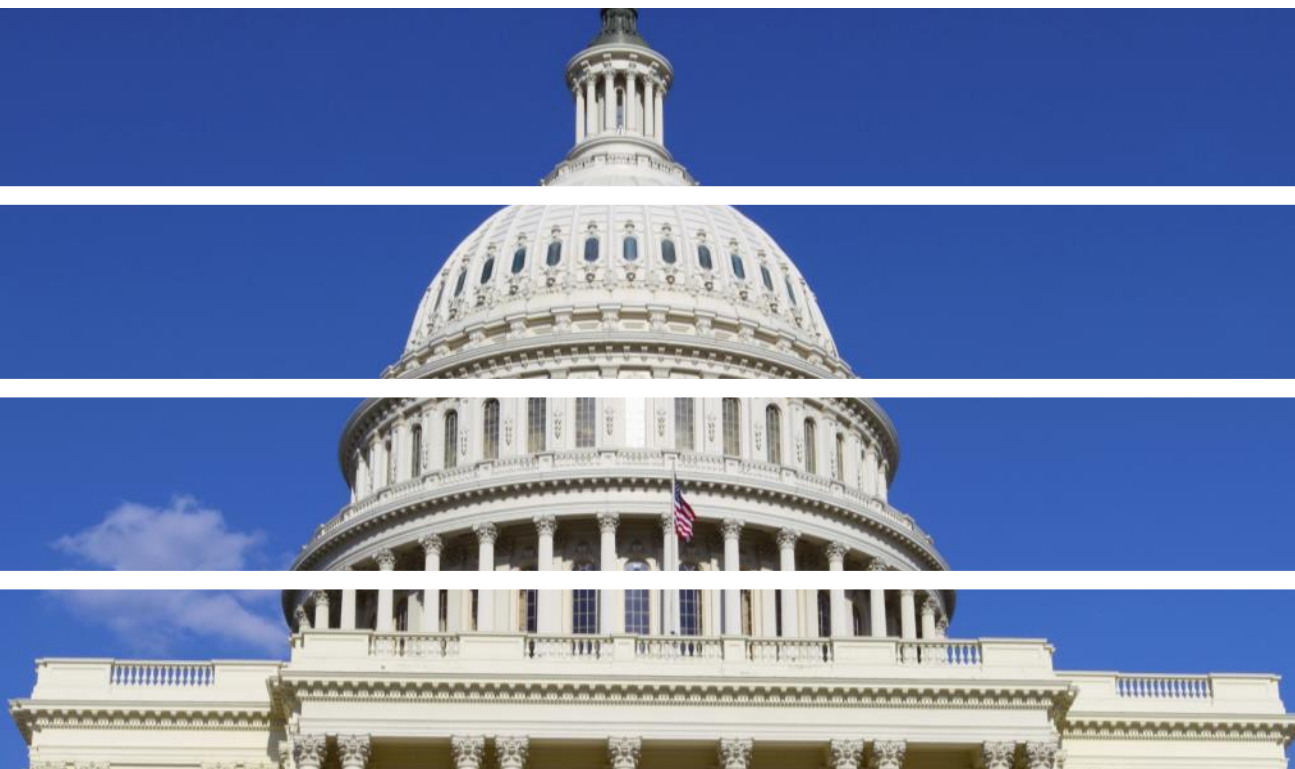


# CASE STUDIES: INNOVATIVE APPROACHES TO HUD AND HISTORIC PRESERVATIONS



**NATIONAL HOUSING & REHABILITATION ASSOCIATION  
FEBRUARY 25-27, 2016  
THE BREAKERS PALM BEACH | PALM BEACH, FL**

# SECTION 212 HIGHLIGHTS

- **Allows For:**

- Transfer of some or all Project Based Rental Assistance
- Debt held or insured by HUD
- Low income use restrictions

- Can be done in phases
- Cannot reduce the number of occupied units
- Cannot increase the net amount of federal assistance in the transfer

- The project from which the transfer is being made must be physically obsolete or economically nonviable
- Tenant consultation required
- All appropriate local government officials must approve
- HUD must issue a Notice in the Federal Register

# 8(b)(b) HIGHLIGHTS

Allows for transfer of Section 8 budget authority

Notice only applies to Office of Multifamily Housing Project Based HAPs

Can only transfer to an existing project

Must do a 20 year renewal

Generally, the project must be in the same state

Cannot increase the amount of BA (so the units and rents must fit)

Can transfer some or all of the BA

Some of the transferring project must remain viable

Issues with reduction of units, relocation, fair housing, passing REAC, tenant notification, URA, and TPVs

# HUD APPROPRIATIONS: 2016 REQUEST

Program (\$ in millions)	2013 Sequestration	2014 Omnibus	2015 Cromnibus H.R. 83 H. Rept. 113-483	2016 House Passed Bill H.R. 2577 \$37.7B	2016 Senate Committee \$37.56 B 6/25/15	2016 Omnibus \$38.3 B
Section 8 Project Based*	\$8,851	\$9.9 B*	\$9.7 B	\$10.2 B	\$10.4B	\$10.2 B
Section 8 Tenant Based Renewals*	\$17,964	\$17.36 B*	\$17.5 B	\$18.1 B	\$17.982B	\$17.7 B
CDBG	\$3,135	\$3.0 B	\$3 B	\$3.060 B	\$ 2.9 B	\$3 B
Housing for Persons with Disabilities (811)	\$262	\$126 M	\$135 M	\$152 M	\$137 M	\$150.6 M
Public Housing Capital Fund	\$1,777	\$1.875 B	\$1.875 B	\$1.681 B	\$1.743B	\$1.9 B
Public Housing Operating Fund	\$4,054	\$4.4 B	\$4.44 B	\$4.440 B	\$4.5B	\$4.5 B
Veterans Vouchers	\$75	\$75 M	\$75 M	\$75 M	\$75M	\$60 M
Elderly 202	\$355	\$383.5 M	\$420M	\$461 M	\$420 M	\$432.7 M
HOME	\$948	\$1 B	\$900 M	\$767 M	\$66 M	\$950 M
CHOICE Neighborhoods	\$114	\$90 M	\$80 M	\$20 M	\$65M	\$125 M
RAD	\$0	\$0	\$0	\$0	\$0	\$0



- Includes advanced appropriation of \$400 M for project based and \$4 B for tenant based.
- \*\* Veterans Vouchers included in broader tenant projection voucher category

# OTHER PROVISIONS

Both House and Senate provide \$130M for tenant protection vouchers



\$5M of the \$130 M TPV for termination of affordability restrictions or rental assistance in low vacancy areas



Both House and Senate provide \$30M for RAP/Rent Supp extensions



RAD1 cap stays at 185,000



Senate extends the HOPE VI program to September 30, 2016



Authorizes up to 100 additional Housing Authorities participating in the “Moving to Work” program



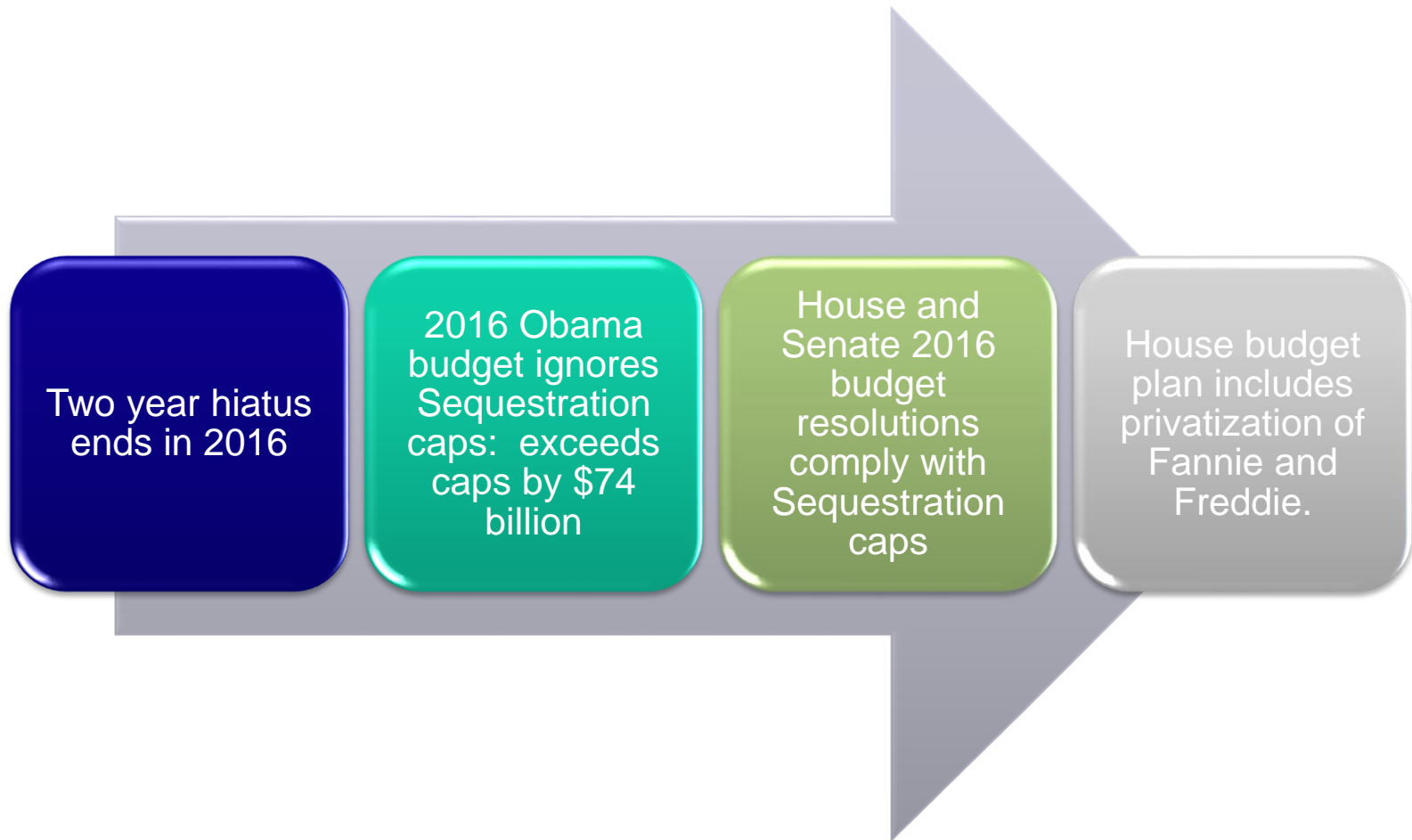
There are approximately 17,400 project-based Section 8 contracts



The tenant based Section 8 program serves 2.2 million families



# SEQUESTRATION (BUDGET CONTROL ACT OF 2011)



# LIHPRHA BILL BECOMES LAW



Getty Images

As expected, the president signed the transportation bill (Public Law 114-94) on December 4<sup>th</sup> which included the provisions to provide owner access to residual receipts and eliminate the limitation on distributions prospectively. The bill provides 120 days for HUD to implement these provisions

# HUD POLICY INITIATIVES

## Option 1/Chapter 15

- Mark up to “Post Rehab”
- Day 1 rents if perm. Loan amortizing Day 1
- Waivers: Generally HUB Director but RCS waiver from DC; and not often granted
- If FHA loan, lender’s appraisal serves as RCS

## Section 236 Decoupling (H2013-25)

- Re-decoupling
- Assignment of IRP; existing takeout
- Early termination of IRP; eliminate LD; amend 236(e)(2) Use Agreement



# HUD POLICY INITIATIVES, CONTINUED

## Transfer of Section 8 Budget Authority:

HUD Notice 2014-14 issued October 9, 2014 implemented the ability to transfer Budget Authority of a Project-Based Section 8 Housing Assistance Payments Contract under Section 8(bb)(1) of the United States Housing Act of 1937

## Transfer of Section 8, Use Agreements and/or Mortgages:

Federal Register Notice published March 31, 2015 becomes effective April 30, 2015, which was originally Section 318 of the 2006 Appropriations; Section 214 of the 2014 and 2015 Appropriations; Section 212 of the 2015 and 2016 Appropriations; and Section 212 of the 2016 and 2017 Appropriations.

# QUESTIONS?



**Monica Hilton Sussman, Esq.**

[msussman@nixonpeabody.com](mailto:msussman@nixonpeabody.com)

(202) 585-8833