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U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

SECTION 8 PROJECT-BASED VOUCHER PROGRAM PHA-OWNED CERTIFICATION

NEW CONSTRUCTION OR REHABILITATION

PART 1 OF PHA-OWNED CERTIFICATION

The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to U.S. Department of Housing and Urban Development, Office of the Chief Data Officer, R, Attention: Departmental Clearance Officer, 451 7th Street SW, Room 8210, Washington DC 20410-0001. Do not send completed forms to this address. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. This form is used in the administration of the project-based voucher (PBV) program, as authorized under section 8 of the United States Housing Act of 1937 (42 U.S.C. § 1437f). This form allows a PHA to certify that it will fulfill all of the program responsibilities of both the private owner and the PHA under HUD's PBV program requirements to provide housing assistance payments for eligible families. This information is required to obtain benefits. 24 CFR § 983.204(e)(2). This information collected will not be held confidential.

1. CERTIFICATION INFORMATION

a. PHA

This PHA-owned certification is executed by:

_____ (PHA).

b. Contents of certification

The PHA-owned certification consists of Part 1, Part 2, and the certification exhibits listed in paragraph c.

c. Certification exhibits

The PHA-owned certification includes the following exhibits:

EXHIBIT A: TOTAL NUMBER OF UNITS IN PROJECT COVERED BY THIS PHA-OWNED CERTIFICATION; INITIAL RENT TO OWNER; AND DESCRIPTION OF THE COVERED UNITS (See 24 CFR 983.203 for required items. If this is a multi-stage

project, this exhibit must include a description of the units in each completed phase.)

EXHIBIT B: SERVICES, MAINTENANCE AND EQUIPMENT TO BE PROVIDED BY THE PHA WITHOUT CHARGES IN ADDITION TO RENT TO OWNER

EXHIBIT C: UTILITIES AVAILABLE IN THE COVERED UNITS, INCLUDING A LISTING OF UTILITY SERVICES TO BE PAID BY THE PHA (WITHOUT CHARGES IN ADDITION TO RENT TO OWNER) AND UTILITIES TO BE PAID BY THE TENANTS

EXHIBIT D: FEATURES PROVIDED TO COMPLY WITH PROGRAM ACCESSIBILITY FEATURES OF SECTION 504 OF THE REHABILITATION ACT OF 1973 AND IMPLEMENTING REGULATIONS AT 24 CFR PART 8, THE FAIR HOUSING ACT, AND THE AMERICANS WITH DISABILITIES ACT (as applicable)

EXHIBIT E: ADDENDUM FOR INDEPENDENT ENTITY APPROVAL OF COVERED UNITS UNDERGOING SUBSTANTIAL IMPROVEMENT (As applicable per 24 CFR 983.212(a)(5))

EXHIBIT F: REHABILITATED HOUSING RIDER GOVERNING DEVELOPMENT ACTIVITY OCCURING DURING THE TERM OF THE PHA-OWNED CERTIFICATION (As applicable per 24 CFR 983.157(d))

ADDITIONAL EXHIBITS

d. Single-Stage and Multi-Stage Certifications (place a check mark in front of the applicable project description).

___ **Single-Stage Project**

This is a single-stage project. For all covered units, the effective date of the PHA-owned certification is:

_____.

___ **Multi-Stage Project**

This is a multi-stage project. The units in each completed stage are

described in Exhibit A.

The PHA enters the effective date for each stage after completion and PHA acceptance of all units in that stage. The PHA enters the effective date for each stage in the "Execution of PHA-owned certification for covered units completed and accepted in stages" (starting on page 11).

The annual anniversary date of the PHA-owned certification for all covered units in this multi-stage project is the anniversary of the effective date of the PHA-owned certification for the covered units included in the first stage. The expiration date of the PHA-owned certification for all of the covered units completed in stages must be concurrent with the end of the PHA-owned certification term for the units included in the first stage (see 24 CFR 983.207(g)).

e. Term of the PHA-owned certification

1. Execution

Before execution of the PHA-owned certification, the PHA must determine that applicable initial inspection HQS requirements have been met in accordance with 24 CFR 983.103(b). Except for units developed pursuant to 24 CFR 983.157, the PHA may not execute the PHA-owned certification for any covered unit that does not meet the initial inspection HQS requirements. For units developed pursuant to 24 CFR 983.157, the PHA-owned certification must be executed and effective promptly after the requirements of 24 CFR 983.157(c) are met (all proposed PBV units are added to the certification at this time, including units that do not comply with HQS or that will undergo development activity). For all other units developed pursuant to 24 CFR 983.152(a)(1), the PHA-owned certification must be executed and effective promptly after the PHA determines that the housing was completed in accordance with applicable requirements, HUD's HQS, and any additional design, architecture, or quality requirements specified by the PHA in accordance with 24 CFR 983.156(b)(1) or (c). The effective date of the PHA-owned certification must be on or after the date the PHA-owned certification is executed. The PHA-owned certification must be effective before the effective date of the first lease covering a covered unit occupied by an assisted family, and the PHA may not pay any housing assistance payment until the PHA-owned certification is effective.

2. Length of initial term

a. Subject to paragraph 2.b, the initial term of the PHA-owned

certification is:

_____.

b. The initial term of the PHA-owned certification for any unit may not be less than one year, nor more than twenty years.

3. Extension of term

The PHA may at any time before expiration of the PHA-owned certification execute one or more extensions of the PHA-owned certification term. The following conditions apply:

a. Each extension executed must have a term that does not exceed 20 years;

b. At no time may the total remaining term of the PHA-owned certification, with extensions, exceed 40 years;

c. Before executing an extension, the PHA must determine that the extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities; and

d. Each extension must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

4. Requirement for sufficient appropriated funding

a. The length of the initial term and any extension term shall be subject to availability of sufficient appropriated funding (budget authority), as provided in appropriations acts and in the PHA's annual contributions contract (ACC) with HUD, to make full payment of housing assistance payments for any year in accordance with the PHA-owned certification.

b. The PHA may terminate the certification for insufficient funding, subject to HUD requirements. Consistent with the policies in the PHA's Administrative Plan, the PHA has the option of terminating the PHA-owned certification based on "insufficient funding" only if:

1. The PHA determines in accordance with HUD requirements that it lacks sufficient HAP funding (including HAP reserves) to continue to make housing

assistance payments for all voucher units currently under a PHA-owned certification or HAP contract;

2. The PHA has taken cost-saving measures specified by HUD;

3. The PHA notifies HUD of its determination and provides the information required by HUD; and

4. HUD determines that the PHA lacks sufficient funding and notifies the PHA it may terminate PHA-owned certifications and/or HAP contracts as a result.

f. Occupancy and payment

1. Payment for occupied unit

During the term of the PHA-owned certification, the PHA shall make housing assistance payments for the months during which a covered unit is leased to and occupied by an eligible family. If an assisted family moves out of a covered unit, the PHA may keep the housing assistance payment for the calendar month when the family moves out ("move-out month"). However, the PHA may not keep the payment if the vacancy is the PHA's fault.

2. Vacancy payment

THE PHA HAS DISCRETION WHETHER TO INCLUDE THE VACANCY PAYMENT PROVISION (PARAGRAPH f.2), OR TO STRIKE THIS PROVISION FROM THE PHA-OWNED CERTIFICATION FORM.

a. If an assisted family moves out of a covered unit, the PHA may provide vacancy payments for a PHA-determined vacancy period extending from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the move-out month.

b. The vacancy payment for each month of the maximum two-month period will be determined by the PHA and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the PHA (including amounts available from the tenant's security deposit). Any vacancy payment may cover only the period the unit remains vacant.

c. The PHA may make vacancy payments only if:

1. The family has vacated the unit and the PHA documents the date when the family moved out (to the best of the PHA's knowledge and belief);

2. The vacancy is not the fault of the PHA and the unit was vacant during the period for which payment is claimed; and

3. The PHA has taken every reasonable action to minimize the likelihood and length of vacancy.

3. PHA is not responsible for family damage or debt

Except as provided in this paragraph f (Occupancy and Payment), the PHA will not make any other payment under the PHA-owned certification. The PHA will not make any payment for any damages to the unit, or for any other amounts owed by a family under the family's lease.

g. Income-mixing requirement

1. Except as provided in paragraphs g.2 through g.4 below, the PHA will not make housing assistance payments under the PHA-owned certification for more than the greater of 25 units or 25 percent of the total number of dwelling units (assisted or unassisted) in any project. The term "project" can be a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land, consistent with the PHA's Administrative Plan.

2. For the number of covered units in any project exceeding the 25 units or 25 percent limitation under paragraph g.1, the PHA shall give preference to the applicable families as listed in g.7 below, for the number of covered units exclusively made available for occupancy by such families. The PHA shall rent that number of covered units to such families.

3. Up to the greater of 25 units or 40 percent of units (instead of the greater of 25 units or 25 percent of units) in a project may be project-based if the project is located in an area where vouchers are difficult to use.

4. Units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD do not count toward the income-mixing requirement if, in the five years prior to issuance of the Request for Proposal (RFP) or the proposal or project selection date in the case of selection without RFP, the unit received one

of the forms of HUD assistance or was under a federal rent restriction as described in g.5 and g.6, below.

5. The following specifies the number of covered units (if any) that received one of the following forms of HUD assistance:

___ Public Housing Capital or Operating Funds (Section 9 of the 1937 Act);

___ Project-Based Rental Assistance (Section 8 of the 1937 Act). Project-based rental assistance under Section 8 includes the Section 8 moderate rehabilitation program, including the single-room occupancy (SRO) program;

___ Housing for the Elderly (Section 202 of the Housing Act of 1959);

___ Housing for Persons with Disabilities (Section 811 of the Cranston-Gonzalez National Affordable Housing Act); or

___ Flexible Subsidy Program (Section 201 of the Housing and Community Development Act of 1978).

Place a check mark in front of the form of assistance received by any of the covered units. The following total number of covered units received a form of HUD assistance listed above:

_____.

If all of the units in the project received such assistance, then skip number g.7, below.

6. The following specifies the number of covered units (if any) that were under any of the following federal rent restrictions:

___ The Low-Income Housing Tax Credit program (26 U.S.C. 42);

___ Section 515 Rural Rental Housing Loans (42 U.S.C. 1485);

___ Section 236;

___ Section 221(d)(3) Below Market Interest Rate;

___ Housing for the Elderly (Section 202 of the Housing Act of 1959);

___ Housing for Persons with Disabilities (Section 811 of the

Cranston-Gonzalez National Affordable Housing Act);

___ Flexible Subsidy Program (Section 201 of the Housing and Community Development Amendments Act of 1978); or

___ Any other program identified by HUD through Federal Register notice subject to public comment (specify the program:

_____).

Place a check mark in front of the type of federal rent restriction that applied to any of the covered units. The following total number of covered units were subject to a federal rent restriction listed above:

_____.

If all of the units in the project were subject to a federal rent restriction, then skip number g.7, below.

7. The following specifies the number of covered units (if any) exclusively made available to elderly families, families eligible for supportive services, or eligible youth receiving Family Unification Program or Foster Youth to Independence (FUP/FYI) assistance:

a Place a check mark here ___ if any covered units are exclusively made available for occupancy by elderly families; The following number of covered units shall be rented to elderly families:

_____.

b. Place a check mark here ___ if any covered units are exclusively made available for occupancy by families eligible for supportive services. The following number of covered units shall be rented to families eligible for supportive services:

_____.

c. Place a check mark here ___ if any covered units are exclusively made available for occupancy by eligible youth receiving FUP/FYI assistance. The following number of covered units shall be rented to eligible youth receiving FUP/FYI assistance:

_____.

8. The PHA must comply with all HUD requirements regarding income mixing.

EXECUTION OF PHA-OWNED CERTIFICATION FOR SINGLE-STAGE PROJECT

I/We, the undersigned, certify under penalty of perjury that the information provided above is true, accurate and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 1014; 31 U.S.C. §§ 3729, 3802).

PUBLIC HOUSING AGENCY (PHA) **Name of PHA (Print)**
By:
Signature of authorized representative
Name and official title (Print)
Date

EXECUTION OF PHA-OWNED CERTIFICATION FOR COVERED UNITS COMPLETED AND ACCEPTED IN STAGES

(For multi-stage projects, at acceptance of each stage, the PHA signs the PHA-owned certification execution for the completed stage.)

I/We, the undersigned, certify under penalty of perjury that the information provided above is true, accurate and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 1014; 31 U.S.C. §§ 3729, 3802).

STAGE NO. 1: The Certification is hereby executed for the covered units in this stage. **STAGE EFFECTIVE DATE:** The effective date of the Certification for this stage is:
Date
PUBLIC HOUSING AGENCY (PHA) **Name of PHA (Print)**
By:
Signature of authorized representative
Name and official title (Print)
Date

STAGE NO. 2: The Certification is hereby executed for the covered units in this stage. **STAGE EFFECTIVE DATE:** The effective date of the Certification for this stage is:
Date
PUBLIC HOUSING AGENCY (PHA) **Name of PHA (Print)**
By:
Signature of authorized representative
Name and official title (Print)
Date

STAGE NO. 3: The Certification is hereby executed for the covered units in this stage. **STAGE EFFECTIVE DATE:** The effective date of the Certification for this stage is:
Date
PUBLIC HOUSING AGENCY (PHA) **Name of PHA (Print)**
By:
Signature of authorized representative
Name and official title (Print)
Date

STAGE NO. __: The Certification is hereby executed for the covered units in this stage. **STAGE EFFECTIVE DATE:** The effective date of the Certification for this stage is:
Date
PUBLIC HOUSING AGENCY (PHA) **Name of PHA (Print)**
By:
Signature of authorized representative
Name and official title (Print)
Date