

## **CDA Recapture Tax Notice Maryland Mortgage Program (MMP)**

**To the Lender—Please give this document to borrower/s whose MMP mortgage will be purchased by CDA or its master servicer, US Bank.**

Federal law provides for a possible Recapture Tax when some homeowners sell their home within the first nine years after receiving a mortgage financed by proceeds of tax-exempt bonds issued by CDA through its Maryland Mortgage Program (MMP). In order to alleviate the confusion and worry about having to pay a recapture tax when the home is sold, CDA agrees to reimburse any CDA homebuyer who settles on their home on or after July 1, 2005, the amount of any recapture tax that the CDA homebuyer pays in connection with the sale of the home, if the mortgage was financed by CDA with tax-exempt bonds issued through the MMP.

CDA will not calculate the recapture amount. Upon sale or disposition of the residence, the borrower(s) must consult a personal tax advisor or the IRS. Please contact CDA at [singlefamilyhousing.dhcd@maryland.gov](mailto:singlefamilyhousing.dhcd@maryland.gov) if you think you owe recapture tax, to confirm this Notice is applicable to your loan.

- If the borrower(s) has already paid recapture tax, they must send a written request for reimbursement to CDA, by July 15<sup>th</sup> of the calendar year after the residence is sold, accompanied by the following:
  - a copy of the signed Final Closing Disclosure from the sale or disposition of the property;
  - a completed IRS [Form W-9](#);
  - the address to which the reimbursement should be mailed;
  - copies of the filed tax returns or tax transcripts validating payment of the Recapture Tax by the borrower(s); and
  - any other documentation CDA may need to approve the reimbursement
  
- Submit requests for reimbursement to:  
Maryland DHCD  
Attn: CDA Single Family - Recapture Tax Reimbursement  
7800 Harkins Road, 3<sup>rd</sup> Floor  
Lanham, MD 20706
  
- CDA will not act on the request for reimbursement until all of the listed items above are received.

CDA will reimburse the Recapture Amount actually paid, but will not reimburse fees, interest, expenses or penalties incurred.

In order to comply with Federal tax reporting requirements, the State of Maryland may issue an IRS Form 1099 so the amount of any recapture tax that CDA reimburses to the borrower can be reported to the IRS as income.

---

NOTICE TO BORROWER WITH INFORMATION FOR CALCULATING POTENTIAL RECAPTURE TAX begins on the next page.

**NOTICE TO BORROWER WITH INFORMATION  
FOR CALCULATING POTENTIAL RECAPTURE TAX**

Because you are receiving a mortgage loan from the proceeds of a tax-exempt bond, you are receiving the benefit of a lower interest rate than is customarily charged on other mortgage loans. If you sell or otherwise dispose of your home during the next nine years, this benefit may be “recaptured.” The recapture is accomplished by an increase in your federal income tax for the year in which you sell your home. The recapture only applies, however, if you sell your home at a gain and if your income increases above specified levels. The recapture tax payment must be accompanied by a signed Internal Revenue Service Form 8828 (Recapture of Federal Mortgage Subsidy) which is to be attached to your Form 1040 for the year in which you sell your home. See the Form 1040 and Form 8828 Instructions.

You may wish to consult a tax advisor or the local office of the Internal Revenue Service at the time you sell your home to determine the amount, if any, of the recapture tax. Along with this notice, you are being given additional information that will be needed to calculate the recapture tax.

**I. METHOD TO COMPUTE RECAPTURE TAX ON SALE OF HOME**

**A. Introduction.**

1. **General.** When you sell your home, you may have to pay a recapture tax as calculated below. The recapture tax may also apply if you dispose of your home in some other way. Any references in this notice to the “sale” of your home also include other ways of disposing of your home. For instance, you may owe the recapture tax if you give your home to a relative.

2. **Exceptions.** In the following situations, no recapture tax is due, and you do not need to do the calculations:

- a. You dispose of your home later than nine years after you close your mortgage loan;
- b. Your home is disposed of as a result of your death;
- c. You transfer your home either to your spouse or to your former spouse incident to divorce and you have no gain or loss included in your income under section 1041 of the Internal Revenue Code;
- d. You dispose of your home at a loss; or
- e. Your modified adjusted gross income at the time of the disposition does not exceed the adjusted qualifying income limit (increased by 5% per year as indicated in the following Tables). This rule is implemented by an “Income Percentage” calculation described below.

**B. Maximum Recapture Tax.** The maximum recapture tax that you may be required to pay as an addition to your federal income tax is an amount equal to 6.25% of (.0625 multiplied by) the highest principal amount of your mortgage loan, which generally is the amount of the mortgage loan on the date of settlement. This is your federally subsidized amount with respect to the loan.

C. Actual Recapture Tax. The actual recapture tax, if any, can only be determined when you sell your home, and is the lesser of: (1) 50% of your gain on the sale of your home, regardless of whether you have to include that gain in your income for federal income tax purposes; or (2) your recapture amount determined by multiplying the following three numbers.

1. The maximum recapture tax, as described in paragraph B above;
2. The holding period percentage, as listed in Column 1 in the Table found in Section II of this document; and
3. The income percentage, as described in paragraph D below.

D. Income Percentage. First locate the Table that applies to your loan and then calculate the income percentage as follows:

1. Subtract the adjusted qualifying income applicable in the taxable year in which you sell your home, as listed in Column 2 in the Table identified above, from your modified adjusted gross income in the taxable year in which you sell your home.

Your modified adjusted gross income means your adjusted gross income shown on your federal income tax return for the taxable year in which you sell your home, with the following adjustments: (a) your adjusted gross income must be increased by the amount of any interest that you receive or accrue in the taxable year from tax-exempt bonds that is excluded from your gross income (under section 103 of the Internal Revenue Code); and (b) your adjusted gross income must be decreased by the amount of any gain included in your gross income by reason of the sale of your home.

2. If the amount calculated in (1) above, is zero or less, you owe no recapture tax and do not need to make any more calculations. If it is \$5,000 or more, your income percentage is 100%. If it is greater than zero but less than \$5,000, it must be divided by \$5,000. This fraction, expressed as a percentage, represents your income percentage. For example, if the fraction is \$1,000/\$5,000, your income percentage is 20%.

E. Targeted Jurisdictions: the following list is a summary of the Targeted Jurisdictions. All other areas not included in the below list are Non-Targeted Jurisdictions.

TARGETED JURISDICTIONS:

---

Qualified Census Tracts:

Anne Arundel County: Census Tracts - 7302.05, 7302.06, 7305.11, 7305.14  
Baltimore County: Census Tracts - 4011.02, 4013.02, 4015.07, 4024.09, 4085.06, 4203.01, 4203.02, 4303.00, 4505.04, 4523.00, 4914.01, 4927.00 (ALSO see economic distress below)  
Frederick County: Census Tract - 7772.00  
Harford County: Census Tract - 3016.01, 3029.01  
Montgomery County: Census Tracts - 7007.13, 7007.21, 7007.24, 7007.25, 7007.31, 7014.22, 7015.08, 7020.00, 7025.02, 7032.13  
Prince George's County: Census Tracts - 8002.09, 8017.07, 8024.04, 8025.01, 8035.09, 8043.00, 8052.01, 8055.00, 8056.01, 8056.02, 8059.06, 8059.07, 8059.08  
Talbot County: Census Tract - 9603.00  
Washington County: Census Tracts - 0003.02, 0004.00, 0005.00, 0007.00, 0008.00, 0009.00 (ALSO see economic distress below)  
Wicomico County: Census Tracts - 0003.00, 0005.00, 0102.00, 0105.04, 0106.04, 0107.03  
Worcester County, Census Tracts - 9513.00, 9515.00

ALSO, the following are included as areas of chronic economic distress:

Allegany County  
Baltimore City  
Caroline County  
Dorchester County  
Garrett County  
Kent County  
Somerset County  
*The following areas of Baltimore County:*  
East Towson  
Oella  
West Catonsville

*The following areas of Washington County:*  
Hagerstown

*The following areas of Wicomico County:*  
QCT 0003  
QCT 0102

*The following areas of Prince George's County:*  
Brentwood  
Capitol Heights  
Colmar Manor  
Fairmont Heights  
Mount Rainier  
North Brentwood  
Seat Pleasant

**II. TABLES OF ADJUSTED QUALIFYING INCOME**

**TABLE 1**  
**Targeted Jurisdictions Excluding Washington, D.C. HMFA**  
**(Using State Median Income)**

For the list of Targeted Jurisdictions please refer to Paragraph E on Page 3 above.

Date that you sell your home	(Column 1) Holding Period Percentage	(Column 2) Adjusted Qualifying Income (\$)	
		Number of Family Members Living In Your Home at the Time of Sale	
		2 or Less	3 or More
Before the first anniversary of closing	20%	158,040*	184,380*
On or after the first anniversary of closing, but before the second anniversary of closing	40%	165,942	193,599
On or after the second anniversary of closing but before the third anniversary of closing	60%	174,239	203,279
On or after the third anniversary of closing but before the fourth anniversary of closing	80%	182,951	213,443
On or after the fourth anniversary of closing but before the fifth anniversary of closing	100%	192,099	224,115
On or after the fifth anniversary of closing, but before the sixth anniversary of closing	80%	201,704	235,321
On or after the sixth anniversary of closing but before the seventh anniversary of closing	60%	211,789	247,087
On or after the seventh anniversary of closing but before the eighth anniversary of closing	40%	222,378	259,441
On or after the eighth anniversary of closing but before the ninth anniversary of closing	20%	233,497	272,413

\*State median income of \$131,700 times 120% and 140%

TABLE 2  
 Non-Targeted Jurisdictions Excluding Washington, D.C. HMFA, Calvert County & Baltimore-Columbia-Towson, MD MSA  
 (Using State Median Income)

For the list of Non-Targeted Jurisdictions please refer to Paragraph E on Page 3 above.

Date that you sell your home	(Column 1) Holding Period Percentage	(Column 2) Adjusted Qualifying Income (\$)	
		Number of Family Members Living In Your Home at the Time of Sale	
		2 or Less	3 or More
Before the first anniversary of closing	20%	131,700*	151,455*
On or after the first anniversary of closing, but before the second anniversary of closing	40%	138,285	159,028
On or after the second anniversary of closing but before the third anniversary of closing	60%	145,199	166,979
On or after the third anniversary of closing but before the fourth anniversary of closing	80%	152,459	175,328
On or after the fourth anniversary of closing but before the fifth anniversary of closing	100%	160,082	184,094
On or after the fifth anniversary of closing, but before the sixth anniversary of closing	80%	168,086	193,299
On or after the sixth anniversary of closing but before the seventh anniversary of closing	60%	176,491	202,964
On or after the seventh anniversary of closing but before the eighth anniversary of closing	40%	185,315	213,112
On or after the eighth anniversary of closing but before the ninth anniversary of closing	20%	194,581	223,768

\*State median income of \$131,700 times 100% and 115%.

**TABLE 3**  
**Targeted & Non-Targeted Jurisdictions in Washington, DC HMFA**  
 (Using High Housing Cost Area Adjustment)

Date that you sell your home	(Column 1) Holding Period Percentage	(Column 2) Adjusted Qualifying Income (\$)	
		Number of Family Members Living In Your Home at the Time of Sale	
		2 or Less	3 or More
Before the first anniversary of closing	20%	196,680*	229,460*
On or after the first anniversary of closing, but before the second anniversary of closing	40%	206,514	240,933
On or after the second anniversary of closing but before the third anniversary of closing	60%	216,840	252,980
On or after the third anniversary of closing but before the fourth anniversary of closing	80%	227,682	265,629
On or after the fourth anniversary of closing but before the fifth anniversary of closing	100%	239,066	278,910
On or after the fifth anniversary of closing, but before the sixth anniversary of closing	80%	251,019	292,856
On or after the sixth anniversary of closing but before the seventh anniversary of closing	60%	263,570	307,498
On or after the seventh anniversary of closing but before the eighth anniversary of closing	40%	276,749	322,873
On or after the eighth anniversary of closing but before the ninth anniversary of closing	20%	290,586	339,017

\* Washington, D.C. HMFA median income of \$163,900 times 120% and 140%.

TABLE 4  
<sup>1</sup> All Jurisdictions in Calvert County  
 (Using High Housing Cost Area Adjustment)

Date that you sell your home	(Column 1) Holding Period Percentage	(Column 2) Adjusted Qualifying Income	
		Number of Family Members Living In Your Home at the Time of Sale	
		2 or Less	3 or More
Before the first anniversary of closing	20%	190,320*	222,040*
On or after the first anniversary of closing, but before the second anniversary of closing	40%	199,836	233,142
On or after the second anniversary of closing but before the third anniversary of closing	60%	209,828	244,799
On or after the third anniversary of closing but before the fourth anniversary of closing	80%	220,319	257,039
On or after the fourth anniversary of closing but before the fifth anniversary of closing	100%	231,335	269,891
On or after the fifth anniversary of closing, but before the sixth anniversary of closing	80%	242,902	283,386
On or after the sixth anniversary of closing but before the seventh anniversary of closing	60%	255,047	297,555
On or after the seventh anniversary of closing but before the eighth anniversary of closing	40%	267,799	312,433
On or after the eighth anniversary of closing but before the ninth anniversary of closing	20%	281,189	328,054

\*Calvert County median income of \$158,600 times 120% and 140%.

<sup>1</sup> Calvert County has no Targeted Areas.

**TABLE 5**  
**Non-Targeted Jurisdictions in Baltimore-Columbia-Towson, MD MSA**  
 (Using High Housing Cost Area Adjustment)

Date that you sell your home	(Column 1) Holding Period Percentage	(Column 2) Adjusted Qualifying Income (\$)	
		Number of Family Members Living In Your Home at the Time of Sale	
		2 or Less	3 or More
Before the first anniversary of closing	20%	136,529*	157,008*
On or after the first anniversary of closing, but before the second anniversary of closing	40%	143,355	164,859
On or after the second anniversary of closing but before the third anniversary of closing	60%	150,523	173,101
On or after the third anniversary of closing but before the fourth anniversary of closing	80%	158,049	181,757
On or after the fourth anniversary of closing but before the fifth anniversary of closing	100%	165,952	190,844
On or after the fifth anniversary of closing, but before the sixth anniversary of closing	80%	174,249	200,387
On or after the sixth anniversary of closing but before the seventh anniversary of closing	60%	182,962	210,406
On or after the seventh anniversary of closing but before the eighth anniversary of closing	40%	192,110	220,926
On or after the eighth anniversary of closing but before the ninth anniversary of closing	20%	201,715	231,973

\* Baltimore-Columbia-Towson, MD MSA adjusted federal income limit of \$136,529 times 100% and 115%.

**III. LIMITATIONS AND SPECIAL RULES ON RECAPTURE TAX**

A. If you give away your home (other than to your spouse or ex-spouse incident to divorce), you must determine your actual recapture tax as if you had sold your home for its fair market value.

B. If your home is destroyed by fire, storm, flood, or other casualty, there generally is no recapture tax if within two years you purchase additional property for use as your principal residence on the site of the home financed with your original subsidized mortgage loan.

C. In general, except as provided in future regulations, if two or more persons own a home and are jointly liable for the subsidized mortgage loan, the actual recapture tax is determined separately for them based on their interests in the loan.

D. If you repay your loan in full during the nine-year recapture period and you sell your home during this period, your holding period percentage may be reduced under the special rule in section 143(m)(4)(C)(ii) of the Internal Revenue Code.

E. Other special rules may apply in particular circumstances. You may wish to consult with a tax advisor or the local office of the Internal Revenue Service when you sell or otherwise dispose of your home to determine the amount, if any, of your actual recapture tax. See section 143(m) of the Internal Revenue Code generally.

Received and acknowledged this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Borrower

\_\_\_\_\_  
Borrower