



Berkeley Housing Authority

**Request for Proposals (RFP) 20-01
Project-Based Section 8 Vouchers**

**Questions and Answers Regarding RFP
August 6, 2020**

Updated August 13, 2020 – see below

[Note: questions/responses submitted by email have been condensed]

Question 1: We will submit an application for vouchers on almost all the units of our project. If the Board decides to grant fewer vouchers than we request, the project may no longer pencil. In that case, what would be the process for switching to a different population housed by the project? Could we retain the vouchers awarded and just submit a letter stating that the project type has changed? Note, the project is in a <20% poverty census tract, so family would qualify under HOTMA.

Answer 1: BHA suggests submitting two applications. As it is extremely unlikely the Board will approve almost 100% of any project applying for PBVs, please submit “Plan A” and “Plan B” in advance. Otherwise the Board will have to approve a change of an allocation in October.

Question 2: The RFP asks: A census tract where there has been an overall decline in the poverty rate within the past five years. Do you know where I might find that data?

Answer 2: Please attempt to look up the current ACS poverty rate and the poverty rate of the prior ACS to compare the two.

Question 3: Please elaborate on what you mean by: Project's Financing Plan and Schedule?

Answer 3: For Financing Plan and Schedule, we’re looking for (a) a paragraph synthesizing the info in the pro forma; (b) a schedule may look something like this:

Project Schedule:

- | | |
|---|---------------------------------|
| • Site Acquisition- | Completed November 15, 2019 |
| • Entitlements Approval- | Completed December 2019 |
| • Berkeley Measure O Funds Commitment - | Completed December 10, 2019 |
| • NPLH, AHSC and IIG Awards-- | June 2020 |
| • City Building Permits: Apply - | December 2020; Award- June 2021 |
| • AHP: Application- | March 2021; Award- June 2021 |
| • 4% Tax Credit/Bond: applications – | March 2021; Award- May 2021 |
| • Close Construction Financing & Start Construction | July 2021 |
| • Construction completion- | January 2023 |

Question 4: What are you looking for in the last column here?

Unit Size	# PBV Units Sought	Rent Estimate	(minus) Utility Allowance Estimate	Total Net Estimated Contract Rent/Month	Total Net Estimated Contract Rent/Year	Total Net Estimated Contract Rent/Contract
SRO						
Studio	5	\$685	\$51	\$634	\$60,108	
1-BR	8	\$734	\$79	\$655	\$127,987	
2-BR	4	\$881	\$111	\$770	\$81,226	
3-BR						
Other:						

Answer 4: That figure would be a calculation for the lifetime of the Master HAP contract (up to 20 years in first term), should BHA allocate the total number of PBVs requested.

Question 5: Projects that are already operating and meet HQS and don't need rehab could be eligible, correct?

Answer 5: Yes, could be eligible as long as there is no existing Master HAP contract for those properties, and as long as any existing tenants qualify for the program, and fall under a HOTMA category. It is always preferable to have some work done to the properties, such as cleaning, changing out old appliances, sprucing up etc. but not technically necessary if they pass HQS.

Question 6: What about projects that currently have HAP contracts that will be expiring in the next few years. Could we apply for vouchers for those, since we don't know if their HAPs will be extended?

Answer 6: No, not eligible to apply if existing Master HAP contract exists.

Question 7: If current residents are elderly/disabled but there are no regulatory set-asides for these categories, would they qualify for these vouchers?

Answer 7: The populations served by the units awarded PBVs via this RFP must be in the following categories, as required by HOTMA: homeless, which may be homeless unaccompanied youth under 25; veterans; elderly or disabled households receiving supportive services; units in a census tract with a poverty rate of 20% or less. Households served may have incomes of between 0% Area Median Income (AMI) through 50% AMI.

Question 8: When we calculate the number of eligible units at 20% or 40%, do we round up or down? We are looking at adding some PBVs to our small scattered sites and rounding down would mean probably just one or two units per building.

Answer 8: Please round down.

Question 9: Could we give up existing PBVs (on the current HAP contract) and apply for more PBVs instead?

Answer 9: No, existing properties with master HAP contracts are not eligible to apply.

Question 10: Even if a property currently has no regs that require elderly and disabled residents (for example), if we added PBVs to unit at that property, we would be in effect creating a requirement for those units to go to elderly and disabled residents going forward, is this correct?

Answer 10: Any units that are Project-based in this allocation must be housing one or more of the categories as identified in HOTMA. The PBVs will remain attached to the unit for the lifetime of the master HAP contract, meaning that yes, the population housed in the unit for the lifetime of the contract will be static.

Question 11: Is there a requirement that a building must be accessible or have accessible units to get PBVs?

Answer 11: Yes, there is language in the AHAP requiring compliance with Sec. 504 of the Fair Housing Act. Below is a screenshot containing this language:

- B. The owner must comply with the following requirements:
1. The Fair Housing Act (42 U.S.C. 3601–19) and implementing regulations at 24 CFR part 100 *et seq.*;
 2. Executive Order 11063, as amended by Executive Order 12259 (3 CFR 1959–1963 Comp., p. 652, and 3 CFR, 1980 Comp., p. 307) (Equal Opportunity in Housing Programs) and implementing regulations at 24 CFR part 107;
 3. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR part 1;
 4. The Age Discrimination Act of 1975 (42 U.S.C. 6101–6107) and implementing regulations at 24 CFR part 146;
 5. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at part 8 of this title;
 6. Title II of the Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*;
 7. 24 CFR part 8;
 8. Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR part 135;

Question 12: Do we need to sign the Certifications that only apply to rehab/davis bacon/relocation?

Answer 12: Please sign all certifications.

Question 13: The “Disclosure of Lobbying Activities” link, seems to be broken. Is it possible to send an attachment of this form?

Answer 13: Please use this link:

<https://files.hudexchange.info/resources/documents/HUD-Form-Sflll.pdf>

Question 14: There are two buildings on the property (same parcel number) for which we would like to apply for the PBV. In one building all four tenants have Section 8 vouchers (that are not project based). The other building does not have any tenants with vouchers. Can we apply?

Answer 14: The building with existing Section 8 tenant-based vouchers may not apply, as the code of federal regulations do not allow PBV subsidy to be awarded to a unit housing those already assisted with tenant-based rental assistance.

Question 15: When the tenant moves out, will marketing be restricted to the PBS8 wait list, or will it be open to the public?

Answer 15: Depending on the population (per HOTMA) assigned to any awarded PBS8 unit, BHA will have to provide names from our current PBWLs. If no PBWL applicants in the category(ies) covered by a PBV award are on BHA's current PBWLs, then we can accept referrals from property managers to fill those units. They would still need to be screened by BHA for PBS8 eligibility before being confirmed for the PBS8 unit.

Question 16: We are preparing to perform a rehab, but I believe units will be in compliance with HQS without it. Should we move forward with the application with a project type of existing housing and not include plans for the rehab?

Answer 16: Your determination as to which category type you apply under; that said, please review the Q & A (Question 5/Answer 5).

Question 17: For the physical and digital copies of the application and attached forms, would a digital signatures be acceptable? Or do we need physical signatures for the physical copies and digital signatures for the digital copies?

Answer 17: Digital signatures will suffice for all documents where obtaining physical signatures is prohibited due to the pandemic.