

**RE: Section 223(f) Projects in the Low Income Housing Tax Credit Pilot Program
and
Determination of “No Potential to Cause Effects” under Section 106 of the National Historic
Preservation Act and its implementing regulations 36 CFR Part 800**

The Federal Housing Administration (FHA) Office of Multifamily Housing Programs of the U.S. Department of Housing and Urban Development has determined that permanent financing processed under Section 223(f) of the Low Income Housing Tax Credit Pilot Program for properties that were recently constructed and occupied, with no associated additional rehabilitation or new construction, has “No Potential to Cause Effects”, as described in 36 CFR 800.3(a)(1). The action is a restructuring of financing to lower debt service and has no potential to cause effects on historic properties, assuming such properties were present. Neither HUD nor the Lenders participating in the Low Income Housing Tax Credit Pilot Program have any further obligations for these Section 223(f) projects under Section 106 or 36 CFR Part 800.

A copy of this memorandum in the Environmental Review Record for an individual Section 223(f) project will document compliance with Section 106, 36 CFR Part 800, and 24 CFR Part 50 regarding historic properties.

N.B. Other types of projects participating in the Low Income Housing Tax Credit Pilot Program – preservation and moderate rehabilitation of properties with Section 8 rental assistance, and stabilized tax credit properties with syndication of new credits—do not qualify for the treatment described in this memo. They must be fully reviewed under the Section 106 process.

Please direct any questions regarding this memorandum to Nancy E. Boone, Federal Preservation Officer, at Nancy.E.Boone@hud.gov or 202-402-5718.