed effective date for the 2012 DDA lists), and because tax credits were allocated no later than the end of the 365-day period after the filing of the complete application for an allocation of tax credits.

(Case B) Project B is located in a 2011 DDA that is NOT a designated DDA in 2012 or 2013. A complete application for tax credits for Project B is filed with the allocating agency on December 1, 2011. Credits are allocated to Project B on March 30, 2013. Project B is NOT
eligible for the increase in basis accorded a project in a 2011 DDA because, although the application for an allocation of tax credits was filed BEFORE January 1, 2012 (the assumed effective date of the 2012 DDA lists), the tax credits were allocated later than the end of the 365-day period after the filing of the complete application.

(Case C) Project C is located in a 2011 DDA that was not a DDA in 2010. Project C was placed in service on November 15, 2010. A complete application for tax-exempt bond financing for Project C is filed with the bond-issuing agency on January 15, 2011. The bonds that will support the permanent financing of Project C are issued on September 30, 2011. Project C is NOT eligible for the increase in basis otherwise accorded a project in a 2011 DDA, because the project was placed in service BEFORE January 1, 2011.

(Case D) Project D is located in an area that is a DDA in 2011, but is NOT a DDA in 2012. A complete application for tax-exempt bond financing for Project D is filed with the bond-issuing agency on October 30, 2011. Bonds are issued for Project D on April 30, 2012, but Project D is not placed in service until January 30, 2013. Project D is eligible for the increase in basis available to projects located in 2011 DDAs because: (1) One of the two events necessary for triggering the effective date for buildings described in Section 42(h)(4)(B) of the IRC (the two events being bonds issued and buildings placed in service) took place on April 30, 2012, within the 365-day period after a complete application for tax-exempt bond financing was filed, (2) the application was filed during a time when the location of Project D was in a DDA, and (3) both the issuance of the bonds and placement in service of Project D occurred after the application was submitted.

(Case E) Project E is a multiphase project located in a 2011 DDA that is NOT a designated DDA in 2012. The first phase of Project E received an allocation of credits in 2011, pursuant to an application filed March 15, 2011, which describes the multiphase composition of the project. An application for tax credits for the second phase Project E is filed with the allocating agency by the same entity on March 15, 2012. The second phase of Project E is located on a contiguous site. Credits are allocated to the second phase of Project E on October 30, 2012. The aggregate amount of credits allocated to the two phases of Project E exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency’s QAP and is the reason that applications were made in multiple phases. The second phase of Project E is, therefore, eligible for the increase in basis accorded a project in a 2011 DDA, because it meets all of the conditions to be a part of a multiphase project.

(Case F) Project F is a multiphase project located in a 2011 DDA that is NOT a designated DDA in 2012. The first phase of Project F received an allocation of credits in 2011, pursuant to an application filed March 15, 2011, which does not describe the multiphase composition of the project. An application for tax credits for the second phase of Project F is filed with the allocating agency by the same entity on March 15, 2013. Credits are allocated to the second phase of Project F on October 30, 2013. The aggregate amount of credits allocated to the two phases of Project F exceeds the amount of credits that may be allocated to an applicant in one year under the allocating agency’s QAP. The second phase of Project F is, therefore, NOT eligible for the increase in basis accorded a project in a 2011 DDA, since it does not meet all of the conditions for a multiphase project, as defined in this notice. The original application for credits for the first phase did not describe the multiphase composition of the project. Also, the application for credits for the second phase of Project F was not made in the year immediately following the first phase application year.

Findings and Certifications

Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.19(c)(6) of HUD’s regulations, the policies and procedures contained in this notice provide for the establishment of fiscal requirements or procedures that do not constitute a development decision affecting the physical condition of specific project areas or building sites and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act, except for extraordinary circumstances, and no Finding of No Significant Impact is required.

Federalism Impact

Executive Order 13132 (entitled “Federalism”) prohibits an agency from publishing any policy document that has federalism implications if the document either imposes substantial direct compliance costs on state and local governments and is not required by statute, or the document preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the executive order. This notice merely designates DDAs as required under Section 42 of the IRC, as amended, for the use by political subdivisions of the states in allocating the LIHTC. This notice also details the technical methodology used in making such designations. As a result, this notice is not subject to review under the order.


Raphael W. Bostic,
Assistant Secretary for Policy, Development and Research.

BILLING CODE 4210-67-P
### 2011 IRS SECTION 42(d)(5)(B) METROPOLITAN DIFFICULT DEVELOPMENT AREAS

**[OMB Metropolitan Area Definitions, November 20, 2008 (MSA) and derived FY2010 HUD Metro FMR Area Definitions (HMFA)]**

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<td>Queens County</td>
<td>Richmond County Rockland County Westchester County</td>
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### 2011 IRS SECTION 42(d)(5)(B) METROPOLITAN DIFFICULT DEVELOPMENT AREAS

(OMB Metropolitan Area Definitions, November 20, 2008 [MSA] and derived FY2010 HUD Metro FMR Area Definitions [HMFA])

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**Notes:**
- OMB Metropolitan Area Definitions: November 20, 2008 [MSA]
- Derived FY2010 HUD Metro FMR Area Definitions [HMFA]
<table>
<thead>
<tr>
<th>State</th>
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<td>Lake and Peninsula Borough</td>
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[FR Doc. 2010–23577 Filed 9–20–10; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[25x20]VerDate Mar<15>2010 19:02 Sep 20, 2010 Jkt 220001 PO 00000 Frm 00054 Fmt 4703 Sfmt 4703 E:\FR\FM\21SEN1.SGM 21SEN1srobinson on DSKHWCL6B1PROD with NOTICES

AGENCY: Information Collection to OMB Section Notice of Submission of Proposed [Docket No. FR–5376–N–89]
URBAN DEVELOPMENT
DEPARTMENT OF HOUSING AND BILLING CODE 4210–67–P [FR Doc. 2010–23567 Filed 9–20–10; 8:45 am]

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal. This information is necessary for HUD to monitor compliance with contractual agreements and analyze cash flow trends as well as occupancy and rent collection levels.

DATES: Comments Due Date: October 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0108) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney Jr., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Leroy McKinney Jr. at Leroy.McKinneyjr@hud.gov or telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Multifamily Project Monthly Accounting Reports.

OMB Approval Number: 2502–0108.

Form Numbers: HUD–93479, HUD–93480 and HUD–96003.

Description of the Need for the Information and its Proposed Use: This information is necessary for HUD to monitor compliance with contractual agreements and analyze cash flow trends as well as occupancy and rent collection levels.

Frequency of Submission: Annually.

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<th>Hours per response</th>
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Total Estimated Burden Hours: 143,766.

Status: Extension of a currently approved collection.


Leroy McKinney, Jr.,
Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–23567 Filed 9–20–10; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[25x20]VerDate Mar<15>2010 19:02 Sep 20, 2010 Jkt 220001 PO 00000 Frm 00054 Fmt 4703 Sfmt 4703 E:\FR\FM\21SEN1.SGM 21SEN1srobinson on DSKHWCL6B1PROD with NOTICES

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Grant application for Section 202 Supportive Housing for the Elderly and addition of predevelopment grant funding for architectural and engineering work, site control, and other planning related expenses for Section 202 grantees.

DATES: Comments Due Date: October 21, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0267) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney Jr., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Leroy McKinney Jr. at Leroy.McKinneyjr@hud.gov or telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

Title of Proposal: Section 202 Supportive Housing for the Elderly

OMB Approval Number: 2502–0267.

Form Numbers: HUD–93480 and HUD–96003.

Description of the Need for the Information and its Proposed Use: This information is necessary for HUD to monitor compliance with contractual agreements and analyze cash flow trends as well as occupancy and rent collection levels.

Frequency of Submission: Annually.

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Total Estimated Burden Hours: 2,548,256.

Status: Extension of a currently approved collection.


Leroy McKinney, Jr.,
Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–23567 Filed 9–20–10; 8:45 am]