

March 31, 2022

IRS Revenue Procedure 2022-21: Average Area Purchase Prices

On March 30, 2022, the Internal Revenue Service released [Revenue Procedure 2022-21](#) containing safe harbor numbers to be used in establishing average area purchase prices to be used with regard to mortgage loans financed with tax-exempt bonds under Section 143 of the Internal Revenue Code of 1986 (the “Code”) or mortgage credit certificates (“MCCs”) under Section 25 of the Code.

The Revenue Procedure sets forth the average area purchase price for most statistical areas in the country. For those that are not listed, an issuer should use the average area purchase price labeled “ALL OTHER AREAS (floor)” set forth at the end of the list of statistical areas. This establishes a safe harbor that can be used until superseded by a new revenue procedure next year. This revenue procedure supersedes last year’s revenue procedure (Revenue Procedure 2021-17). See below for a discussion of the transition period rules.

The numbers set forth in this Revenue Procedure represent the current FHA loan limits divided by 1.083. Thus, if the FHA loan limits change in the future, an issuer has the option of either using the safe harbor numbers in Revenue Procedure 2022-21 or using the newer FHA loan limits divided by 1.083.

Keep in mind that these numbers represent the average area purchase price for each statistical area. To get to the purchase price limit under Section 143(e) or Section 25(c)(2)(A)(iii)(III) of the Code, an issuer must multiply the average area purchase price by .9 (or for a targeted area loan, multiply by 1.1).

This Revenue Procedure also establishes the new U.S. national average purchase price at \$368,500 (an increase from last year’s \$331,900). The new average area purchase prices and U.S. average purchase price are to be used in computing the high housing cost adjustment to the income limit under Section 143(f) and Section 25(c)(2)(A)(iii)(IV) of the Code. While an issuer has the option of applying either this year’s HUD median income numbers or last year’s HUD median income numbers for purposes of determining the applicable income limit, the applicable purchase price information must be used in calculating the high housing cost adjustment to the income limit. Thus, issuers of single-family mortgage revenue bonds and MCCs should be warned that the calculation of the high housing cost adjustment must be recomputed in order to determine the applicable mortgage income limits using the new safe harbor numbers.

Housing Finance Agency Group**John Wagner**

Omaha
(402) 231-8811
john.wagner@kutakrock.com

Michelle Adams

Atlanta
(404) 222-4646
michelle.adams@kutakrock.com

Kevin Barney

Chicago
(312) 602-4117
kevin.barney@kutakrock.com

Jeffrey Blumenfeld

Philadelphia/Chicago
(215) 299-4317
jeffrey.blumenfeld@kutakrock.com

Mitchell Bragin

Washington, D.C.
(202) 828-2450
mitchell.bragin@kutakrock.com

Sisera Daniel

Washington, D.C.
(202) 828-2327
sisera.daniel@kutakrock.com

Jim Hathaway

Little Rock
(501) 975-3137
jim.hathaway@kutakrock.com

Karilyn Kober

Omaha
(402) 231-8770
karilyn.kober@kutakrock.com

Steve Likes

Omaha/Minneapolis
(402) 661-8648
steve.likes@kutakrock.com

Erika Lynch

Omaha
(402) 231-8722
erika.lynch@kutakrock.com
(402) 231-8772

Fred Marienthal

Denver
(303) 292-7817
frederic.marienthal@kutakrock.com

Drew Page

Omaha
(402) 661-8631
drew.page@kutakrock.com

Patti Peterson

Omaha
(402) 231-8785
patricia.peterson@kutakrock.com

Leslie Powell

Atlanta
(404) 222-4639
leslie.powell@kutakrock.com

Dawn Roth

Omaha
(402) 231-8772
dawn.roth@kutakrock.com

Effective Date

This new average area and U.S. average purchase price information can be used for mortgage loans committed or made on or after 3/30/2022. Thus, it is not applicable to mortgage loans for which commitments were made to mortgagors before that date.

The IRS also provided the usual type of transition rule—last year's safe harbor average area purchase prices and U.S. average purchase price (Revenue Procedure 2021-17) can continue to be applied to mortgagors to whom the mortgage commitment was made on or before 5/29/2022, provided that the bonds issued to finance that mortgage loan were sold (signing of bond purchase agreement), or MCC program established (and private activity cap exchanged), before 4/29/2022. Stated in the negative, an issuer will not be able to apply last year's purchase price numbers to specific mortgage loans if either of the following is true:

- (i) The loan commitment to the mortgagor is made on or after May 29, 2022; or
- (ii) The bonds that finance the mortgage loan are sold (or the applicable MCC program is established) on or after April 29, 2022.

