



**HOME Final Rule Implementation Date: October 1, 2025.**

Mandatory use for tenant initial certifications and recertifications effective February 1, 2026 and going forward.

*Note: The 2025 Final HOME Rule does not apply to NHTF.*

**Effective Dates:**

On January 6, 2025, HUD published the HOME Investment Partnerships Program: Program Updates and Streamlining final rule (2025 HOME Final Rule), available at 90 FR 746. After certain delays and revisions by HUD, the regulatory changes implemented through the 2025 HOME Final Rule became effective on April 20, 2025.

OHFA requires owners/management agents to comply with the regulatory changes to the HOME program requirements, as amended by the 2025 HOME Final Rule, as provided in this matrix.

| HOME Funds Commitment Date  | Applicable Version of the HOME Regulations   |
|---|--|
| Projects for which HOME funds were committed <b>on or after</b> April 20, 2025. | Effective October 1, 2025, owners must comply with 24 CFR part 92 as it existed on April 20, 2025.   |
| Projects for which HOME funds were committed <b>prior</b> to April 20, 2025.    | Effective October 1, 2025, OHFA is implementing the new HOME Program regulations for projects in which HOME funds were committed prior to April 20, 2025. OHFA is taking this action because it believes the revised HOME Program regulations are more advantageous for projects compared to the previous version of the HOME Program regulations. |



| Effective Dates                                |   |               |
|--|---|---------------|
| Item   | Notes   | CFR Reference |
| <b>File Audits</b>                             | <p>OHFA will not take any enforcement actions for noncompliance with the 2025 HOME Final Rule until April 20, 2026. However, noncompliance findings identified during an OHFA file audit will be noted in the Compliance Audit Report (CAR). Owners/management agents are required to correct the findings.</p> <p>After April 20, 2026, noncompliance findings will be issued for violations of the 2025 HOME Final Rule. Failure to correct the noncompliance, may result in actions such as, but not limited to, declare the unpaid principal balance of the HOME funds, demand specific performance of the owner in accordance with the use restrictions placed on the project as allowed by 24 CFR 92.504(c)(3)(vii), and/or an increase in the frequency of OHFA audits.</p>                      |               |
| <b>Tenant Protections and Lease Provisions</b> | <p>In the 2025 HOME Final Rule, HUD announced revisions to the HOME Program regulations regarding tenant protections and lease provisions in 24 CFR 92.253. However, HUD delayed the effective date of the revisions to 24 CFR 92.253 until October 30, 2025.</p> <p>Until HUD makes effective any revisions to 24 CFR 92.253, owners/management agents are required to comply with the 2013 HOME Final Rule regarding tenant protections . When HUD makes effective revisions to 24 CFR 92.253, owners/ management agents are required to comply with the newly effective version of 24 CFR 92.253 (i.e., the 2025 HOME Final Rule). As appropriate, OHFA will publish additional guidance regarding 24 CFR 92.253 after HUD makes public its intentions regarding any revisions to 24 CFR 92.253.</p> | 24 CFR 92.253 |



| Income                                |  |                     |
|---------------------------------------|--|---------------------|
| Item                                  | Notes  | CFR Reference       |
| Income Determination                  | HOME-assisted projects must comply with income determination standards in accordance with § 92.203.  | 24 CFR 92.203       |
| HOME Income Verification Requirements | <p>Households in HOME-assisted units which do not have federal, state, or local public assistance (i.e. PBRA, TBRA, SNAP, LIHTC) and therefore cannot use means-tested or safe harbor income determination must continue to provide two months source documentation upon move-in and during the sixth-year full recertification. For the interim certification years, owners/management agents must use OHFA’s TIC, Student Certification, and the Applicant/Tenant Sworn Income and Asset Statement (which may be amended from time to time) along with the annual inspection form and any clarification records.</p> <ul style="list-style-type: none"><li>Projects that have LIHTC with market rate units must complete full annual recertifications.</li></ul> | 24 CFR 92.203(b)(1) |



### Safe Harbor Verifications

Public housing (PBV), HUD-VASH, Section 202, 811, multifamily rental housing (i.e., HOME) can use income determinations from other eligible, means-tested federal, state or local assistance programs (i.e., [TANF](#), [Medicaid](#), and SNAP).

The 2025 HOME Final Rule instructs HOME units with PBRA (i.e., Section 8) may accept a public housing agency, owner or rental subsidy provider's determination of annual and adjusted income. HOME units with TBRA may use income determinations by a state or federal rental assistance program (e.g., housing choice voucher). **Owners/management agents are not required to accept safe harbor income determination.**

Income safe harbors permit owners/management agents to accept income determinations (initial and recertifications) by:

- Other federal programs in HOME units assisted by Federal/State project-based rental subsidy (e.g., PBV, HUD-VASH, PBRA, section 202, section 811, TBRA. etc.)
- Provider of other public assistance (federal, state, local) to the household (e.g., TANF, WIC, SNAP, Medicaid, LIHTC, local rental assistance), made within previous 12 months

Or, owners/management agents can determine a household's annual income under 24 CFR 5.611 by using at least two months of source documents.

OHFA will allow safe harbor income determinations to be used for all certifications throughout the affordability period including the initial certification.

| Item   | Notes  | CFR Reference       |
|--|--|---------------------|
| <b>Project-Based Rental Assistance (PBRA) (PHA/Administrator) Income Determination</b> | <p>When using a PHA or other administrators' determination of income, the owner/management agent must use <a href="#">OHFA's Safe Harbor Income Verification form</a> (which may be amended from time to time). OHFA will not accept a copy of the 50058.</p> <p>In addition to this form, OHFA's TIC, SIAS, Student Certification, inspection forms and any clarification records must be used.</p> | 24 CFR 92.203(a)(1) |
| <b>Tenant-Based Rental Assistance (TBRA) (PHA/Administrator) Income Determination</b>  | <p>When using a PHA or other administrators' determination of income, the owner/management agent must use <a href="#">OHFA's Safe Harbor Income Verification form</a>. OHFA will not accept a copy of the 50058.</p> <p>In addition to this form, OHFA's TIC, SIAS, Student Certification, inspection forms and any clarification records must be used.</p>  | 24 CFR 92.203(a)(2) |



| Safe Harbor Verifications                                   |  |  |
|---|--|--|
| Item  | Notes  | CFR Reference                              |
| Other Allowable<br>“Means- Tested” or<br>Safe Harbor Income | For HOME applicants/tenants that do not have TBRA or PBRA assistance, but receive other Federal, State, or local assistance (i.e., TANF, Medicaid, LIHTC, local subsidy program), owners/management agents <u>may</u> use means-tested income verification of income provided the income was made within the previous 12 months. Use of means-tested income verification is not mandatory. Owners/management agents may or may not chose to use means-tested verification. But if other means-tested verification is used, <u><a href="#">OHFA’s Safe Harbor Income Verification form</a></u> or <u><a href="#">Income Verification Federal State Rental Assistance Program form</a></u> must be used. In addition to using either of the forms as noted above, owners/management agents must use OHFA’s SIAS, TIC, Student Certification, inspection forms and any clarification records. | 24 CFR 92.203(a)(3)<br>24 CFR 92.203(b)(3) |



| Rents                                    |   |   |
|--|---|---|
| Item                                     | Notes   | CFR Reference   |
| Maximum Rent Limitations                 | Maximum rent limits apply to the tenant rent, utility allowance, and non-optional fees (if applicable).   | 24 CFR 92.252(a) - (c)  |
| Rents with Assistance or Subsidy Program | <p>Under the 2025 HOME Final Rule, when a tenant receives rental assistance whether TBRA or PBRA, the other program rent is acceptable for HOME up to the payment standard for subsidized units.</p> <p>This is an improvement over the <u>proposed</u> 2025 HOME Final Rule that would have required the tenant portion of the rent to be capped at the HOME rent limits.</p>  | <p>24 CFR 92.252(a)(1)</p> <p>24 CFR 92.252(a)(2)</p> <p>24 CFR 92.252(h)(2)(iii)</p> |
| Over Income Families                     | <p>A tenant who no longer qualifies as low-income (over 80% AMI) must pay rent equal to the lesser of the amount payable by the tenant under State or local law or 30 percent of the family's adjusted income capped at fair-market value.</p> <p><b>Note:</b> The 2025 HOME Final Rule clarifies that a tenant of a HOME unit subject to rent restrictions under the LIHTC program must pay a rent amount that complies with the LIHTC program (26 U.S.C. 42).</p> | 24 CFR 92.252(h)(2)(i)  |
| Rent Review and Approval                 | <p>OHFA must review and approve rents proposed by the owner/management agent. <a href="#">OHFA's Annual HOME/HOME-ARP/NHTF Rent and Occupancy Report</a> (which may be amended from time to time) must be used.</p> <ul style="list-style-type: none"><li>Rent increase requests are limited to \$25/month for existing tenants.</li></ul>  | 24 CFR 92.252(e)(2)   |



| Fees            |  |                     |
|-----------------|--|---------------------|
| Item            | Notes  | CFR Reference       |
| Prohibited Fees | <p>OHFA does not permit owners/management agents to charge tenant fees that are prohibited by the HOME Program regulations.</p> <p>Owners/management agents must not charge fees for:</p> <ul style="list-style-type: none"><li>i. Fees that are not customarily charged in rental housing (e.g., laundry room access fees); and</li><li>ii. Fees to inspect units or correct deficiencies in the units or common areas of the project that were not caused by the tenant or are only due to normal wear and tear.</li></ul> | 24 CFR 92.214(b)(3) |
| Allowable Fees  | <p>For a fee to be allowable, it must be customary, reasonable and approved by OHFA.</p>   |                     |



### Utility Allowances

HUD's stated goal with the 2025 HOME Final Rule is to better align HOME rental housing requirements with those of other funding sources frequently combined with HOME in rental housing to lower burden, including *permitting PJs to use PHA-established utility allowances for HOME rental projects*.

| Item                         | Notes  | CFR Reference    |
|------------------------------|--|------------------|
| Utility allowance Exclusions | Telephone, cable, internet service, and broadband may not be included in utility allowances.   | 24 CFR 92.252(b) |
| Utility Allowance Methods    | <p>Owners may use any of the following to determine maximum monthly allowances:</p> <ul style="list-style-type: none"><li>• HUD Utility Schedule Model</li><li>• The utility allowance established by the applicable local public housing authority</li><li>• Utility company estimates</li><li>• HUD's Utility Schedule Model</li><li>• Engineer's Energy Consumption Model</li><li>• Renewable Energy Source</li></ul> <p>Reference OHFA's UA policy when published.</p> | 24 CFR 92.252(b) |





| Other   |   |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
|---|---|---|---|--------|---|---------|---|---------|---|---------|---|---------|---|---------|---|---------|----|---------------|
| Item  | Notes   | CFR Reference                                     |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| Inspections or On-Site Audits   | <p>With the 2025 HOME Final Rule, HUD officially adopted NSPIRE protocol for HOME units:</p> <ul style="list-style-type: none"><li>OHFA must perform an on-site inspection within 12 months after project completion and every three years during the period of affordability</li><li>Must use HUD’s HOME Minimum Inspection Sample Size Chart</li><li>OHFA will allow the use of REAC inspection reports so long as the inspection was completed within the last 12 months</li></ul>           |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| Inspection Sample Size<br><i>(based on the total number of assisted units in the project)</i> | <p>For projects with <u>one to four</u> assisted units, 100% of the HOME-assisted units will be monitored/inspected.</p> <p>For projects with <u>more than four</u> HOME-assisted units, a file monitoring or inspection must include a review of at least a number of HOME-assisted units as shown in the number of units identified in HUD’s Minimum Unit Sample Size Chart.</p> <p><b>Note:</b> <i>The OHFA Auditor may, at their sole discretion, choose to expand the sample size.</i></p> |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| Minimum Inspection Sample Size Chart  | <table><tr><th>Number of HOME-assisted units in the HOME project</th><th>Number of units that must be selected in the random sample<br/><i>(i.e., minimum unit sample size)</i></th></tr><tr><td>1 - 20</td><td>4</td></tr><tr><td>21 - 25</td><td>5</td></tr><tr><td>26 - 30</td><td>6</td></tr><tr><td>31 - 35</td><td>7</td></tr><tr><td>36 - 40</td><td>8</td></tr><tr><td>41 - 45</td><td>9</td></tr><tr><td>46 - 50</td><td>10</td></tr></table>  | Number of HOME-assisted units in the HOME project | Number of units that must be selected in the random sample<br><i>(i.e., minimum unit sample size)</i> | 1 - 20 | 4 | 21 - 25 | 5 | 26 - 30 | 6 | 31 - 35 | 7 | 36 - 40 | 8 | 41 - 45 | 9 | 46 - 50 | 10 | 24CFR 92.251f |
| Number of HOME-assisted units in the HOME project   | Number of units that must be selected in the random sample<br><i>(i.e., minimum unit sample size)</i>   |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| 1 - 20  | 4   |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| 21 - 25   | 5   |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| 26 - 30   | 6   |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| 31 - 35   | 7   |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| 36 - 40   | 8   |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| 41 - 45   | 9   |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |
| 46 - 50   | 10  |   |   |        |   |         |   |         |   |         |   |         |   |         |   |         |    |               |



| Other                |  |               |
|----------------------|--|---------------|
| Item                 | Notes  | CFR Reference |
| Additional Resources | <ul style="list-style-type: none"><li>• <a href="#"><u>Federal Register HOME Investment Partnership Program: Program Updates and Streamlining</u></a> (2025 HOME Final Rule)</li><li>• <a href="#"><u>eCFR: 24 CFR 92.251 — Property standards and inspections</u></a></li><li>• <a href="#"><u>HUD Publishes NSPIRE Inspection Protocol Guide</u></a></li><li>• <a href="#"><u>HUD – NSPIRE Resources</u></a></li><li>• <a href="#"><u>Public and Federally Assisted Housing Fire Safety Act of 2022</u></a></li><li>• <a href="#"><u>NSPIRE Standard - Smoke Alarm</u></a></li></ul> |               |