

# HCV Utilization Webinar: Project-Based Voucher (PBV) Updates

May 18, 2023





# Welcome!

- **Today's webinar is being recorded.** The recording and PowerPoint will be posted to the "Webinars and Trainings" section of [www.hud.gov/hcv](http://www.hud.gov/hcv). In about a week.
- **We are always interested in your feedback.** Please enter any suggestions you have for how we can make these webinars or the program resources more useful to you in the chat.
- **Ask Questions.** Please submit any questions via the chat throughout the presentation. If time permits, we will answer additional questions at the end.
- **Stay connected** by visiting [www.hud.gov/hcv](http://www.hud.gov/hcv) and subscribing to the HCV Connect Newsletter.



# Next Steps for 2023 Funding

- Visit the 2023 Funding Opportunities tab at [www.hud.gov/hcv](http://www.hud.gov/hcv) to see:
  - A description of additional funding opportunities, and associated deadlines. (First deadline is June 16.)
  - A list of 2023 Renewal Funding Allocations for every PHA.
  - A new video explaining the HCV Implementation Notice (PIH 2023-07) with more details on how to apply for special provisions.
  - A list of resources to help PHAs utilize these funds.
- **PLEASE Make program adjustment now to take advantage of this historic program increase.**



Home / Office of Housing Choice Vouchers

## Housing Choice Voucher Program

The Housing Choice Voucher (HCV) Program is the federal government's major program for providing housing assistance to over 2.5 million American families.

[View our for the HCV Connect Newsletter](#) [Learn about the Office of Housing Choice Voucher Programs](#)

### IN FOCUS

- Stability Voucher Program**  
The Stability Voucher program is available through Public Housing Agencies (PHAs) in partnership with local Providers of Care and/or Victim Service Providers.  
[Learn More](#)
- eVMS ENTERPRISE VOUCHER MANAGEMENT SYSTEM**  
Learn about aid fund resources for the transition to eVMS, the foster payment processing system for the HCV program.  
[Learn More](#)
- 2023 Funding Opportunities**  
See a summary of funding opportunities/conditions for Public Housing Agencies (PHAs) administering the HCV Program.  
[Learn More](#)

### Special Purpose Voucher Programs and Other HCV Initiatives

- Emergency Housing Vouchers
- HUD-VASH Vouchers
- Project Based Vouchers
- Mainstream Vouchers
- Homeownership Program
- Foster Youth to Independence (FYI)
- Family Unification Program
- More



# Agenda

1. Reminder of PBV Resources
2. Update on the Field Office Review of PBV Program Caps
3. New PBV Notices
  - Subsidy Layering Reviews
  - Remedies for Poor Performing Owners
4. Reminder of PBV Waiver Process
5. HOTMA Status Update
6. PBV Question and Answers



# Reminder of PBV Resources

- We covered *Considering PBVs* at the HCV Utilization Webinar on April 21, 2022:
  - [www.youtube.com/watch?v=PbPaNfY2Ue8&ab\\_channel=HUDchannel](https://www.youtube.com/watch?v=PbPaNfY2Ue8&ab_channel=HUDchannel)
- You can also check out other new PBV training:
  - HCV Overview Videos: [www.hudexchange.info/programs/public-housing/hcv-overview-video-series/](https://www.hudexchange.info/programs/public-housing/hcv-overview-video-series/)
  - PHA Asset Repositioning Post-closing How-to Videos: [www.hudexchange.info/trainings/pha-asset-repositioning](https://www.hudexchange.info/trainings/pha-asset-repositioning)
- Visit the PBV Website: [www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/hcv/project](https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/project)

You can find all these resources at [www.hud.gov/hcv](https://www.hud.gov/hcv).



# Updates to the Field Office PBV review process



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

**SPECIAL ATTENTION OF:**

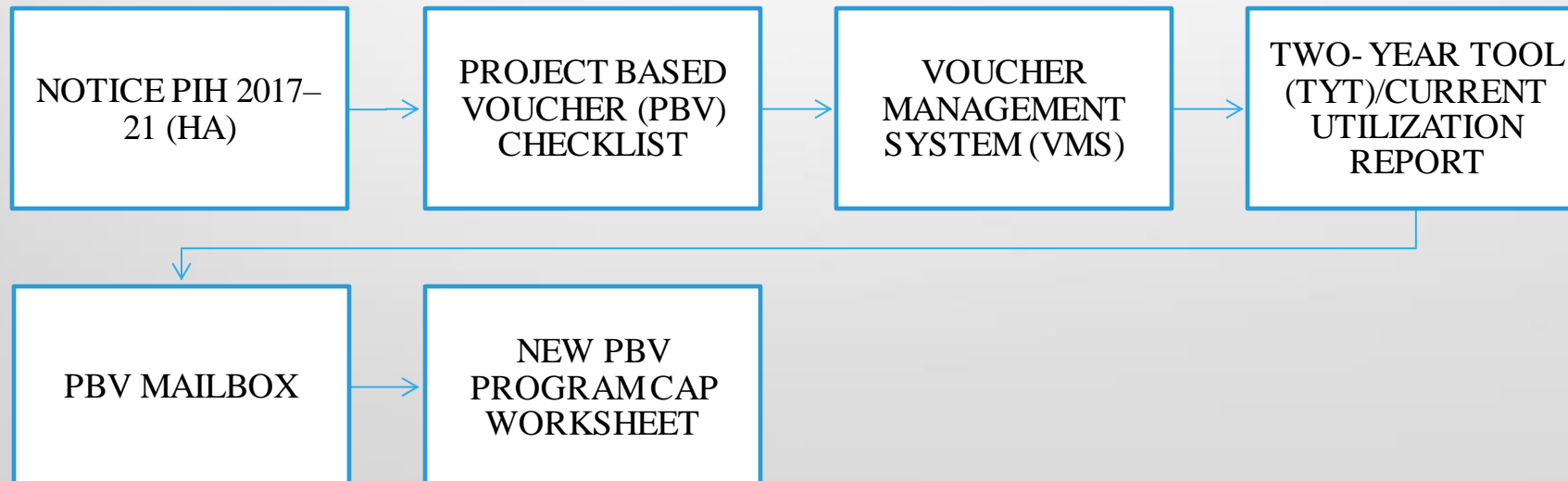
Public Housing Agencies  
Public Housing Agencies that  
Administer the Housing Choice  
Voucher Program; Owners;  
Other Grantees

**NOTICE PIH 2017-21 (HA)**

Issued: October 30, 2017

This notice remains in effect until amended,  
superseded, or rescinded

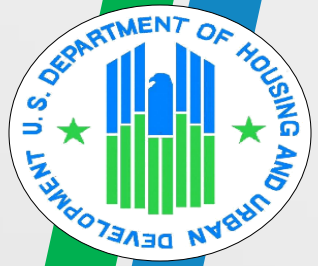
**CROSS REFERENCES**





# PBV Links & Resources

- [Notice PIH 2017-21](#)
- Project Based Training Videos on HUD Exchange
  - [PBVs to Improve Leasing](#)
  - [PBV Program Cap Review](#)
- Project Based Voucher (PBV) Checklist [PBV Checklist v2.3](#)
- PBV Mailbox [pbvsubmission@hud.gov](mailto:pbvsubmission@hud.gov)
- PBV Cap Worksheet [PBV ProgramCapWksht July 2022](#)



# SLR Updates

- New Federal Register Notice: FR-6359-N-01 (Mar. 13, 2023)
- HCAs are now authorized to perform SLRs for PBV that do not include Low-Income Tax Credits (LIHTC). Public Housing Agencies (PHAs) can request HCAs (if available) or HUD headquarters to complete the SLR review.
- A new mailbox has been created for the submission of HCAs' SLR certifications, and Field Offices' requests for SLRs to HUD Headquarters; [PBVSLRs@hud.gov](mailto:PBVSLRs@hud.gov).
- PIH Notice also in clearance providing roles and responsibilities to PHAs and Field Offices in the submission of SLRs for review to HCAs or HUD.
- Video tutorial in process.





# SLR Updates

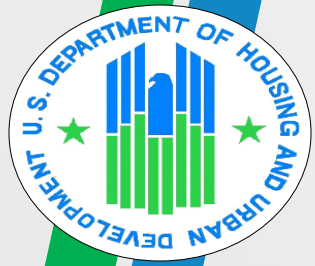
- FR-6359-N-01 (Mar. 13, 2023) invites HCAs that are not yet participating in HUD's delegation for SLRs to request participation.
- The ***Intent of Participation Letter*** is located in the appendix of the Notice. To request participation, HCAs complete the letter and email [PBVSLRs@hud.gov](mailto:PBVSLRs@hud.gov) and [Miguel.A.FontanezSanchez@hud.gov](mailto:Miguel.A.FontanezSanchez@hud.gov).



# PIH 2023-06 Notice on Remedies PHAs have for Poor Performing Owners in the Housing Choice Voucher and Project-Based Voucher Programs

This notice is written to:

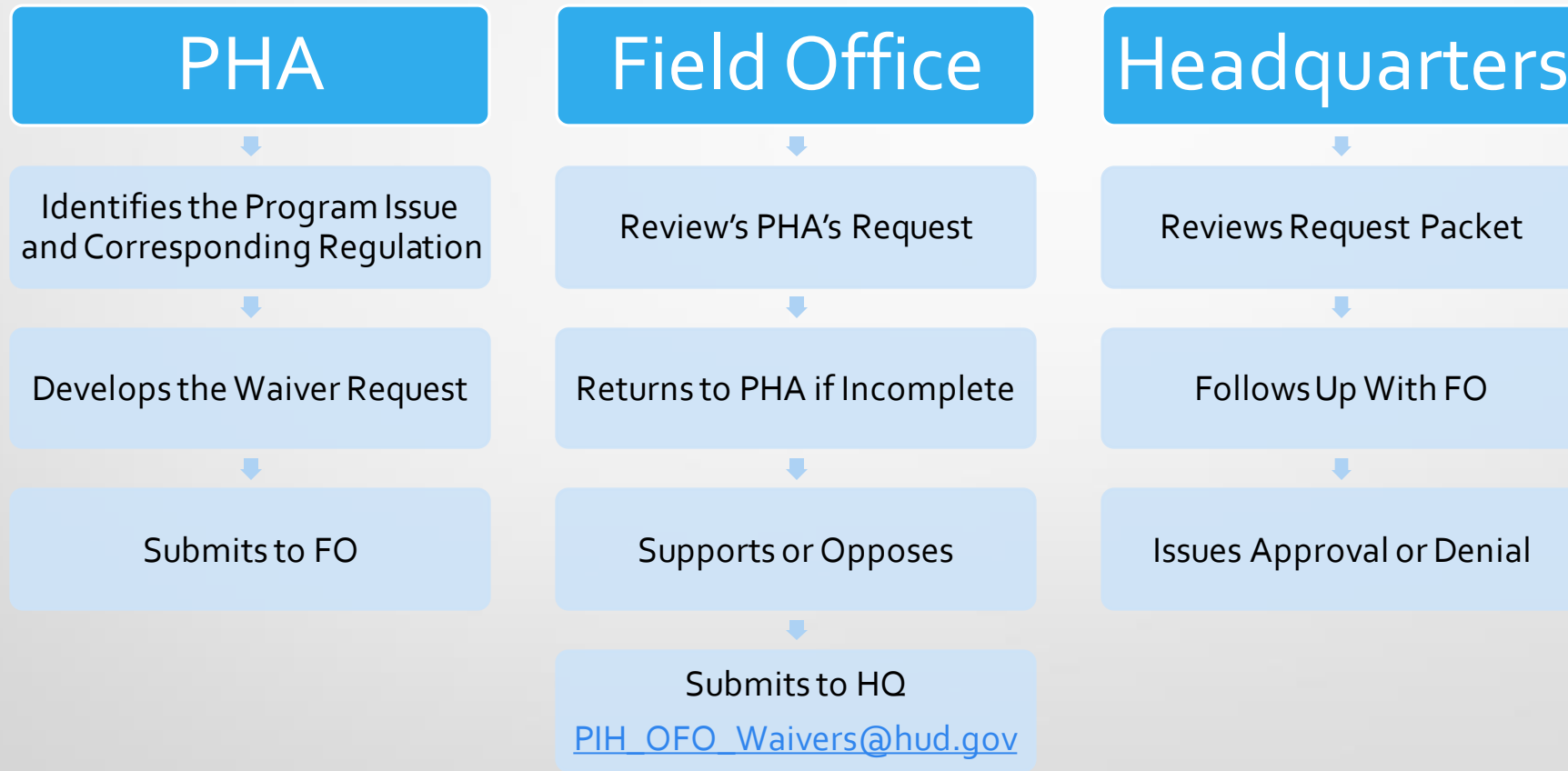
- Remind PHAs and property owners in the HCV and PBV programs of the importance of complying with program requirements;
- Remind PHAs of the remedies they have available when owners fail to comply with program requirements
- Remind PHAs of potential discretionary policies they may adopt to preclude owners from future participation in their HCV and PBV programs;
- Remind PHAs of mandatory reasons for disapproval of owners in the HCV and PBV programs;
- Remind PHAs and property owners of HUD's potential remedies when PHAs fail to ensure owners' compliance with statutory, regulatory, and/or Housing Assistance Payment (HAP) Contract requirements



# PBV Waiver Process

## Regulatory Waivers

Notice PIH 2021-07 (HA)





# PBV Waiver Process

- Statutory vs Regulatory
- Establishing Good Cause
- Prospective vs Retroactive Waivers
- FO Decision to Support vs Oppose
- Requesting Support Before Submitting to HQ
- Withdrawing a Request



# PBV Waiver Examples

- **§ 983.301(b)**
  - Rents above 110%
  - Statutory
- **§ 983.51(b)(1)**
  - Project Selection
  - RAD/Small Blend- PHA administering without ownership interest
- **§§ 983.53(d), 983.152(c), and 983.153(c)**
  - Permitting work prior to SLR and AHAP



# PBV Waiver Examples

- **Expired COVID waivers**
  - Must follow normal waiver process and provide good cause.
- **Notice PIH 2021-07, Section 3, Subsection A.2.e.(2)**
  - RAD/Section 18 Small PHA Blend. For any PHA with 250 or fewer public housing units under its ACC.
  - Good cause & whether there is another PHA that administers more than 250 HCV ACC units with jurisdiction and, if so, whether that PHA is unwilling or unable to administer the additional PBV assistance.



# HOTMA updates

## History:

- Implemented provisions and associated guidance are in Notices PIH 2017-18 (Manufactured Home Space Rentals), PIH 2017–20 (HQS), and PIH 2017–21 (PBV/PHA-owned)
  - Implementation of Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)
  - Technical Correction: Implementation of Voucher Provisions, 82 Fed. Reg. 32461 (Jul. 14, 2017)
- Proposed rule, 85 Fed. Reg. 63664 (Oct. 8, 2020)
  - Codify HOTMA provisions already implemented via Federal Register, considering public comments
  - Implement additional HOTMA provisions
  - Change regulatory provisions unrelated to HOTMA

Additional materials available on the PBV website:

[http://www.hud.gov/program\\_offices/public\\_indian\\_housing/programs/hcv/project](http://www.hud.gov/program_offices/public_indian_housing/programs/hcv/project)



# HOTMA updates

Final rule coming soon (expected Fall 2023):

- Changes regulations at 24 CFR parts 982 and 983
  - Considers public comments
- HOTMA provisions newly implemented:
  - Environmental review for PBV existing housing
  - PBV development without Agreement (AHAP)
  - Operating cost adjustment factor (OCAF) PBV rent adjustments
  - Owner-maintained site-based PBV waiting list
  - Provisions on enforcement of housing quality standards





# Frequently Asked Questions

## What options are available to a PHA that wants to maximize its PBV rents?

The maximum rent is the lower of:

- An amount determined by the PHA (up to 110% of applicable Fair Market Rent (FMR) or exception payment standard, minus utility allowance);
- Rent reasonable amount; or
- Owner request amount.

PHA flexibilities for the PHA-determined amount:

- Adopt Small Area FMRs (SAFMRs) and apply to PBV
- Request reevaluation of the applicable FMR (see the latest FMR Notice)
- Request HUD approval of an exception payment standard covering the area in which the project is located
  - *Note that regular payment standards do not apply to PBV*
- For LIHTC, there are additional criteria in 24 CFR 983.301(c)

For more details see question 34 of the [PBV Repositioning FAQs](#), on the [PBV Program Website](#), at [www.hud.gov/hcv](http://www.hud.gov/hcv).



# Frequently Asked Questions

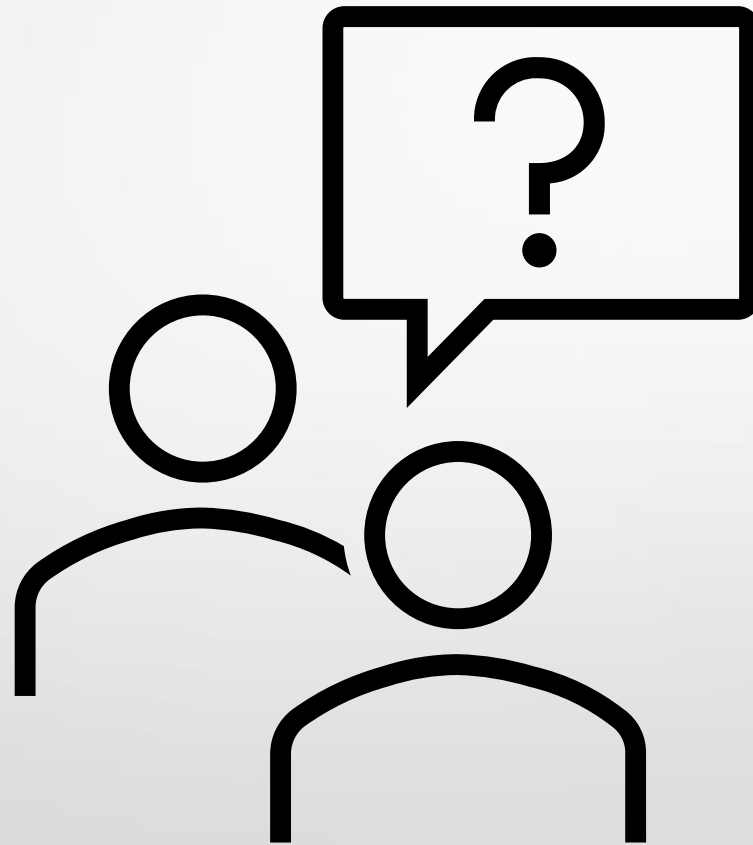
## **Are Project Based Voucher (PBV) units required to be located in census tracts with poverty rates of less than 20 percent?**

This is not an absolute requirement, but project-based assistance should forward the goal of deconcentrating poverty and expanding housing and economic opportunities. There are several considerations for site-selection standards which should guide the Public Housing Authority (PHA)'s decision. One of the points for consideration when looking at census tracts with poverty rates of greater than 20 percent, is whether in the past five years there has been an overall decline in the poverty rate. See [24 CFR § 983.57\(b\)\(1\)](#) for complete requirements.

For this and more general PBV FAQs see the [HCV Frequently Asked Question Page](#) under HCV Guidance and Notices at [www.hud.gov/hcv](http://www.hud.gov/hcv).



# PBV Questions from the chat





# Reminders

- HUD has provided a historic level of funding for 2023. We encourage PHAs to make program adjustments necessary to take advantage of these funds to serve your community.
- The first deadline for additional HCV ("set-aside") funding is June 16th. To learn more, check out the [2023 Funding Opportunities](#) Section of [www.hud.gov/hcv](http://www.hud.gov/hcv).
- We have another HCV Utilization Webinar planned for Thursday, June 15th. Go to [www.hud.gov/hcv](http://www.hud.gov/hcv) to register and see upcoming topics.
- Finally, this webinar was recorded. The recording and PowerPoint will be posted to [www.hud.gov/hcv](http://www.hud.gov/hcv) in about a week.
- To stay up to date on all HCV program guidance and resources, sign up for HCV Connect at [www.hud.gov/hcv](http://www.hud.gov/hcv).