

IRS Guidance on the LIHTC 9% Applicable Percentage Floor

IRS [Notice 2008-106](#) informs taxpayers that the new 9 percent applicable percentage floor for certain buildings that are placed in service after July 30, 2008, and before December 31, 2008, enacted pursuant to § 3002(a)(1) of the Housing Assistance Tax Act of 2008, applies notwithstanding a pre-Act irrevocable election by the taxpayer to apply to these buildings an applicable percentage that is less than 9 percent.

Notice 2008-106 will appear in IRB 2008-49 dated Dec. 8, 2008.