

(21) The PHA's policy on providing vacancy payments, including the required form and manner of requests for vacancy payments (§983.352(b)(1) and (4));

(22) The PHA's policy on utility reimbursements (§983.353(d)(2)); and

(23) The PHA's policy on applying SAFMRs to its PBV program per 24 CFR 888.113(h).

[89 FR 38308, May 7, 2024, as amended at 89 FR 46020, May 28, 2024]

§983.11 Prohibition of excess public assistance.

(a) *PBV assistance for newly constructed and rehabilitated housing.* The PHA may provide PBV assistance for newly constructed and rehabilitated housing only in accordance with HUD subsidy layering regulations (24 CFR 4.13) and other requirements.

(b) *PBV assistance for existing housing.* The subsidy layering requirements are not applicable to existing housing.

(c) *Development activity before HAP contract.* For the subsidy layering requirements related to development activity to place newly constructed or rehabilitated housing under a HAP contract, see §983.153(b).

(d) *Additional assistance after HAP contract.* (1) For newly constructed or rehabilitated housing under a HAP contract, the owner must disclose to the PHA, in accordance with HUD requirements, information regarding any additional related assistance from the Federal Government, a State, or a unit of general local government, or any agency or instrumentality thereof. Such related assistance includes but is not limited to any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance.

(2) If the additional related assistance in paragraph (d)(1) of this section meets certain threshold and other requirements established by HUD through publication in the FEDERAL REGISTER, a subsidy layering review may be required to determine if it would result in excess public assistance to the project.

(3) Housing assistance payments must not be more than is necessary, as determined in accordance with HUD requirements, to provide affordable hous-

ing after taking account of such related assistance. The PHA must adjust, in accordance with HUD requirements, the amount of the housing assistance payments to the owner to compensate in whole or in part for such related assistance.

[89 FR 38309, May 7, 2024]

§983.12 Project record retention.

(a) *Records retained according to the contract term.* For each PBV project, the PHA must maintain the following records throughout the HAP contract term and for three years thereafter:

(1) Records to document the basis for PHA selection of the proposal, if selection is competitive, or project, if selection is noncompetitive, including records of the PHA's site selection determination (see §983.55) and records to document the completion of the review of the selection process in the case of PHA-owned units and copies of the written notice of proposal selection and response of the appropriate party;

(2) The analysis of impact (see §983.58(b)), if applicable;

(3) The subsidy layering determination, if applicable;

(4) The environmental review record, if applicable;

(5) The Agreement to enter into HAP contract, if applicable;

(6) Evidence of completion (see §983.155), if applicable;

(7) The HAP contract and any rider and/or amendments, including amendments to extend the term of the contract;

(8) Records to document the basis for PHA determination and redetermination of rent to owner;

(9) Records to document HUD approval of the independent entity or entities, in the case of PHA-owned units;

(10) Records of the accessibility features of the project and each contract unit; and

(11) Other records as HUD may require.

(b) [Reserved]

[89 FR 38309, May 7, 2024]

Subpart B—Selection of PBV Proposals and Projects

AUTHORITY: 42 U.S.C. 1437f and 3535(d).