

Section 8 Contract Renewals – Submission Requirements and Timeliness

September 2019 Ann Ninh, Asset Management Manager California Affordable Housing Initiatives

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Agenda

- Introductions
- Section 8 Contract Renewals The Basics
- Rent Comparability Studies
- Utility Allowances
- Rent Adjustments
- References & Tools
- Q&A





Who is CAHI & CGI?

- California Affordable Housing Initiatives, Inc. ("CAHI") was formed as an instrumentality of the <u>Oakland Housing</u> <u>Authority</u> to enhance, preserve, develop and administer housing for HUD-defined low and moderate income families and individuals in California.
- CAHI has <u>CGI</u> as its business-processing partner to perform many of the processing activities required under the Annual Contributions Contract (ACC).
- CAHI assumed contract administration duties for Northern California from HUD on October 1, 2004. The Northern California program encompasses 550+ properties.





Contract Renewals The Basics



Contract Renewal Submission Timeline

Submit ALL your required Contract Renewal documents 120 days prior to the expiration of your current HAP Contract.





Contract Renewal Types

Option Type	Description	Requirements
Option 1	Mark-Up-To-Market	Satisfactory MOR Score REAC Score above 60 FASS findings closed or addressed
Option 2	Current Rents at or Below Comparable Market Rents	
Option 3a	Referral to Recap	Active HUD Loan / Eligible for RECAP RCS
Option 3b	Referral to Recap	Active HUD Loan / Eligible for RECAP Full Restructuring, no RCS
Option 4	Exempt from / not Eligible for Debt-Restructuring	No RCS Lesser of Test (Budget vs OCAF)
Option 5	Portfolio Reengineering Demonstration or Preservation Projects	This is your only option until your Plan of Action expires
Option 6	Opt-Out	



Choosing a Contract Renewal Type - Eligibility

What's your Situation?	Option Type	Notes
Opting Out	Option 6	Before you decide - Talk to HUD and/or CAHI to explore other options!
Active Plan of Action and/or Use Agreement	Option 5	This is your only option until your POA and/or Use Agreement expires
No Active HUD Loan / Exempt from RECAP	Option 4	No RCS Lesser of Test (Budget vs OCAF)
Current Rents Below Market	Option 1a or 1b	Satisfactory or above MOR Score REAC Score above 60 FASS findings closed or addressed RCS required
Current Rents at or Below Market Rents	Option 2	Not eligible for Options 1, 4, or 5 RCS required
Current Rents above Market Rents	Option 3a or 3b	Active HUD Loan / Eligible for RECAP RCS required (3a "Lite") Full Restructuring (3b "Full")



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Rent Adjustment Types Allowed by Option

Option Type	Rent Adjustment at Contract Renewal	Rent Adjustments (in Subsequent Years of Multi- year Contracts)
Option 1	Mark up to Market per RCS('s)*	OCAF or M2C** (<i>Minimum 5 year term</i>)
Option 2	OCAF or BBRA	OCAF or BBRA or M2C**
Option 4	Lesser of Test (OCAF v BBRA)	OCAF or BBRA
Option 5	Check POA and/or Use Agreement	Check POA and/or Use Agreement

* Owner's RCS vs HUD 3rd Party RCS (if required).

** Mark to Comparables is required in years 6, 11, & 16 of multi-year contracts







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Quick Reference Chart: Complete Package Requirements

Document	Opt 1 ¹	Opt 2	Opt 4	Opt 5
HUD Renewal Form & Worksheet	Y	Y	Y	Y
One Year Tenant Letter	Y	Y	Y	Y
RCS & Owner's RCS Certification	Y	Y	N	Y4
UA Analysis if the property has a UA	Y	Y	Y	Y
30 Day Notice & Cert to Compliance	Y ²	Y ²	Y ²	Y ²
OCAF RA Documents	N	Y ³	Y	Y4
BBRA Documents	N	Y ³	Y	Y4

Complete Package must be submitted to CAHI **at least 120** days prior to contract expiration!

- 1: Option 1b Discretionary MU2M Eligibility has additional requirements
- 2: If UA decreases and/or RA type is not an OCAF; NOT applicable to Coops
- 3: For Option 2, Owner may choose either OCAF or BBRA
- 4: For Option 5, please see property's POA or Use Agreement



Rent Comparability Studies



RCS General Guidance

Per the Section 8 Renewal Policy Guide, Chapter 9, a complete RCS submission consists of a

- Valid RCS completed by a Certified General Appraiser and
- Owner's Cover letter aka Owner's Certification





Owner's Cover Letter & Checklist

Appendix 9-2-1

Sample Owner's Cover Letter & Owner's Checklist

[Date]

[Owner's Name] [Owner's Address]

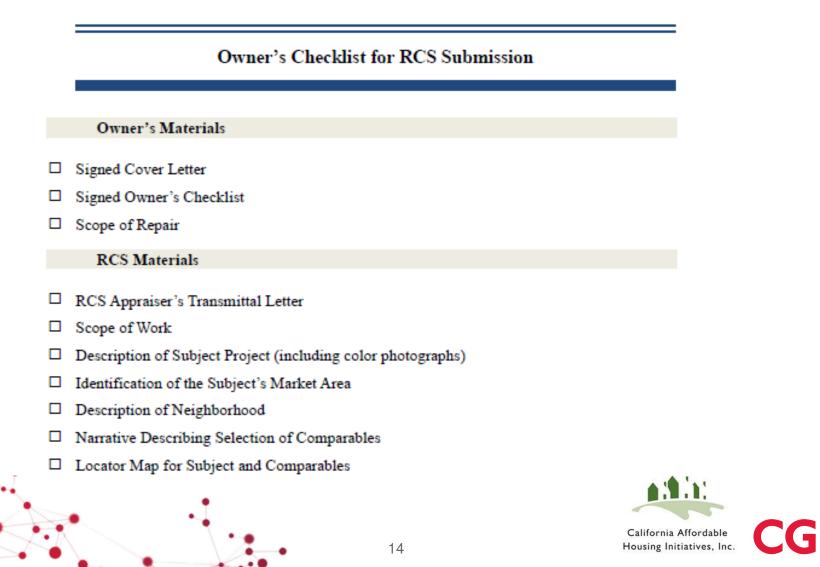
RCS Submittal Cover Letter for [Project Name]

- I have reviewed the content of the RCS and concluded that the RCS includes all material required by Chapter Nine and the Owner's Checklist in Appendix 9-2-2.
- The RCS appraiser's [insert appraiser's name] narratives and Rent Grid accurately describe the subject project and properly treat non-shelter services and their funding sources as required by Section 9-12 and Appendix 9-1-2.
- 3. There is no family relationship or identity-of-interest between the principals of the subject's Ownership or management agent entity and the principals that manage/ own the projects used as comparables. [Owners must identify and provide information if there is an identity-ofinterest existing between principals. See Handbook 4381.5, Paragraph 2-3 for a definition of the term "identity-of-interest".]
- 4. I certify that: a) neither the selection of the RCS appraiser nor the RCS appraiser's compensation was/is contingent upon the RCS appraiser reporting a predetermined rent nor direction in rent; and b) to the best of the Owner's knowledge, the RCS appraiser meets Section 9-8 A 's conditions regarding absence of financial employment and family



Owner's Cover Letter & Checklist

Appendix 9-2-1



RCS - Initial Review by CAHI

- Dates & data are within HUD <u>required timeframes</u>
- All required sections are included in the report and in the correct order.
- Communication protocols:
 - CAHI requests from the Owner to review corrections with their appraiser
 - Appraiser submits corrections to Owner
 - Owner submits corrections to CAHI





RCS - Substantive Review

After all initial review discrepancies are addressed the report is sent to CAHI's appraiser for Substantive Review.

- Full in depth review
- Communication protocols:
 - CAHI's appraiser communicates directly with Owner's appraiser to resolve discrepancies
 - Owner's appraiser responds directly to CAHI's appraiser
 - Responses are required within 7 calendar days.
 - CAHI will keep owners updated on communications between appraisers





Timeliness of Submission - RCS

- Example: New Contract Effective Date: **03/01/2020** **date calculations are rounded to the whole month*
 - Latest RCS to CAHI Date
- = March 2020 120 days
- = November 2019
- Earliest RCS to CAHI Date
- = March 2020 180 days
- = September 2019

*CAHI will send you a reminder letter by 09/01/2019 (~180 days prior)

- Earliest Appraiser to OA Date = September 2019 90 days
 - = June 2019
- Earliest Data Collection Date = June 2019 90 days

= March 2019



Mandatory Market Threshold Comparison

All RCS submissions (except for Option 3) must:

- Compute Subject Project's median RCS rent
- Identify the 140% Median Gross Rent for the Subject Project's Zip Code
- Compare Project's median rent to 140 percent of Median Gross Rent.
- If RCS Median Rent > 140% of the Zip Code's Median Gross rent, a HUD RCS is required:
 - Owner RCS < 105% of HUD RCS, Use Owner RCS
 - Owner RCS > / = 105% of HUD RCS, Use HUD RCS





Owner's RCS vs HUD RCS

- If no HUD 3rd Party RCS required, the Owner's RCS is used to set the new rents (Option 1), or the rent ceiling (Options 2 or 5)
- If HUD 3rd Party RCS is required:
 - HUD RCS > Owner RCS; rents are set to Owner RCS
 - HUD RCS < Owner RCS, but Owner RCS potential less than 105% of HUD RCS potential; rents are set to Owner RCS
 - HUD RCS < Owner RCS, but Owner RCS potential greater than or equal to 105% of HUD RCS potential; rents are set to 105% of HUD RCS





Timing of RCS Reviews

- CAHI has 30 days to review the RCS Initial & Substantive combined, but we normally review in about a week assuming no corrections are required.
- Owner's appraisers response is due within 7 days (Owners should watch the turnaround time to ensure timely responses)
- If required, HUD 3rd party RCS can take 1-6 months





Utility Allowances



HUD Notice 2015-04 - Highlights

In April 2015, HUD issued Notice 2015-04 which established a new process how Owner/ Agent must submit data and documentation for a change in the Utility Allowance. Here are some of the highlights:

- Sample size has been defined by HUD; the sample units required has increased significantly.
- The process occurs in a three-year cycle.
 - Year 1 Utility Allowance Baseline
 - Year 2 Utility Allowance Factor (UAF)
 - Year 3 Utility Allowance Factor (UAF)





HUD Notice 2015-04 - Highlights - Continued

The notice repeats the following, existing guidance regarding UA which will continue for the new process.

- O/A are *required* to adjust UAs at the time of annual or special rent adjustment.
- UAs must be supported by analysis.
- Adjustments to UA must be made if analysis indicates any change, increase or decrease.
- CR/RA must be held until the owner submits the UA and all other required docs. Once submission is complete, CR/RA will be implemented retroactively.





Baseline UA Analysis: Getting Started

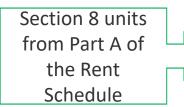
Rent Schedule Low Rent Housing

U.S. Department of Housing And Urban Development Office of Housing Federal Housing Commissioner

							INCLINE FUTCI
See page 3 for instruction,	Part B - Items Included in Rent						
Project Name					hings in Unit (Check thos	e included in	rent.)
raser's Ridge				Range	Dishwasher	X Smoke	Detector
				Refrigerator	X Carpet		
Part A - Apartment Rents	3			Air Conditioner	Drapes		
Show the actual rents you i	ntend to cha	rge, even if the to	otal of these rents		X Blinds		
Col.1		Casha	ct Bents	-	ose included in rent. For ea		H
Unit Type		Contrat	or ments		rent), enter E, F, or G on li	ne beside tha	at item.)
	Col. 2	Col. 3	Col. 4		G=gas, F=fuel oil or coal.	_	Ì
(Include Non-revenue	Number	Rent Per Unit	Monthly	Heating <u>G</u>	X Hot Water G	Lights, e	etc. E
Producing Units)	Of Units		Contract Rent	Cooling	Cooking E	X Water	
			Potential	Constitute (East)(A)	(about the second se	in an A	
			(Col.2 x Col.3)	03/01/2019			
Section 8 Units					_		
1 BR	22	2,544	55,968	50	_		
2 BR	48	3,247	155,856	67	_		
3 BR	28	3,976	111,328	108			
4 BR	6	4,325	25,950	100			
Non-Revenue Units (S8)							
1 BR	1	2,544					
Non-Section 8 Unuts							
1 BR	20	2,702					
2 BR	31	3,512					
					- (. N.	
	•					5	
	1				California A		CG
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Baseline UA Analysis: Getting Started

Property Name:	Date
Contract Number:	
Project Number:	



	Contract Units		Units to be Sampled
0 Bedroom Units		Л	0
1 Bedroom Units			0
2 Bedroom Units			0
3 Bedroom Units			0
4 Bedroom Units			0
5 Bedroom Units			0

	Average as Calculated from Analysis
0 Bedroom Units	N/A
1 Bedroom Units	N/A
2 Bedroom Units	N/A
3 Bedroom Units	N/A
4 Bedroom Units	N/A
5 Bedroom Units	N/A

	Current Utility Allowance	Proposed Utility Allowance
0 Bedroom Units		
1 Bedroom Units		
2 Bedroom Units		
3 Bedroom Units		
4 Bedroom Units		
5 Bedroom Units		



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A Baseline Sample MUST Include:

Unit		Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 1	2 Average
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O Bedroom Analysis





Other Notable Content of the Notice

- If the UA is decreasing, both a 30day tenant comment period (and the Owner's Certification as to Compliance) and the 30 day notice of rent increase are required. (Coops are exempt).
- UA MUST be increased mid-year when changes in utility rates result in a cumulative increase of 10% or more.
- Properties undergoing Substantial Rehab or New Construction can establish their baseline via an energy consumption model only in the first year of occupancy post-construction.
- <u>The utility bills DO NOT need to be submitted</u> with the UA analysis, but must be retained for the period of tenancy plus 3 years, and made available for a review, if requested.



Timeliness of Submission – UA Baseline

- Example: New Contract Effective Date: **03/01/2020** *date calculations are rounded to the whole month
 - Oldest Acceptable Data

- = March 2020 18 months
- = September 2018 thru August 2019

= November 2019

= or ~120 days prior

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- Earliest UA data request Date = September 2019
 *CAHI will send you a reminder letter by 09/01/2019 (~180 days prior)
- Utility providers often take about a month to respond
 = October 2019
- If UA is decreasing, a 30 day tenant notice is required:



UA Factor – Years 2 and 3 of the UA cycle

Utility Allowance Factor Adjustment

Property Name: Fraser's Ridge Contract Number: CA39L000039 Effective Date: 3/1/2020

HUD notice 2015-04 requires that owners/agents of multifamily section 8 properties submit a baseline Utility Allowance every three years. In years 2-3 following the baseline submission, a property can choose to apply the HUD Utility Allowance Factor (UAF) to the current UA amounts to determine the new UA amounts for the upcoming year. HUD publishes the UAF factors annually in accordance with the OCAF.

According to our records, tenants pay all or a part of the utilities and there is a utility allowance at this property. We will be adjusting the amount of last year's uncapped UA amount by the HUD UAF. Last year's approved uncapped UA amount and HUD UAF are:

<u>BR Type</u>	<u>Gas Utility</u>		<u>Electric Utility</u>
1BR	 \$23		\$25
2 BR	 \$27		\$36
3 BR	\$39	1	\$64

The FY2019 UAF's for CA are:

Gas UAF = 1.057 Electric UAF = 1.049

The UAF adjusted utility allowance amounts for this property will be:

	<u>BR Type</u>	<u>Uncapped Utility</u>	UAE	<u>Calculation</u>	<u>New UA</u>	
	1BR	Gas \$23	1.057	23 * 1.057 = 24.311 = 24	\$50	
		Electric \$25	1.049	25 * 1.049 = 26.225 = 26		
	2 BR	Gas \$27	1.057	27 * 1.057 = 28.539 = 29	\$67	
		Electric \$36	1.049	36 * 1.049 = 37.764 = 38		
	3 BR	Gas \$39	1.057	39 * 1.057 = 41.223 = 41	\$108	
		Electric \$64	1.049	64 * 1.049 = 67.136 = 67		
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		•				



Rent Adjustment types





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Manual OCAF vs. Auto-OCAF

Option	At Contract Renewal	At Rent Adjustment
1a/1b	No	Auto*
2	Manual	Auto*
3a/3b	No	Auto*
4	Manual (Lesser of Test)	Auto
5a/5b	Per POA	Per POA

* except years 6, 11, & 16 of multi-year contracts; see M2C

- Manual OCAF: OA must submit a completed OCAF worksheet (HUD-9625)
- Auto-OCAF: documents are initiated by CAHI for OA review & execution







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Mark up to Market vs. Mark to Comparables

Option	Contract Renewal	6 th , 11 th , 16 th Year of Multi-Year Contract
1a/1b	Mark up to Market	Mark to Comps
2	No	Mark to Comps
За	No	Mark to Comps
3b	No	No
4	No	No
5a/5b	No	No

- OA's must submit a
 - valid RCS & Owner's RCS Cover Letter
 - copy of 30 day tenant comment notice & owner's certification







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When is a BBRA required or allowed:

Option	At Renewal	At Rent Adjustment
1a/1b	No	No
2	Allowed	Allowed
3a/3b	No	No
4	Required	Allowed*
5a/5b	Per POA	Per POA

* With a new RCS or with an RCS reviewed and approved by CAHI within the last 5 years.





Complete Package

- Owner's Cover Letter
- Budget Worksheet (HUD form 92547-A)
- Narrative and documentation for line items over 5% and \$500
- An executed copy of the Owner's Certification Regarding Purchasing Practices and Reasonableness of Expenses
- A status report on the project's implementation of its current Energy Conservation Plan
- HUD Form 9250 and analysis (five year minimum) for Reserve for Replacement if any change is contemplated as part of the rent increase request
- Copy of 30 Day Tenant Comment Notice
- Owner's certification as to compliance with tenant comment procedures, dated after the expiration of the 30 day tenant comment period.
- Rent Comparability Study



The Budget Worksheet

Budget Worksheet

Income and Expense Projections

U.S. Department of Housing and Urban Development Office of Housing Federal Housing Commissioner OMB Approval No. 2502-0324 (exp. 06/30/2021)

Item#1695

Public reporting burden for this collection of information is estimated to average 5.33 hours 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. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB cont rol number.

This information is collected in accordance with Title II of the National Housing Act which requires that HUD regulate rents for certain cooperative and subsidized rental projects. The Department formulated the processes by which owners could request increases. The requirement for tenant participation in the rent increase process, which is included in Section 202(b) of the HCD Amendments of 1978, necessitated that the Department design procedures to give consideration to tenant comments. The information gathered is not of a confidential nature. The information is required in order to obtain benefits.

Project Number		Name of Project						
Description of Account		Acct.No	Statement of Profit/Loss FY_	Current FY (no. of mos.)	Budget from () to ()	
Rental Income 5100	Rent Revenue - Gross Potential	5120						
	Tenant Assistance Payments	5121						
	Rent Revenue - Stores and Commercial	5140						
	Garage and Parking Spaces	5170						
	Flexible Subsidy Revenue	5180						
	Miscellaneous Rent Revenue	5190						
	Excess Rent	5191						
	Rent Revenue/ Insurance	5192						
	Special Claims Revenue	5193						





Budget Narrative and Supporting Documentation

4350.1 Chapter 7 Paragraph 7-22C

- A brief statement explaining the basis for any increase in the expense line items on the budget work sheet. Generally, if the proposed amount is more than 5% and \$500 greater than the last audited amount, it must be documented.
- PBCA reserves the right to ask for and explanation and documentation for any line item, regardless of % change

Examples of Supporting Documentation

- Current copies of contracts, invoices, bills or estimates
- Verification of changes in payroll, i.e. new hire
- Dated notice of an increase from a utility company, insurance provider etc.
- Analysis and backup documentation of how the projected expenses were estimated



How We Review the Budget Worksheet

- Is it Necessary?
 - Has the O/A shown that the increase is needed?
 - Has O/A provided support for the increase?
- Is it Reasonable?
 - Does the increase fall in line with what a reasonable person would pay?
 - Is it reasonable for the time, place and circumstances?





Timeliness of Submission - Budgets

- Example: New Contract Effective Date: **03/01/2020** *date calculations are rounded to the whole month
 - Complete Package due Date = March 2020 120 days

= November 2019

- Tenant Comment period = November 2019 30 days
 = October 2019
- * Budget package must be available for tenants to review prior to posting the 30 day Tenant Comment notice.
- *CAHI will send you a reminder letter by **09/01/2019** (180 days prior)
- * Allow CAHI time to review your budget and request additional documentation

*Substantive changes to your budget submission will require an additional 15 day reposting period.



Reasons to Submit a Budget

Cost of Operations

- Have costs increased substantially enough that an OCAF increase will not cover expenses?
- Property's Financial Status
 - Is the project having difficulty meeting the monthly financial obligations such as mortgage, taxes, insurance, and/or operating expenses?

HUD Requirements

- Does the lesser-of-test apply?
- Does the contract allow for a BBRA submission?
- Are current rents below comparable market rents and the property does not qualify for Option 1?





Resources

- Section 8 Renewal Policy Guide
- HUD Handbook 4350.1
- cahi-Oakland.org
 - Announcements/Additional News Items
 - Renewal Documents
 - Rent Adjustment Documents
 - Knowledge Center





Questions













	California Affordable Housing Initiatives, Inc. Search Owner and Agent Portal HUD					
_	Renewal Documents					
Home About CAHI	Select the appropriate option below to be provided with the documents that must be submitted to CAHI with your contract renewal request.					
Renewal Documents	Option 1A					
Rent Adjustment Documents	Option 1B					
Tenant Knowledge Center	Option 2					
Knowledge Center	Option 3A					
Industry Partners	Option 3B					
Job Opportunities	Option 4					
Our Staff	Option 5					
News/Announcements	Option 6					
FAQuestions	Early Termination of HAP Contract					
Events	Please note that the documents contained in these packages are not all inclusive. Other documents					
ranslate this page Spanish 🗸 💽 Microsoft® Translator 🐼 🖾	may be required for the renewal option you select.					



	California Affordable Housing Initiatives, Inc.					
	Owner and Agent Portal HUD Portal HUDCline Rent Adjustment Documents					
Home About CAHI	Select the appropriate link below to be provided with the documents that must be submitted to CAHI with your rent adjustment request.					
Renewal Documents	Operating Cost Adjustment Factor					
Rent Adjustment Documents	Annual Adjustment Factor, Part I					
Tenant Knowledge Center	Annual Adjustment Factor, Part II					
Knowledge Center Newsletters Industry Partners Job Opportunities Our Staff News/Announcements FAQuestions Events Translate this page Spanish	Budget Based Rent Adjustment Mark to Comps Please note that the documents contained in these packages are not all inclusive. Other documents may be required for the rent adjustment type you select.					
Contact Center: 800 982-5221, T	TY-800-735-2929, Spanish TTY-800-855-3000 Legal restrictions and terms of use applicable to this site Privacy.					



	Locations Contact Us	CGI
	California Affordable Housing Initiatives, Inc.	٩
	Owner and Agent Portal HUD Portal H	<u>UDClips</u>
Home	Welcome to the Knowledge Center. This site was created to be a resource to Owners, Agents and Contract Administrators working to improve housing for California communities.	1
About CAHI	This section contains helpful links to CAHI and HUD Handbooks, Forms and Notices to help and assist you in administerin HUD Multifamily Housing Section 8 Project-Based Program. Please bookmark this page and return to it frequently.	g the
Renewal Documents	If you have any questions or suggestions for additional information you would like to see added that is not listed, please co us using the Contact Us page	ontact
Rent Adjustment Documents Tenant Knowledge Center	HUD Handbooks HUD Forms & Information Frequently Requested Documents Password Protected Sites	
Knowledge Center Newsletters	Management and Occupancy Review Forms Please Select	
Industry Partners	Contract Renewal Please Select	
Job Opportunities Our Staff	Rent Adjustments Please Select	
News/Announcements	Vouchering and Special Claims Please Select V	
FAQuestions		
Events Translate this page Spanish	For access to all of HUD's translated documents visit HUD's Limited English Proficiency website at <u>HUD LEP</u>	
Microsoft [®] Translator <> 🖂		
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Owner's RCS vs HUD RCS: Example

- Owner RCS = \$1000 and HUD RCS = \$1500:
 - Rents are set to \$1000
- Owner RCS = \$1000 and HUD RCS = \$975:
 - 105% of HUD RCS is \$1024
 - Which shows Owner RCS is less than 105% of HUD RCS
 - Rents are set to \$1000
- Owner RCS = \$1000 and HUD RCS = \$950:
 - 105% of HUD RCS is \$998
 - Which shows Owner RCS is greater than 105%
 - Rents are set to \$998



