MULTIFAMILY HOUSING DIVISION

Effective date:
SEPTEMBER 1,2025

GENERAL MULTIFAMILY HOUSING DIVISION PROGRAM RULES

HFA 101

NEW HAMPSHIRE HOUSING

NEW HAMPSHIRE HOUSING FINANCE AUTHORITY

General Multifamily Housing Division Program Rules
HFA 101

Table of Contents

NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
General Multifamily Housing Division Program Rules
HFA 101

HFA 101 PART ONE: Overview, Purpose, Applicability

HFA 101.01 Overview and Purpose

These General Multifamily Housing Division Rules address:

(a) Information that New Hampshire Housing (NH Housing) shall provide concerning the eligibility criteria and program terms for those seeking to use the NH Housing's Multifamily Housing Division Programs;

(b) How parties, such as non-profit entities, can work with the NH Housing's Multifamily Housing Division Programs; and

(c) Other matters within NH Housing's Multifamily Housing Division Programs.

HFA 101.02 Applicability

(a) Unless otherwise noted in specific Multifamily Housing Division Rules, these general rules, HFA 101, apply to all Multifamily Housing Division Rules. If there is a conflict or ambiguity between these general HFA 101 rules and a specific rule, the specific rule shall control.

(b) NH Housing programs are only available for properties that are located in the State of New Hampshire.

HFA 101.03 Rulemaking

The Multifamily Housing Division rules are adopted pursuant to RSA 204-C:9, which empowers NH Housing to adopt rules relative to programs and operations. In cases where more specific statutes or regulations require or permit rules, those specific rules shall cite those statutes and regulations.

HFA 101 PART TWO: Definitions

HFA 101.04 Definitions

The following words or terms shall have the following meanings throughout the Multifamily Housing Division program rules.

"Administration" means the day-to-day, application-by-application decisions and procedures required to administer Multifamily Housing Division Programs, including reviewing, processing, determining eligibility, establishing terms, and documenting program benefits to applicants.

"AMI" means Area Median Income as defined by HUD.

"Approval" means the process and decision by which entities and individuals seek to work with the Multifamily Housing Division Programs and NH Housing's decisions on such applications.

"NH Housing" means New Hampshire Housing Finance Authority.

"CHDO" means a Community Housing Development Organization as defined in 24 CFR § 92.

"HUD" means the U.S. Department of Housing and Urban Development.

"LIHTC" means Low Income Housing Tax Credit as defined in I.R.C. § 42. "LURA"

means Land Use Restriction Agreement.

"Multifamily Housing Division Programs" means NH Housing's programs related to the management and development of NH Housing sponsored projects.

"Multifamily Housing Division Rules" means all the administrative rules adopted by NH Housing that apply to the operations of NH Housing's Multifamily Housing Division Programs. These rules are designated with the series beginning at HFA 100.

"Material" means an application, documents, or notification that is permitted or required by NH Housing for an applicant to apply to NH Housing.

"State" means the State of New Hampshire.

"Website" means any NH Housing website, including www.nhhfa.org or www.gonewhampshirehousing.com

HFA 101 PART THREE: General Rules

HFA 101.05 General Eligibility and Decisions on Applications

(a) NH Housing's Multifamily Housing Division Programs offer various programs to assist eligible non-profit and for-profit entities to construct and manage affordable housing projects throughout the State. Eligibility and general requirements are stated in these Multifamily Housing Division Rules, in program documents, including program/product sheets, and on NH Housing's Website.

(b) The decision to grant or deny an application is based on several factors. Nothing in these Multifamily Housing Division Rules or in any NH Housing communication or action creates any right in any party or requires NH Housing to grant an application. NH Housing retains its sole discretion and judgment when deciding on applications.

HFA 101.06 Funding Availability

NH Housing has the power to determine which Multifamily Housing Division Programs may be offered. NH Housing has the power to eliminate or reduce programs and funding. Programs are only available when resources are authorized and available for specific programs.

HFA 101.07 Filing Applications, Documents, and Notifications

(a) All Material shall be submitted in accordance with NH Housing's requirements.

(b) Unless otherwise required, those wishing to apply for NH Housing programs may deliver Material in writing addressed to the NH Housing-designated address.

(c) NH Housing may also require or permit Material to be delivered electronically to NH Housing-designated address, portal, or system.

(d) Material not properly addressed or delivered shall not be considered properly submitted. Unless specifically authorized by NH Housing, phone calls, texts, emails, and any other form of communication, electronic or otherwise, are not considered valid delivery methods.

HFA 101.08 Fees and Costs

(a) NH Housing may charge a fee to apply for or to access a program or to participate in doing business with NH Housing. The Multifamily Housing Division Rules shall state when such a fee is authorized, and NH Housing shall publish that fee on the Website.

(b) In addition, various Multifamily Housing Division Programs have associated costs to the borrower, e.g., credit reports, appraisals, title fees, and inspections, which shall be paid by the applicant when required by NH Housing.

HFA 101.09 Eligible Persons and Families

Units in NH Housing-financed housing projects may have rent or income restrictions that are designed to target specific populations, such as low-income persons or families. Such housing projects may also contain units that are intended to be market-rate units, having no rent or income restrictions. Whether to require general restrictions regarding rent or income in units that would otherwise be regarded as market-rate shall be determined periodically by NH Housing. NH Housing staff will review this issue on an annual basis.

HFA 101.10 Delegation

(a) Unless otherwise specified in the Multifamily Housing Division Rules, NH Housing's Board of Directors delegates to the Executive Director:

  (1) The Administration of the Multifamily Housing Division Programs, including approving or denying projects and program applications; and

  (2) The Approval authority for those seeking to apply to work with NH Housing's Multifamily Housing Division Programs.

(b) Any waiver of these rules will be implemented in accordance with HFA 117.

(c) Pursuant to NH Housing's operating policies, the Executive Director may delegate the Administration and Approval authority to appropriate staff.

HFA 101.11 Board Waiver

NH Housing's Board of Directors may waive any rule when such waiver is warranted by good cause and when such waiver shall not be inconsistent with applicable law and regulation. The Board may delegate waiver authority to the Multi-Family Housing Committee.

HFA 101.12 Amendments

Program requirements, including these Multifamily Housing Division Rules and all program documents, may be amended from time to time based on NH Housing's sole discretion.

HFA 101.13 Impact of Repeal

(a) Unless explicitly stated by NH Housing, the repeal or amendment of a rule shall not impact existing participants. The loans of such participants shall remain subject to the rules in effect when their loan was executed, even if the rules have been repealed or superseded. Pending applications will be subject to the rules in place at time of application unless the rule change was necessitated by statute. Such pending applications shall be subject to rules compliant with new statutory language and intent.

(b) NH Housing shall maintain a list and a copy of all repealed or superseded rules. Upon request, those repealed rules shall be available for public inspection.

HFA 101 PART FOUR: Federal Requirements

HFA 101.14 Additional Requirements for Programs Receiving Federal Funds

(a) Projects receiving capital subsidies of federal funds may be required to comply with additional requirements. NH Housing will identify in each request for proposals whether federal funds are to be used.

(b) If federal funds are to be used, it is the responsibility of program participants to ensure whether additional federal requirements apply.

PO Box 5087, Manchester, NH 03108
603.472.8623   800.640.7239
TDD: 603.472.2089
info@nhhfa.org
NHHousing.org

New Hampshire Housing promotes, finances, and supports housing solutions for the people of New Hampshire.