



BREAKING NEWS

RHIIP Listserv #377: Revisions to Section 8 Renewal Policy Guide Posted on Drafting Table

On December 21, 2016, the Department posted draft revisions to the Section 8 Renewal Policy Guide on the Multifamily "Drafting Table" for feedback. The transmittal cover sheet provides a summary of the changes. A form is on the website to make it easier to respond. Interested persons can find the draft revisions and the feedback form at http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/MFH_policy_drafts/sec8guide. The deadline for submitting comments is January 23, 2017.

RHIIP Listserv #376: CORRECTION: Model forms for VAWA available on hud.gov

RHIIP Listserv Posting #373, on VAWA, published on December 15, 2016 has three updates/corrections. The updates/corrections are summarized below:

1. VAWA Appendices A, B, C, and D were recently added to HUDClips.
2. The previous email had a typo indicating that, "Beginning December 16, 2017, O/As **must** provide the Notice of Occupancy Rights and Certification form to applicants when assistance is being denied or at the time the new household moves into the property." The year should have been **2016**, not 2017.
3. A new bullet was added, "Beginning on December 16, 2016, owners/agents **must** provide the Notification of Occupancy Rights and Certification form with any notification of eviction or termination of assistance."

The updates/corrections listed above are also highlighted in **yellow** below:

HUD has created Microsoft Word and PDF fillable files for the four model forms included in the [Violence Against Women Act \(VAWA\) final rule](#) that was published in the Federal Register on November 16, 2016.

These forms are now available on HUDClips. The forms are as follows:

- VAWA Appendix A: Notice of Occupancy Rights Under the Violence Against Women Act, form HUD-5380
- VAWA Appendix B: Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form HUD-5381
- VAWA Appendix C: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, form HUD-5382

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INDUSTRY NEWS**RHIIP Listserv #376: CORRECTION: Model forms for VAWA available on hud.gov (continued)**

- VAWA Appendix D: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form HUD-5383

Please note:

- These Departmental forms are model forms and owners/agents can customize them for their company and properties, as long as they contain the same information and language.
- During the 12-month period following the effective date of the VAWA regulation, owners/agents **must** give each household the notice of occupancy rights and the certification form either during the annual recertification or lease renewal process, or, if there will be no recertification or lease renewal for a household during the first year after the rule takes effect, through other means. The 12-month period is December 16, 2016 through December 15, 2017.
- **Beginning on December 16, 2016, owners/agents **must** provide the Notification of Occupancy Rights and Certification form with any notification of eviction or termination of assistance.**
- Beginning on December 16, 2016, owners/agents **must** provide the Notification of Occupancy Rights and Certification forms to applicants when assistance is being denied or at the time the new household moves into the property. The forms do not have to be provided to every applicant on a property's waiting list.
- The Office of Multifamily Housing will be updating our current VAWA certification form, HUD-91066. In the meantime, owners/agents should use the Departmental form.
- Owners/agents are required to develop and implement an Emergency Transfer Plan by June 14, 2017, and should use the Departmental Emergency Transfer Plan form as a guide.
- Owners/agents may require tenants seeking an emergency transfer to provide a written Emergency transfer request. To facilitate this, owners/agents can provide the Departmental Request form to their tenants.
- At this time the Office of Multifamily Housing does not plan to create our own Emergency Transfer Plan and Emergency Transfer Request forms, so owners/agents should use the Departmental forms.
- Multifamily Housing will be updating our Lease Addendum form, HUD-91067 in the coming months. In the meantime, owners/agents may continue to use this form.
 - We will have further written guidance available early next year and will plan to include a sample lease addendum that can be used prior to the update of form 91067.

For your reference, please see the attached RHIIP Listserv #371, posted on November 18, 2016, about the Violence Against Women Reauthorization Act of 2013 (VAWA) Final Rule:

RHIIP Listserv #375: CY 2017 140% Thresholds for Rent Comparability Studies

In August 2015, the Department issued a new Section 8 Renewal Policy Guide. Section 9-23 of the Guide provides instructions for comparing the median rents as derived by the appraiser in a rent comparability study (RCS) with Census Bureau estimates of the median rents in the project's zip code. Should the rents in the owner's study exceed 140 percent of the median zip code rent threshold, then HUD would secure a third party to create a RCS for comparison purposes. When the Department issued the Guide, our office also published the list of median zip code rents as of December 2014.

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RHIIP Listserv #375: CY 2017 140% Thresholds for Rent Comparability Studies (continued)

HUD has recently published the new median zip code rents and the 140 percent thresholds. Users can find these new numbers under “What’s New” on http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/mfhsec8. The Census Bureau has updated their estimates of median rents and increased the median rents above the previous high of \$2,000 to a new high of over \$4,000. Staff and appraisers can find the instructions for comparing the numbers and determining the final rent, should a HUD study be required in Section 9-23.

These numbers will be effective for any RCS signed by the owner’s appraiser on or after February 11, 2017.

RHIIP Listserv #374: Homeless Preference: Resources for Multifamily Property Owners and Agents

HUD Multifamily Housing is a key mainstream resource that can help local communities address homelessness. HUD has issued guidance on adopting a homeless admissions preference in multifamily properties that receive HUD project-based subsidies. To encourage property owners to adopt the preference, new resources are now available online that explain the benefits of the homeless preference, and answer questions about the simple steps to adopt the preference.

The short video [Multifamily Homeless Preference: Owners and Agents Share their Experience](#) (run time 4:37) features owners and agents of HUD-assisted multifamily properties who have successfully adopted the homeless preference at their properties. They explain how productive relationships with service providers and HUD partners have facilitated their adoption of the homeless preference, and share the positive impact they have seen the preference have on families and communities.

The webinar [Adopting a Multifamily Homeless Preference: An Overview for Property Owners and Agents](#) (run time 5:30) describes the benefits of adopting the preference, walks through the simple steps for property owners to adopt the preference, and provides answers to common questions about property owner flexibility and the option for owners to partner with local service providers to support families and individuals transitioning from homelessness.

The webinar [Implementing a Homeless Preference in Multifamily Housing: An Overview for Continuums of Care and Service Providers](#) (run time 10:34) gives an overview of how the homeless preference works in privately owned, HUD-subsidized multifamily properties, and explains the key role of Continuums of Care and local service providers — both in recruiting property owners to adopt the preference, and sustaining the homeless preference once implemented. The webinar offers best practices for creating an effective referral and services package to pair with the preference once it has been adopted, and provides a planning roadmap for local communities wishing to promote the preference.

Learn more about [new special and add-on management fees](#) now available for HUD assisted properties implementing a homeless preference.

Find homelessness assistance resources for Multifamily Housing owners and managers on [HUD Exchange](#). [Sign up](#) for the Office of Multifamily Housing Homeless Preference Mailing List.

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RHIIP Listserv #373: Model forms for VAWA available on hud.gov

HUD has created Microsoft Word files for the four model forms included in the [Violence Against Women Act \(VAWA\) final rule](#) that was published in the Federal Register on November 16, 2016.

These [forms](#) are now available on the Office of Multifamily Housing's [web](#) page. The forms are as follows:

- VAWA Appendix A: Notice of Occupancy Rights Under the Violence Against Women Act, form HUD-5380
- VAWA Appendix B: Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form HUD-5381
- VAWA Appendix C: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, form HUD-5382 and
- VAWA Appendix D: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form HUD-5383

Please note:

- These Departmental forms are model forms and owners/agents can customize them for their company and properties, as long as they contain the same information and language.
- During the 12-month period following the effective date of the VAWA regulation, owners/agents **must** give each household the notice of occupancy rights and the certification form either during the annual recertification or lease renewal process, or, if there will be no recertification or lease renewal for a household during the first year after the rule takes effect, through other means. The 12-month period is December 16, 2016 through December 15, 2017.
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- Multifamily Housing will be updating our Lease Addendum form, HUD-91067 in the coming months. In the meantime, owners/agents may continue to use this form.
 - We will have further written guidance available early next year and will plan to include a sample lease addendum that can be used prior to the update of form 91067.

For your reference, please see the attached RHIIP announcement sent on November 18, 2016, about the Violence Against Women Reauthorization Act of 2013 (VAWA) Final Rule.

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Clarification on Implementation Date for VAWA Emergency Transfer Policy

The Federal Register dated November 16, 2016 explaining VAWA regulations, released via RHIP ListServ #371, provided conflicting guidance regarding the implementation date of the Emergency Transfer Policy. The preamble indicated that the policy **must** be implemented no later than May 15, 2017 while later in the document, the date of June 14, 2017 was provided.

Clarification has been provided via a Federal Register dated December 6, 2016. The VAWA Emergency Transfer Policy must be implemented no later than June 14, 2017.

Click [here](#) to view the Federal Register.

RHIP Listserv #372: New Chapter 9 “Rent Comparability Studies” of The Section 8 Renewal Policy Guide Posted

On December 1, 2016, the Department issued substantial revisions to Chapter 9 – Rent Comparability Studies, which is part of the Section 8 Renewal Policy Guide. The transmittal cover sheet provides a summary of the changes. The new Chapter 9 and the appendices are posted under “What’s New” “Revised Chapter 9 Rent Comparability Studies (Published 12/1/16, Effective 3/1/17)” at <https://portal.hud.gov/hudportal/documents/huddoc?id=Com-package-11-30-16.pdf>.

The policy changes will be effective for all rent comparability studies signed by the appraiser after March 1, 2017. Please send any questions you may have on the new Guide to Section8RenewalGuide@hud.gov.

Interested parties are strongly encouraged to view online training on the new Chapter at <https://youtu.be/uSkNooMb6As>

RHIP Listserv #371: Violence Against Women Reauthorization Act of 2013 (VAWA) Final Rule

The U.S. Department of Housing and Urban Development’s final rule regarding the implementation of housing protections authorized in the Violence Against Women Reauthorization Act of 2013 (VAWA) [was published in the Federal Register](#) on November 16, 2016. This final rule is a critical step in protecting housing of survivors of domestic and dating violence, sexual assault, and stalking.

The rule affects all owners/agents of properties under Multifamily’s rental assistance programs and becomes effective 30 days after publication, on December 16, 2016. Please note covered housing providers will have 180 days from the effective date to develop emergency transfer plans. Emergency transfer provisions will become effective June 14, 2017.

HUD Secretary Julián Castro stated, “Nobody should have to choose between an unsafe home and no home at all. Today we take a necessary step toward ensuring domestic violence survivors are protected from being twice victimized when it comes to finding and keeping a home they can feel safe in.”

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RHIIIP Listserv #371: Violence Against Women Reauthorization Act of 2013 (VAWA) Final Rule (continued)

Some of the critical components of the final rule include:

- **Continuation of the core protections** – The rule codifies the core protection across HUD’s covered programs ensuring survivors are not denied assistance as an applicant, or evicted or have assistance terminated due to having been a victim of domestic violence, dating violence, sexual assault, and stalking, or for being affiliated with a victim.
- **Emergency transfers** – One of the key elements of VAWA’s housing protections are emergency transfers which allows for survivors to move to another safe and available unit if they fear for their life and safety. The final rule includes a model emergency transfer plan, which was required in VAWA 2013, and an emergency transfer request form.
- **Protections against the adverse effects of abuse** – Domestic violence can often have negative economic and criminal consequences on a survivor. The perpetrator may take out credit cards in a survivor’s name, ruining their credit history, or causing damage to survivor’s property causing eviction and poor rental history. The perpetrator may force a survivor to participate in criminal activity or a survivor may be arrested as part of policies that require arresting of both parties in a domestic disturbance. The final rule ensures that covered housing providers do not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a survivor.
- **Low-barrier certification process** – The final rule makes it clear that under most circumstances, a survivor need only to self-certify in order to exercise their rights under VAWA, ensuring third-party documentation does not cause a barrier in a survivor expressing their rights and receiving the protections needed to keep themselves safe. The rule includes a certification form that may be used by covered housing providers.

Please contact [Carissa Janis](#) with any questions.