

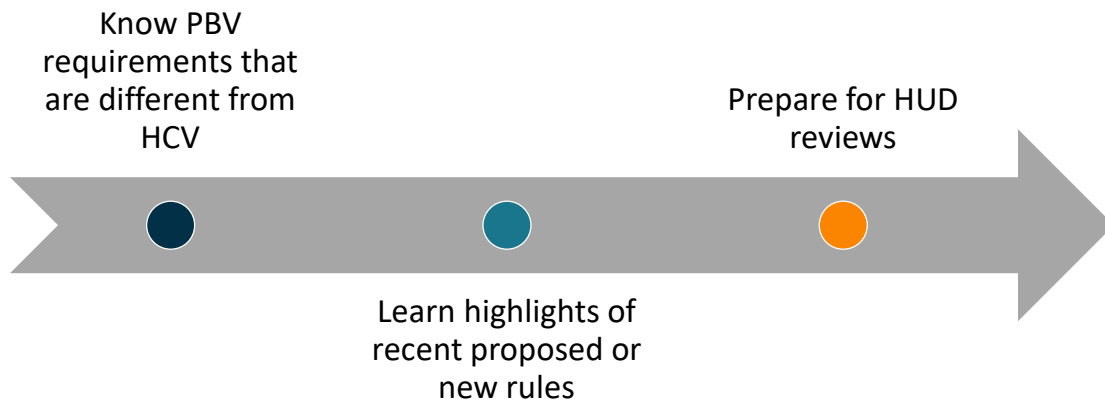
PROJECT-BASED VOUCHERS OCCUPANY REQUIREMENTS *NON-RAD*

MARK H. VOGELER, INSTRUCTOR



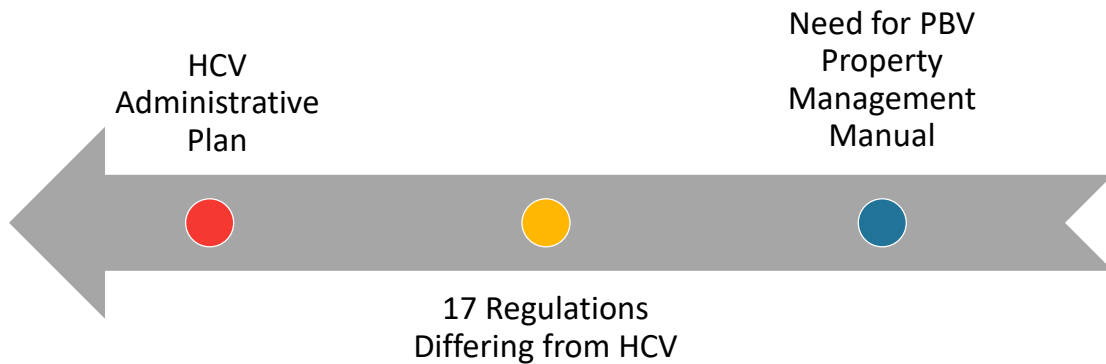
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PROJECT-BASED VOUCHERS TRAINING OBJECTIVES



2

PROJECT-BASED VOUCHER TOPICS



3

3

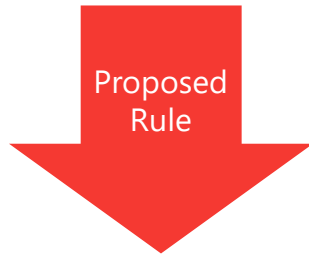
PBV SECTION IN HCV ADMINISTRATIVE PLAN

- Includes Required and Best Practice Items
- Selection Process Regs
- Occupancy Functions
- Share with Property Management Staff
- 22 Topics
- Site Selection
- Owner Proposal Procedures
- Include in PHA Plan

SHOW ADMIN PLAN CONTENTS 

4

PBV SECTION IN HCV ADMINISTRATIVE PLAN



Adds a **NEW** 983.10

Adds 26 Minimum Topics

Proposed Plan Contents

Outline to Follow

Major Waiting List Changes

Applies HCV Changes to PBV

5

17 PBV REGULATIONS

24 CFR 983, SUBPART F

6



HOW PARTICIPANTS ARE SELECTED

983.251

7



SELECTING PARTICIPANTS

a) ELIGIBILITY

- ✓ HCV Participants and Applicants
- ✓ HCV Income
- ✓ No Immediate Family of Owner, Except for RA for PWD

b) IN PLACE FAMILIES

- ✓ Eligible Tenants on Project Selection Date
- ✓ Place on Waiting List
- ✓ Absolute Preferences
- ✓ Referred to Property Management
- ✓ Still Apply Required Screening

8



SELECTING PARTICIPANTS

c) SELECTION FROM PHA WAITING LIST

- ✓ HCV selects from HCV or PBV WL
- ✓ Do PBV WL by offering to HCV WL; then referrals from Property Manager
- ✓ Can do PBV-wide or separate PBV Project WL
- ✓ Can combine projects
- ✓ Can do separate criteria or preferences for PBV WL (*put into Admin Plan*)
- ✓ Can merge PBV and other assisted housing WL
- ✓ Income Targeting (*75% Extremely Low income for combined admissions*)
- ✓ Match PWD with Accessible Units

9



SELECTING PARTICIPANTS

d) PREFERENCES FOR SERVICES OFFERED

- ✓ Social services buildings can have 100% PBV
- ✓ Must offer a service
- ✓ For PWD
 - Cannot name medical condition
 - Can be for mobility
- ✓ Limited to PWD that significantly interfere with housing **Proposed Rule**
- ✓ Not required
- ✓ Can do ads for specific type of disability, such as mobility

10



SELECTING PARTICIPANTS

e) OFFER OF PBV ASSISTANCE

- ✓ If using HCV and PBV WL:
 - Still stay on WL if refuse PBV
 - Stay if Owner rejects

PROPOSED RULE – allows PHA to limit offer rejects before removing from WL

11



SELECTING PARTICIPANTS

PROPOSED RULE

- PHA may allow Owner's to maintain Site-Based Waiting List
 - ✓ Project by Project
 - ✓ Replaces HCV/PBV Waiting List
 - ✓ Owner fully manages using same HCV Waiting List rules
 - ✓ PHA determines final eligibility

12



SELECTING PARTICIPANTS

PROPOSED RULE

OWNER WAITING LIST

- ✓ Give written TSP for PHA approval
 - Preferences
 - Procedures to maintain
 - PHA must put TSP into Admin Plan
- ✓ PHA maintains oversight
- ✓ Owners and PHA may give preference to families who qualify for Voluntary Services
 - Offered a specific projects
- ✓ Must be in PHA Plan
- ✓ Income Targeting still applies

13



SELECTING PARTICIPANTS

PH BUILDING WITH PH WAITING LIST

- ✓ PHAs can dispose of PH properties then convert to PBV
- ✓ Establish PBV Site-Based WL
- ✓ Offer to PH applicants first
- ✓ Then offer to HCV applicants
- ✓ Then consider Owner referrals

14



INFORMATION FOR ACCEPTED FAMILY

983.252

15



INFORMATION FOR ACCEPTED FAMILY

ORAL BRIEFING AND INFO PACKET:

- ✓ How PBV works
- ✓ Family and Owner responsibilities information packet requirements:
 - TTP method
 - Family obligations
 - Fair Housing
 - Reasonable Accommodation and LEP

16



INFORMATION FOR ACCEPTED FAMILY

PROPOSED Oral Additions

- ✓ Right to Move

PROPOSED Packet Additions

- ✓ Equal Opportunity Laws
- ✓ Subsidy Standards and Exceptions

17



LEASING

983.253

18



LEASING - OWNER SELECTION OF TENANTS:

- Referred by PHA
- From PHA Waiting List - Proposed: Owner's WL
- HCV Eligibility
- Owner written selection procedures (coordinate PHA and Owner preferences)
- Owner provides written rejection (VAWA applies)
- Unit size per PHA Standards

19



VACANCIES

983.254

20



VACANCIES - FILLING UNITS

- Owner promptly informs HCV
- HVC promptly refers applicants
 - ✓ Develop proper ratio
 - PROPOSED:** Owner WL
- Minimize turnover time
- Contract unit reduction
 - ✓ PHA may reduce after 120 days

21



**TENANT
SCREENING**

983.255

22



TENANT SCREENING

PHA OPTION

Can opt to screen for behavior and suitability

Best for HCV to do required screening only

OWNER

Screen and Selects

Put Factors in written Tenant Selection Plan

23



HCV APPLICANT INFO TO OWNER

MUST

Current and prior address

Current and prior Landlord

MAY

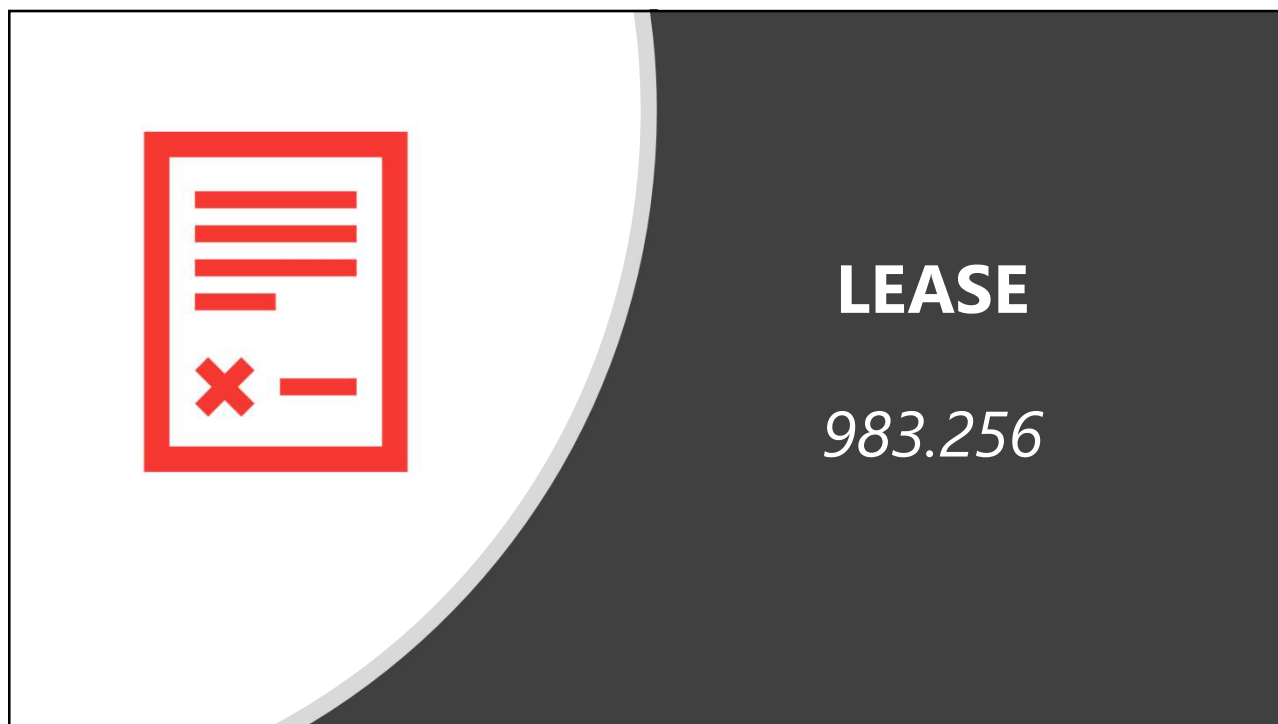
Tenant History info *(best to not do this)*

PHA must give applicant PHA policy regarding info to Owners

PHA policy must include same info to all Owners

VAWA

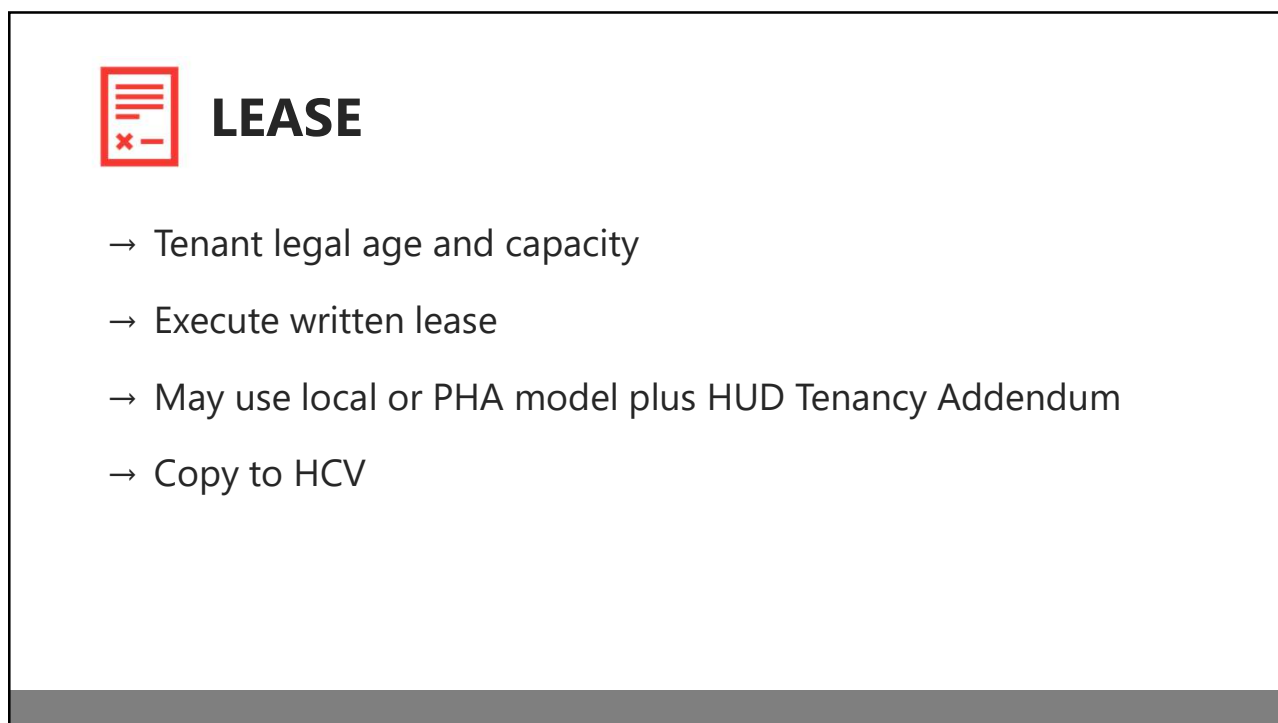
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LEASE

983.256

25



 **LEASE**

- Tenant legal age and capacity
- Execute written lease
- May use local or PHA model plus HUD Tenancy Addendum
- Copy to HCV

26



LEASE

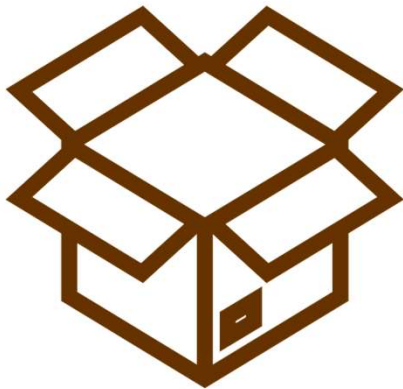
Changing Utility Arrangements

- ✓ Must amend HAP Contract and Lease
- ✓ New Reasonable Rent Determination, Contract Rent, and Rent Shares

Lease Term

- ✓ Initial One Year
- ✓ Auto month to month year to year

27



FAMILY RIGHT TO MOVE

983.261

28



FAMILY RIGHT TO MOVE

- Family may terminate lease any time after first year
- Give Owner and HCV written notice per lease
- If family wants HCV, must request HCV before giving notice
- Above does not apply to VAWA

29



**PROJECTS
EXCEEDING
25% CAP**

983.262

30



PROJECTS EXCEEDING 25% CAP

- Units for Elderly/Disabled or families receiving supportive services Not counted toward Project CAP
- PHA gives preference
- For families completing FSS Contract, unit remains under Contract
- If not complete FSS Contract, must vacate within reasonable time
- If beyond family control, may stay in unit

31



PROJECTS EXCEEDING 25% CAP PROPOSED RULE

- Unit is excepted if:
 - ✓ Any member eligible for 1 or more service
 - General Disabled Exception Eliminated
 - ✓ Family may choose not to participate

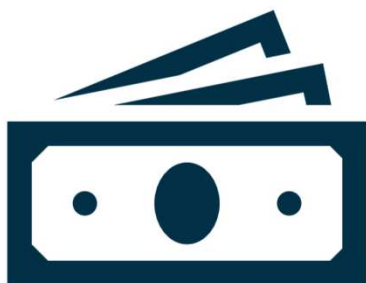
32



PROJECTS EXCEEDING 25% CAP PROPOSED RULE

- Unit Loses Exception:
 - ✓ No member completes service; **and**
 - ✓ Entire family becomes ineligible for **ALL** services
- Family cannot be evicted or terminated

33



DETERMINING CONTRACT RENT TO OWNER

983.301

34



INITIAL CONTRACT RENT

- At beginning of HAP Contract
- Except for LIHTC, cannot exceed the Lowest of:
 - ✓ 110% FMR – UA
 - ✓ Reasonable Rent
 - ✓ Owner Requested Rent

35



CONTRACT RENT BEST PRACTICES

- Accurate Rent Reasonableness System
- Use current rent comparable units
- Base on Post-Rehab condition
- Use Energy Efficient Utility Allowance

36



LIHTC UNITS

→ Two formulas to determine LIHTC PBV Rents:

- ✓ LIHTC Formula, or
- ✓ Regular PBV Formula
- ✓ 983.301 (c): LIHTC formula is used for certain LIHTC units that meet 4 standards in this section.

37



LIHTC FORMULA

PBV RENTS

→ Lowest of:

- ✓ Tax Credit Rent – UA
- ✓ Reasonable Rent
- ✓ Owner Requested Rent

WARNING: Complicated Details in Regs

**IF LIHTC RENT FORMULA DOES NOT APPLY, USE REGULAR
PBV RENT FORMULA**

38



LIHTC PBV RENTS

Simple Rent Formula

- ✓ 4 Questions at 983.301 c. i – iv
- ✓ Then choose regular PBV formula or LIHTC formula
- ✓ Document how units met the LIHTC formula requirements

39



RE- DETERMINATION OF RENT TO OWNER

983.302

40



REDETERMINATION OF RENT TO OWNER

WHEN?

Owner's Request
10% decrease in FMR

RENT INCREASE

Written request at anniversary
120 days in advance
(Best Timing Practice)
Must meet HQS
PHA gives notice of rent adjustment

41



REASONABLE RENT

983.303

42



REASONABLE RENT

WHEN?

- 10% decrease in FMR
- Utility structure change
- Contact unit substitution
- Any other changes affecting Reasonable Rent
- Owner request increase at anniversary

HOW?

- Same as HCV
- Must use all (9) Characteristics
- At least 3 unassisted Comps
- Follow procedures in HCV Admin Plan
- Maintain Comparability Analysis showing **HOW** determined

43



HUD'S (9) CHARACTERISTICS FOR REASONABLE RENT



LOCATION



SIZE



TYPE



QUALITY



AGE OF UNIT



AMENITIES



HOUSING SERVICES



MAINTENANCE



UTILITIES

44



VACANCY PAYMENTS

983.352

45



VACANCY PAYMENT

- Payment to Owner When Tenant Vacates
- Some PHAs limit to vacate in violation of lease
 - ✓ PHA option
 - ✓ Must be mentioned in lease

46



VACANCY PAYMENT PERIOD COVERED

- 1 or 2 months
- HAP for month of vacancy
- PHA decides
- Begins first of month after vacancy

47



AMOUNT OF VACANCY PAYMENT:

- 1 or 2 months of Contract Rent, minus any portion of rent collected plus Security Deposit
- Only for period of vacancy up to 1 or 2 months

48



OWNER CERTIFICATIONS:

- Prompt PHA Notice with move-out date
- Not Owner's fault
- Vacancy period
- Act to minimize length of vacancy
- Tenant rent collected

49



OTHER FEES & CHARGES

983.354

50

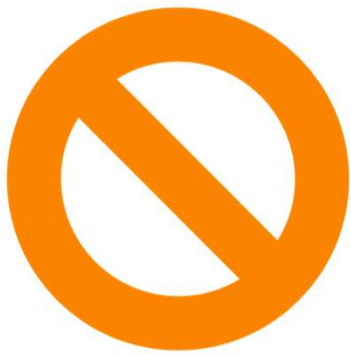


OTHER FEES & CHARGES

Assisted Living Developments Only

- ✓ Charge for meals and Supportive Services not included in rent
- ✓ Value not part of Reasonable Rent
- ✓ Must be in lease

51



OWNER TERMINATION OF TENANCY & EVICTION

983.257

52

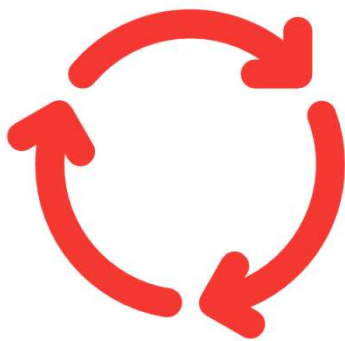


OWNER TERMINATION OF TENANCY & EVICTION

→ Acceptable Reasons

- ✓ Same as HCV, except no economic and business reason
- ✓ VAWA applies
- ✓ If unit is exempt from 25% Project Cap:
 - May terminate for failure to complete FSS contract or supportive service requirement
 - Proposed Rule: Deletes

53



CONTINUATION OF HAPs

983.258

54



CONTINUATION OF HAPs

- Until TR = RTO
- May continue when income decreases
- After 180 days, remove unit from HAP contract
- Reinstate unit if tenant vacates

55



SECURITY DEPOSIT

983.259

56



SECURITY DEPOSITS

HCV MAY:

- ✓ Prohibit in excess of private market, or
- ✓ More than unassisted tenants
- ✓ Proposed Rule: changes May to Must

OWNER MUST:

- ✓ Give list of SD charge items and amount
- ✓ Refund balance

57



OVER/UNDER ACCESSIBLE UNIT

983.260

58



OVER/UNDER/ACCESSIBLE UNIT

WHEN:

- ✓ Family is in wrong-size unit, or
- ✓ Non-PWD occupies unit with accessibility features that is needed

PHA MUST:

- ✓ Notify family and Owner
- ✓ Offer another unit
- ✓ State above policy in Admin Plan

59



OPTIONS FOR REPLACEMENT UNIT:

- Other PBV unit
- Public Housing or HUD Multifamily
- Housing Choice Voucher (HCV)
- Other Public or Private

60



TERMINATION OF HAP:

- If HCV is given, terminate when HCV or extension expires
- Date unit is vacated, if before HCV Expiration
- Remove unit from contract if family does not vacate
- If family does not move after reasonable time when offered non-HCV

61



OVER/UNDER/ACCESSIBLE UNIT

- PHA 30 days to notify family and Owner
 - ✓ Wrong size unit
 - ✓ Family does not need features
- Family must move within 90 days

62

UTILITY ALLOWANCES

PROPOSED RULE

Use UA per unit size

- ✓ Even if Tenant needs more bedrooms (for family size change)
- ✓ Still move to proper size unit

Request HUD Field Office approval to do Project specific UA

- ✓ Use process for PBRA (Notice H2015-04)
- ✓ Must show how HCV Utility Allowance is either too low or too high

63



64

THANK YOU!



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