



# Tenant Protection Vouchers (TPVs) Training on Eligibility Events

Office of Multifamily Housing  
Office of Public and Indian Housing



## TPV Training on Eligibility Events

- Welcome!
- Introductions -
  - Mandy Griego, Nathaniel Johnson, PIH HVMOD
  - Harris Engelmann, MFH OAMPO
  - John Ardochini, Office of Recapitalization
  - Donna Smith, Mod Rehab
  - Jane Hornstein, Kathy Szybist, Special Applications Center
  - Kyleen Hashim, Choice Neighborhoods
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### **What is a Tenant Protection Voucher (TPV)?**

A Tenant Protection Voucher is a special type of voucher that is provided to protect a HUD-assisted family from hardship as a result of an action that occurs in HUD's Public Housing (Low-Rent) or Multifamily Housing portfolios.

### **What is an Eligibility Event?**

An eligibility event is an action that triggers tenant eligibility for a TPV. One example of an eligibility event is when an owner opts out of (i.e., does not renew) a project-based rental assistance contract.



### **Nature of TPV: Family Perspective**

- “Regular” TPV: Family is a “special admission” (i.e., not off the waiting list), payment standard is capped at 110 percent of the FMR.
- Enhanced Voucher: Family is a “special admission” (i.e., not off the waiting list), payment standard is “enhanced” (i.e., higher); family has a right to remain

*Statute dictates scenarios (e.g., opt outs) under which TPVs are enhanced. Enhanced Voucher Final Rule projected to be finalized by end of calendar year.*

### **Nature of TPV: PHA Perspective**

- Relocation TPV: May not be reissued by the PHA to a wait-listed family upon turnover by the family that received the TPV.
- Replacement TPV: May be reissued by the PHA to a wait-listed family upon turnover by the family that received the TPV.

*Whether a TPV is a relocation or replacement TPV depends on whether the HUD-assisted housing is permanently lost (in which case the TPV will be a replacement TPV).*



Whether an eligibility event has occurred is determined by the following HUD offices:

- Office of Multifamily Housing
  - Office of Asset Management and Portfolio Oversight (OAMPO)
  - Office of Recapitalization (Recap)
- Office of Public and Indian Housing
  - Office of Public Housing Investments (OPHI)
    - Special Applications Center
    - Choice Neighborhoods



In today's training, we will cover each type of eligibility event, explaining which office determines whether the eligibility event has occurred.

We will also provide background on each type of eligibility event.

In a future training, we will address the processing of TPVs, identifying steps performed along the way, and making clear the office responsible for each step.



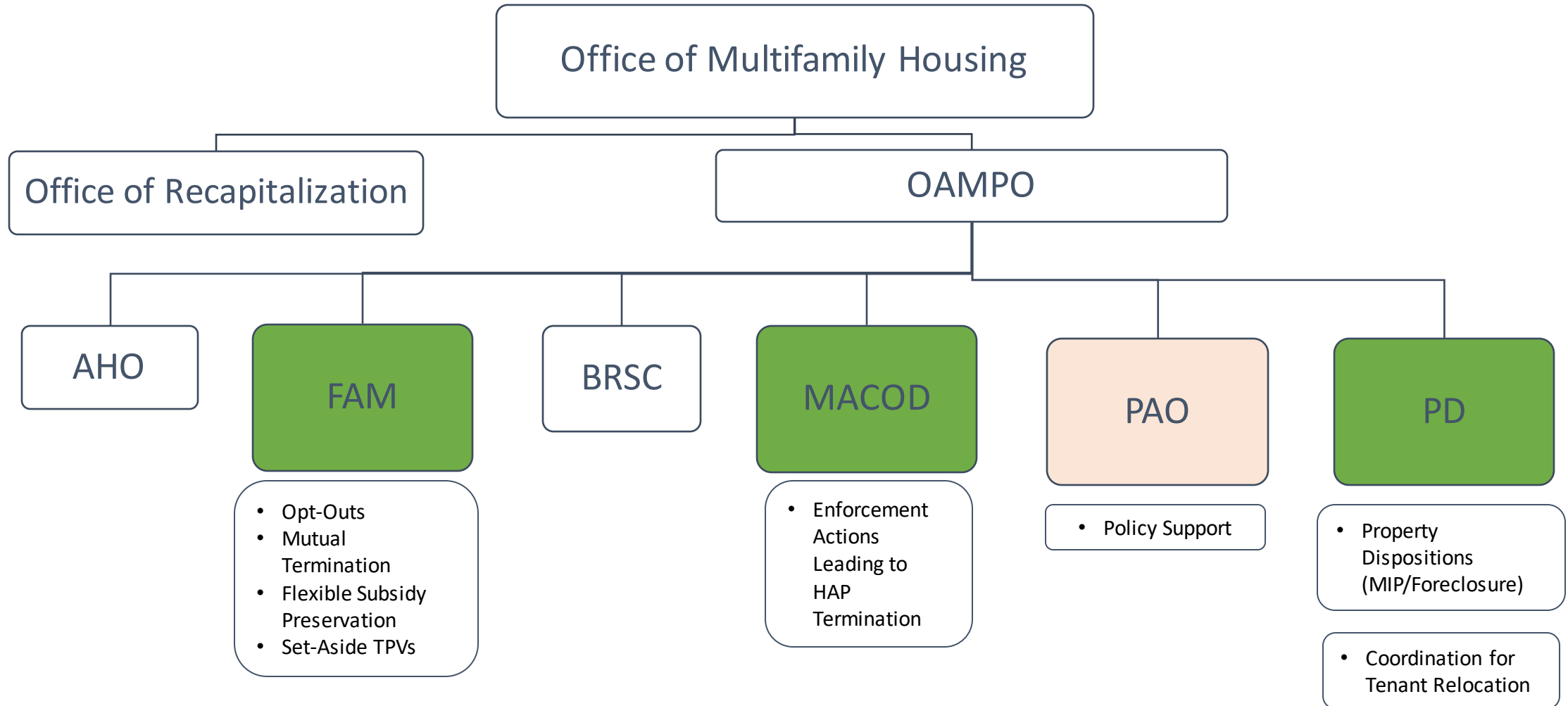


# Multifamily Housing: OAMPO TPV Eligibility Events

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# TPV Training on Eligibility Events







# Opt-Outs

- **Description:** Tenants have the statutory right to a TPV when an owner decides not to renew the project-based Section 8 HAP contract
- Always owner initiated
- 365- and 120-day notice of opt-out to tenants and HUD is required, but owners can decide to renew at the last minute – importance of continuous conversation
- Can include an 8(bb) transfer

OAMPO Office with TPV Jurisdiction	FAM
Type of TPV Vouchers Issued	Enhanced TPVs*, Replacement
Governing Guidance	42 U.S.C. 1437f(t)(2), Notice PIH 2001-41

\*Regular vouchers are given if an opt-out is for fewer than 4 units



# Enforcement Actions – Abatements Leading to Termination of HAP

- **Description:** HUD termination of a Section 8 Project-Based HAP contract prior to the contract expiration date due to the owner's failure to comply with its contractual agreements, generally where the owner has received a Notice of Default (NOD) and the units pose an imminent health and safety risk to residents.
- Notice of Violation (NOV) + NOD come first; often dealing with uncooperative or nonresponsive owners
- Tight timeline due to complexities of relocation
- May include an 8(bb) transfer

OAMPO Office with TPV Jurisdiction	MACOD (Property Disposition Division coordinates tenant relocation)
Type of TPV Vouchers Issued	Regular TPVs, Replacement
Governing Guidance	42 U.S.C. 1437f(t)(2), Notice PIH 2001-41



# Mutual Termination of HAP under Section 8(bb)

- **Description:** HUD and owner mutually agree to terminate the HAP contract prior to the contract expiration date and move budget authority to a new HAP contract.
- HUD will request a TPV for the family if the family declines the offer of an assisted unit at the Receiving Property or if there is no unit at the Receiving Property that is suitable for the family or if the family accepts the offer to move to the Receiving Property and the Receiving Property will not be ready for occupancy when the family is required to move from the Sending Property.

OAMPO Office with TPV Jurisdiction	FAM
Type of TPV Vouchers Issued	Regular TPVs, Relocation
Governing Guidance	42 U.S.C. 1437f(bb), Notice PIH 2001-41, H 2015-03



# Property Dispositions

- **Description:** HUD is selling the property at a foreclosure sale; or is the mortgagee-in possession or owner of the multifamily property due to an owner default on an FHA-insured mortgage **and** is closing down the property or selling the property to a new owner.
- Eligible TPV Recipients: Eligible low-income families

OAMPO Office with TPV Jurisdiction	Property Disposition Division
Type of TPV Vouchers Issued	Regular TPVs, Replacement
Governing Guidance	Notice PIH 2001-41



# Flexible Subsidy Loan Preservation Transactions

- **Description:** Any project that receives or has received assistance under Section 201 of the Housing and Community Development Amendments of 1978 (the flexible subsidy program) and which, in accordance with section 201(p), is the subject of a transaction under which the project is preserved as affordable housing (as determined by HUD).
- If done in conjunction with a 236 or pre-1974 202 preservation action (and meets section 536 criteria), Recap processes
- Eligible TPV Recipients: Tenants who are income eligible and do not have Section 8 assistance

Office with TPV Jurisdiction	FAM (OAMPO), Recap Branch 2
Type of TPV Vouchers Issued	Enhanced TPVs (case-by-case), Replacement
Governing Guidance	12 U.S.C. 1715z–1a(p), Notice PIH 2001-41, Section 536 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act

\*some 221(d)(3) properties are also eligible for enhanced TPVs for prepayment preservation – contact FAM if you believe you have an eligible property



# Multifamily Set Aside TPVs for At-Risk Tenants

- **Description:** Expiration or Maturity of Section 236, 202, and/or BMIR insured or HUD-held mortgage or Expiration of affordability for Section 202, BMIR or Section 236 mortgages with stand-alone affordability requirements and At-Risk Residents (OAMPO); Maturation of pre-1974 Section 202 contracts (Recap)
- Governed by a separate notice than other TPVs (PIH 2019-01/H 2019-02)
- **Must** be in a HUD-defined low vacancy area **and** the triggering event must have occurred either within last 5 years before or within 180 days of submission
- Once requested, put in queue based on available set-aside funding
- Can be enhanced vouchers or project based vouchers – based on owner request

Office with TPV Jurisdiction	FAM (OAMPO); Recap Branch 2
Type of TPV Vouchers Issued	Enhanced* TPVs, Replacement
Governing Guidance	Notice H 2019-02/PIH 2019-01 and any successors

*\*based on owner request*





# Multifamily Housing: Office of Recapitalization TPV Eligibility Events

John Ardovini, Director, Office of Recapitalization  
Donna Smith, Branch Chief



# Recap: Section 236 Preservation Prepayments (Section 219)

- **Description:** Occurs when Section 236 mortgage prepayment permission is NOT required (“As-of Right Prepayment,” governed by Section 219 of the FY 1999 HUD Appropriations Act).
- Upon prepayment, the Section 236 Regulatory Agreement is dissolved. As part of these preservation prepayments, an Owner tends to process a rent adjustment that increases rents on the project.
- TPVs in the form of Enhanced Vouchers must be offered to eligible tenants residing in units not covered by rental assistance contracts. These are to protect the resident against a rent increase.
- These actions are Owner initiated.

MF Office with TPV Jurisdiction	Recap, Branch 2, RAD MF and Other Preservation Actions
Type of TPV Vouchers Issued	Enhanced TPVs, Replacement
Governing Guidance	PIH 2001-41 , Section 229(1) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA), 12 USC 4119(1)



# Recap: Pre-1974 Section 202 Prepayments (TPV to Direct PBV)

- **Description:** For “tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended.
- Occurs upon prepayment of the Pre-1974 Section 202 loan takes place with a Recapitalization or reducing debt service.
- We almost always see a replacement TPVs being converted to PBV for the same units in order to leverage financing to support the rehabilitation.
- These actions are Owner initiated.

MF Office with TPV Jurisdiction	Recap, Branch 2, RAD MF and Other Preservation Actions
Type of TPV Vouchers Issued	Regular TPV for Replacement or Relocation, Most often Replacement converted to PBV
Governing Guidance	Notice H 2013-17, Notice H 2018-02



# RAD Mod Rehab / Mod Rehab SRO Conversions to PBV

- **Description:** Eligibility for Mod Rehab and Mod Rehab Single Room Occupancy (SRO) properties that have active contracts.
- The termination or the expiration of the Mod Rehab or Mod Rehab SRO contract is the triggering event for vouchers in the form of PBV HAP.
- PHA must request the allocation of TPVs for the PBV HAP contract
- These actions are Owner initiated.

PIH Field Office with Jurisdiction	PHA will make the request through the PIH FO with jurisdiction
Type of TPV Vouchers Issued	Replacement that is PBV
Governing Guidance	H-2019-09 PIH-2019-23 (RAD Notice)



# Public and Indian Housing: SAC and Choice Neighborhoods TPV Eligibility Events

Jane Hornstein, Director, SAC  
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## TPV Training on Eligibility Events

# Special Applications Center (SAC) Approvals

	Section 18	Section 22	Section 33	Section 32	Eminent Domain
Purpose of Action	PHA demolishes or disposes Public Housing Units	PHA voluntarily converts Public Housing Units to Section 8 tenant-based assistance	PHA required to convert Public Housing Units to Section 8 tenant-based assistance	PHA convert Public Housing Units to homeownership units	Another public agency takes PHA property. (usually by Court Order)
PIH Office with TPV Jurisdiction	SAC	SAC	SAC	SAC	SAC
Type of TPV Vouchers Issued	Replacement, Relocation	Replacement	Replacement	Replacement	Replacement or ACC Replacement units
Governing Guidance	Section 18 of the 1937 Act, 24 CFR 970, PIH Notice 2021-07	Section 22 of the 1937 Act, 24 CFR 972, PIH Notice 2019-05	Section 33 of the 1937 Act, 24 CFR 972, PIH Notice 2019-10	Section 32 of the 1937 Act, 24 CFR 906	By Court Order and PIH Notice 2012-08

- Eligible TPV Recipients: Tenants who are income eligible
  - Displaced tenants receive first priority to TPVs
  - PHA can lease to families on waitlist or PBV if TPVs not needed for displaced tenants
- Type of TPV Issued depends on redevelopment plans for the property
- Date of SAC approval establishes maximum TPV award
- PH-only PHAs cannot receive TPV award—must partner with HCV Agency.





# Emergency TPVs

- **Description:** Units pose imminent health/safety risk & **PHA submits a S18 demo/dispo application**
- Eligible TPV Recipients: Tenants who are income eligible and are impacted by health/safety risk
- Type of TPV Issued depends on redevelopment plans for the property
- PHA must submit application to SAC (application may be incomplete)
- SAC must find that units pose health/safety risk & meet Section 18 criteria
- PH-only PHAs cannot receive TPV award —must partner with HCV Agency

PIH Office with TPV Jurisdiction	SAC
Type of TPV Vouchers Issued	Replacement, Relocation
Governing Guidance	Appropriations Act



# Choice Neighborhoods

- **Description:** Awarded Choice Neighborhoods (CN) Implementation Grant (NOFO)
  - Applies to Public Housing and Multifamily Units slated for redevelopment (fee for administering multifamily TPVs)
- Eligible TPV Recipients: Relocating tenants
  - Relocation TPV: offered to relocating families only; Replacement TPV: offered to relocating families first
- Type of TPV Issued depends on the type of CN replacement units
  - Relocation TPV: for PH replacing with PH or RAD, for multifamily transferring assistance
  - Replacement TPV: Not replacing unit with above, usually PH replaced by PBV
    - Provides Resource: PHA can PBV or lease to others on waitlist if TPVs not needed for displaced tenants
- Date of CN Award establishes maximum TPV award + two-year look back (dependent on funding)

PIH Office with TPV Jurisdiction	OPHI (Choice Neighborhoods)
Type of TPV Vouchers Issued	Replacement, Relocation
Governing Guidance	Choice Neighborhoods NOFO, Section 24 of the 1937 Act <a href="#">Choice Neighborhoods Implementation Grants   HUD.gov / U.S. Department of Housing and Urban Development (HUD)</a>



Questions?



## TPV Training on Eligibility Events

From [Notice PIH 2023-07](#) Implementation of FFY 2023 Funding Provisions for HCV:

*2 The 2023 Act specifies the following uses for the \$337 million: “section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, relocation of witnesses (including victims of violent crimes) in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended...”*



## TPV Training on Eligibility Events

From [Notice PIH 2023-07](#) Implementation of FFY 2023 Funding Provisions for HCV:

### **5. Tenant Protection Vouchers (TPVs).**

a. Definition. TPVs are provided to protect HUD-assisted families from hardship as the result of a variety of actions that occur in HUD's Public Housing (Low-Rent), Multifamily Housing portfolios, and Moderate Rehabilitation properties. Therefore, if the PHA applies for and is awarded replacement TPVs, it must offer the replacement TPVs in the form of tenant-based assistance (or as project-based assistance for certain conversion actions) to eligible families impacted by the conversion. HUD's current policy is to also provide replacement TPVs for vacant units that were occupied by an assisted family in the previous 24 months. However, depending on demand and funding availability, HUD may need to subsequently suspend the allocation of replacement TPVs for vacant units, and/or may need to reduce the initial increment term and associated funding to cover a period that is less than 12 months. These actions, if necessary, would only apply to future TPV funding allocations. HUD will alert PHAs should any of these cost saving measures need to be implemented.



## TPV Training on Eligibility Events

### TPV-Related Guidance and Regulations

- [PIH Notice 2020-19](#): provides guidance concerning the process of making rent reasonableness determinations. For more information on rent reasonableness requirements, see the HCV Guidebook - [Rent Reasonableness](#)
- [PIH Notice 2020-04](#) and subsequent notices: each year, HUD publishes a notice that implements the funding provisions for the HCV program, including funding for tenant protection vouchers.
- [PIH Notice 2019-01/H 2019-02](#): describes the process for applying for funding for set-aside TPVs for certain at-risk families living in projects located in low-vacancy areas.
- [PIH Notice 2013-27](#): provides procedures PHAs must follow when the recipient of a TPV voluntarily agrees to relinquish such assistance in exchange for the provision of Project-Based Voucher (PBV) assistance.
- [PIH Notice 2001-41](#): provides comprehensive guidance on the funding process and policies concerning TPVs provided as a result of a housing conversion action. Specific provisions of this notice have subsequently been updated by the notices below:
  - [PIH Notice 2019-12](#): revises the enhanced voucher minimum rent calculation.
  - [PIH Notice 2016-02](#): establishes the enhanced voucher policies applicable to families residing in units where the actual number of bedrooms exceeds the family unit size for which the family qualifies under the public housing agency (PHA) subsidy standards (i.e., "over-housed families").
- [HCV Regulations \(24 CFR Part 982\)](#)





## TPV Training on Eligibility Events

### TPV-Related Guidance and Regulations

**Related Programs:** the notices below provide information on the specific actions that trigger the issuance of TPVs. Note that information on the TPV funding process and TPV-specific policies are found in the notices identified under the “TPV-Related Notices and Regulations” section from the previous slide.

- Moderate Rehabilitation (Mod Rehab):

- [PIH 2001-13](#): provides policies concerning TPVs provided as a result of the expiration or termination of a Section 8 Mod Rehab contract.

#### **Special Note\***

TPVs also serve as a source of funds for the Witness Relocation Program, which provides rental assistance for the relocation of witnesses in connection with efforts to combat violent crimes that occur in and around public, Indian, and other HUD-assisted housing. Further information is available on the [Witness Relocation Program - HUD | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)



## TPV Training on Eligibility Events

### TPV related Guidance and Regulations

**Related Programs:** the notices below provide information on the specific actions that trigger the issuance of TPVs. Note that information on the TPV funding process and TPV-specific policies are found in the notices identified under the “TPV-Related Notices and Regulations” section from the previous slide.

- Public Housing:
  - [PIH 2021-07](#): explains the application requirements to request HUD approval to demolish and/or dispose of Public Housing property under Section 18 of the U.S. Housing Act of 1937.
  - [PIH 2019-10](#): describes the process for applying for and utilizing required conversions under Section 33 of the U.S. Housing Act of 1937 as a strategy for repositioning Public Housing to the Section 8 platform through the provision of TPVs.
  - [PIH 2019-05](#): describes the process for applying for and utilizing streamlined voluntary conversions under Section 22 of the U.S. Housing Act of 1937 as a strategy for repositioning Public Housing to the Section 8 platform through the provision of TPVs
  - Choice Neighborhood Initiative (CNI) Grant Award Letter



# “Preserved as Affordable Housing” with 236 or Pre-1974 Preservation Actions

- **Description:** Eligibility for properties that have a Flex Sub Loan or have had a Flex Sub Loan which is the subject of a transaction under which the project is preserved as affordable Housing (as determined by HUD) shall be considered eligible low-income housing under section 229 of LIHPRHA for purposes of eligibility of residents for enhanced tenant-based assistance.
- The Office of Housing is responsible for determining on a case-by-case basis if a flexible subsidy project meets the requirements of Section 536 concerning the applicability of enhanced vouchers.
- Preserved as affordable housing has been determined to be a 20-year HUD Use Agreement.
- These actions are Owner initiated.

MF Office with TPV Jurisdiction	Recap, Branch 2, RAD MF and Other Preservation Actions
Type of TPV Vouchers Issued	Enhanced, Replacement
Governing Guidance	Notice PIH 2001-41, Section 536 of the Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act



# Recap: Pre-1974 Section 202 Maturing Mortgages (TPV Set Aside)

- **Description:** Maturity of Section 202 Mortgage (Pre-1974)
- Governed by a separate notice than other TPVs (PIH 2019-01/H 2019-02)
- **Must** be in a HUD-defined low vacancy area **and** the triggering event must have occurred either within last 5 years before or within 180 days of submission
- Once requested, put in queue based on available set-aside funding (together with Office of MF Housing initiated set-aside TPVs)
- Can be enhanced vouchers or project-based vouchers based on owner request
- We tend to always see this in form of PBV

MF Office with TPV Jurisdiction	Recap, Branch 2, RAD MF and Other Preservation Actions
Type of TPV Vouchers Issued	Direct PBV or Enhanced Vouchers for Replacement
Governing Guidance	Notice H 2019-02/PIH 2019-01 and any successors



# Recap: RAD/ Section 18 Blends for Public Housing

- **Description:** Eligibility for projects to "blend" project-based voucher ("PBV") assistance through a Rental Assistance Demonstration ("RAD") conversion with assistance from tenant protection vouchers ("TPVs") that are awarded through a Section 18 disposition approval, even if those units would not otherwise qualify for disposition.
- Two types of Blends: Construction and Small PHA Blend that impact number of TPVs requested in this action.
- PHA must request the allocation of TPVs for the PBV HAP contract
- These actions are Owner initiated.

PIH Office with Jurisdiction	Special Applications Center (SAC)
Type of TPV Vouchers Issued	Replacement, PHA is required to PBV units approved under Section 18
Governing Guidance	H-2019-09 PIH-2019-23 (RAD Notice), Notice PIH 2021-07