

PROJECT-BASED RENTAL ASSISTANCE (PBRA)

TENANT SELECTION PLAN, HOUSE RULES & LEASE

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1

SESSION OBJECTIVES

- Create a compliant Tenant Selection Plan (TSP)
- Develop effective House Rules
- Utilize correct Lease and Addendum

2

2

SESSION TOPICS

- Required TSP topics
- What is HUD Multifamily PBRA and why use it
- Tenant Selection Plan required and recommended topics
- House Rules
- Lease

3

3

WHO IS IN CLASS?

- Who is:
 - ✓ Implementing HUD Multifamily New Construction?
 - ✓ Implementing PBRA?
 - ✓ Considering PBRA Non-RAD?
 - ✓ Thinking about RAD PBV?
 - ✓ Implementing RAD PBV?

4

4

TRAINERS PBV BACKGROUND

- 18 years implementing PBRA
- Train PHA Staff and Property Managers
- Write policies, procedures, and forms
- Audits for HUD, PHA's, and Non-Profit Entities

5

5

RAD PBRA RESOURCE LIBRARY

- HUD Handbook 4350.3 – Occupancy Requirements of Subsidized Multifamily Housing Programs
 - ✓ Follow only requirements for PBRA and Section 8 New Construction
- Title 24 of Code of Federal Regulations (CFR), Part 880, Section 8 New Construction
- PIH Notice 2012-32, Rev. 3 – RAD Implementation Final Guidance
- Rental Assistance Demonstration (RAD) Quick Reference Guide to Multifamily Housing Requirements, October 2015

6

6

WHAT IS SECTION 8 PROJECT-BASED RENTAL ASSISTANCE & WHY ARE PHA'S USING IT?

- Old Multi-Year Program attaching HAP assistance to buildings
- Private Owner signs HAP Contract with HUD
- Work with HUD Multifamily Office, not the Office of Public and Indian Housing (PIH)
- Governed by 24 CFR, Part 880 for New Construction

7

7

WHAT IS SECTION 8 PROJECT-BASED RENTAL ASSISTANCE & WHY ARE PHA'S USING IT?

- HUD Occupancy Handbook 4350.3 New Construction Reference
- PIH Notice 2012-32, Rev. 3, RAD Implementation Final Guidance
- Use Form HUD-50059... **NOT** 50058
- Use Tenant Rental Assistance Certification System (TRACS)... **NOT** PIC

8

8

WHAT IS SECTION 8 PROJECT-BASED RENTAL ASSISTANCE & WHY ARE PHA'S USING IT?

- The Contract Administrator (CA) monitors performance and performs audits
- Submit monthly HAP Roll to CA
- Agencies sometimes select PBRA instead of PBV when RADicalizing

9

9

WHAT IS THE TENANT SELECTION PLAN (TSP)

- TSP is like PBRA's ACOP...do not try to adapt your ACOP
- Collection of required and recommended policies and procedures
- No Board or HUD approval required
- HUD must approve local Preferences, especially Resident Requirement
- The Contract Administrator will review

10

10

BEST APPROACH TO CRAFTING TSP

- Closely follow 4350.3, Chapter 4-4
- Use 4350.3 Figure 4-2, Written TSP Topics
- Use Checklist for TSP
- User friendly
- Simple, but with adequate detail
- Keep handy for all staff
- Use as Procedures Manual

11

11

REQUIRED TSP TOPICS & IMPORTANT COMPONENTS

12

12

PROJECT ELIGIBILITY REQUIREMENTS

HB CH.3, SECTION 2, PG. 3-43

- Establishes family types served
 - ✓ All Family
 - ✓ Elderly
 - ✓ Disabled
 - ✓ Elderly Disabled
 - ✓ Elderly, Disabled, and Family
- Use HUD's definition of Elderly and Disabled, in Handbook 4350.3

13

13

CITIZENSHIP REQUIREMENTS

HB SECTION 3-12

- U.S. Citizens and Eligible Non-Citizens
- Describes requirements for verification and time frames
- Applies to all members
- Must sign Citizenship Declaration
- May choose not to claim Eligible status
- Protection from liability for Project Owners

14

14

SOCIAL SECURITY NUMBER REQUIREMENTS

HB SECTION 3-9

- No admission until SSN is verified if citizen
- Time frames for verification
- Use of the EIV pre-screening and failed Verification Reports
- Instructions for when adding a new household member
- Required documentation
- Provisions for accepting applicants without documentation of SSN

15

15

INCOME LIMITS

HB SECTION 3-6

- If HAP Contract prior to 10-1-1981: Low Income (80% MAI)
- If HAP Contract on or after 10-1-1981: Very Low Income (50% MAI)
- Use 2-person limit if sole member is pregnant
- HUD may give prior approval for over income applicant
- Must be eligible for at least \$1.00 of HAP

16

16

APPLICATIONS

HB SECTION 4-14

- Location to apply
- Definition of Family
- Reasonable Accommodations
- List required contents of Application
- Details the Application Process

17

17

WAITING LIST

HB CH. 4, SECTION 3

- Contents of Waiting List
- Race/Ethnicity not required
- Fair Housing notifications
- Requirements for electronic Waiting List
- Documenting changes to Waiting List
- Selection from Waiting List

18

18

PREFERENCES

HB SECTION 4-6

- Explains procedures for Statutory, HUD, State and Local preferences
- Include State and local requirements consistent with Civil Rights and with HUD approval
- Clearly list preferences and how they are applied
- Establish order of applicants
- Procedures for Denial of Preferences

19

19

SELECTION FROM WAITING LIST

HB CH. 4, SECTION 4

- Detailed required screening
- Detailed optional screening
- Income Targeting
 - ✓ 40% of turnover serves Extremely Low (30% of MAI)
- Use of EIV Reports for screening
- Does not replace EIV Operations and Security Policy

20

20

OCCUPANCY STANDARDS & GUEST LIMITATIONS

HB SECTION 3-23

- Can use traditional table of bedrooms per number of Occupants
- Reasonable Accommodation Standards
- Anticipated children
 - ✓ Pregnancy ✓ Adoption
 - ✓ Foster ✓ Custody
- Live-in Aide Standards
- Set number of days for guests

21

21

TRANSFER POLICY

HB CH. 7, SECTION 3

- Transfers housed before applicant
- Reasonable Accommodation
- Transfer denial
- Splitting up a family
- VAWA
- Change in family size

22

22

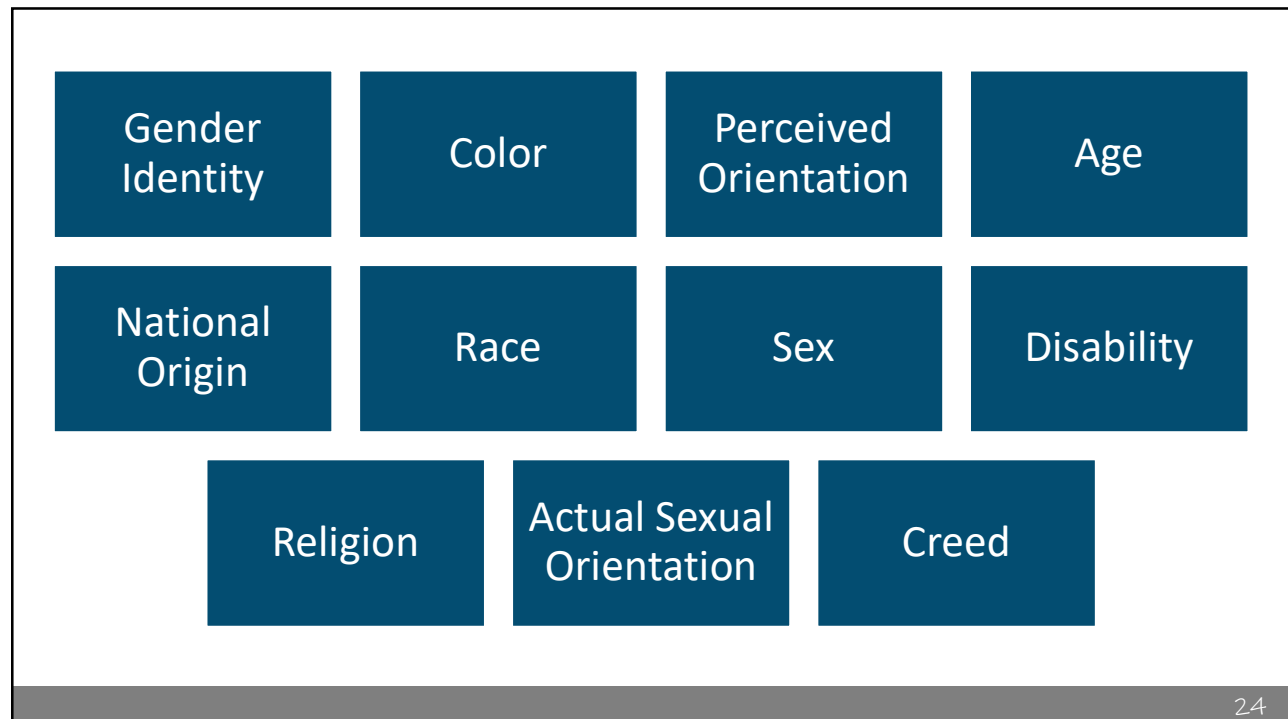
FAIR HOUSING & CIVIL RIGHTS

HB CHAPTER 2

- Required general anti-discrimination statement
- Nondiscrimination requirements under Fair Housing Act
- Accessibility requirements
- Disability grievance process
- Civil rights requirements in 24 CFR 960.203

23

23



24

24

OPENING & CLOSING WAITING LIST

HB SECTION 4-16

- One year WL to close
- Public Notice to open and close
- Procedures for Public Notice
- Equal Opportunity Housing Logo



25

25

ELIGIBILITY OF STUDENTS

HB SECTION 3-13

- Describe when assistance is not provided
- Explain vulnerable youth classification
- Verification requirements
- Proof of independence

26

26

POLICIES FOR APPLYING VIOLENCE AGAINST WOMEN ACT (VAWA) | HB CHAPTERS 4 & 6

- Finale Rule on VAWA 2013 released November 16, 2016
- Protections concerning denial, eviction, or termination
- Notice requirements and procedures to implement
- VAWA Lease Addendum

27

27

POLICIES FOR APPLYING VIOLENCE AGAINST WOMEN ACT (VAWA) | HB CHAPTERS 4 & 6

- Applies to victims of:
 - ✓ Domestic Violence
 - ✓ Dating Violence
 - ✓ Sexual Assault
 - ✓ Stalking

28

28

HUD TSP RECOMMENDATIONS

- Required Applicant Notifications
- Match Section 504 units with applicant needs
- Reasonable Accommodation
- Maintaining Waiting List
- TSP Change notifications
- Facility and Service Changes
- Security Deposit

29

29

HUD TSP RECOMMENDATIONS

- Unit Inspection
- Annual Recertifications
- Interim Recertifications
- Implementation of House Rules

30

30

NELROD BEST PRACTICE

TSP ITEMS

- Lease requirements
- Tenant Eligibility at RAD Conversion
- Minimum Total Tenant Payment (TTP)
- Phase-in of Tenant Rent Increases due to RAD Conversion

31

31

NELROD BEST PRACTICE

TSP ITEMS

- Live-in Aides
- Absence from Unit
- Pet Rules
- Termination of Assistance and Termination of Tenancy

32

32

PBRA HOUSE RULES - REQUIRED TOPICS

LEASE TERMINATION NOTIFICATION REQUIREMENTS

- For health/safety and drug reasons:
 - ✓ Reasonable period
 - ✓ Not > 30 Days
- Non-payment of Rent
 - ✓ Not < 14 Days
- Other cases:
 - ✓ Not < 30 Days
 - ✓ Shorter period per state or local law

33

33

PBRA HOUSE RULES – REQUIRED TOPICS

- Resident procedural rights:
 - ✓ Grounds for owner adverse action
 - ✓ Informal hearing rights
 - ✓ Informal hearing procedures
- Family right to move:
 - ✓ Choice mobility for HCV

34

34

PBRA HOUSE RULES

- Same rules for everyone
- VAWA protections and procedures
- Violation of rules can lead to eviction
- Safety and care of building topics

35

35

REASONABLE HOUSE RULES

- Requesting that all visitors sign in when entering the building
- Not allowing smoking in the common areas of the building
- Asking tenants to turn sound equipment low after a certain time at night
- Asking all children under the age of 12 to be accompanied by an adult resident when using building facilities

36

36

UNREASONABLE HOUSE RULES

- Not allowing a visitor in a tenant's apartment during nighttime
- Asking tenants to turn the lights off after a certain time at night
- Asking all children under the age of 12 to be accompanied by an adult resident at all times in the building

37

37

HOUSE RULES

- Attachment to the lease
 - ✓ Do not replace the lease in any way
- Must be related to safety, care and cleanliness of building or safety and comfort of residents
- Common areas covered:
 - ✓ Littering
 - ✓ Guest rules
 - ✓ Noise levels
 - ✓ Security
 - ✓ Lobby rules
 - ✓ Trash removal

38

38

LEASES & ATTACHMENTS

- Must use the HUD approved model lease
 - ✓ HUD-90105-A | Model Lease for Subsidized Programs
- Changes to the lease are not allowed without prior HUD approval
 - ✓ Either through correction to model lease or via lease attachment/lease addendum

39

39

REQUIRED LEASE ATTACHMENTS

- HUD-50059, 50059-A signed by tenant and owner
- Unit Move-in inspection signed by tenant and owner
- VAWA Lease Addendum
- House Rules, if applicable:
 - ✓ Lead-based paint disclosure form
 - ✓ Pet rules
 - ✓ Owner's live-in aide addendum
 - ✓ Owner's police or security personnel addendum

40

40

LEASE MODIFICATION

- Any modifications to lease from HUD HQ must be incorporated as an addendum
- Changes need due to HUD Notices or revisions to Handbook 4350.3
- Proper notice to residents is required
 - ✓ At least 60 days' notice to residents before end of their lease term

41

41



42

THANK YOU!



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43

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44