



Request for Proposal:
Project- Based Voucher (PBV) Program for Permanent Supportive Housing Programs

Release Date: Wednesday, August 28, 2019

Due Date: Thursday, October 10, 2019 4:00 p.m.

Submissions must be in the form of 1 original and 2 hard copies

Submit Questions to: Judy Shepard-Hall at 707-648-4408 or
judy.shepard-hall@cityofvallejo.net

Submit Proposals to: Vallejo Housing Authority
Attn: Judy Shepard-Hall
200 Georgia St.
Vallejo, CA 94590

I. Introduction:

The Vallejo Housing Authority (VHA) has identified an increased need in the City for more affordable housing opportunities, specifically, the VHA's 5-year plan.

The VHA will make available up to seventy-five (75) project-based vouchers (vouchers) in its Housing Choice Voucher Program (HCV) for newly constructed studio, one-, two-, and/or three- bedroom units located in the City of Vallejo for developers that will develop a property for permanent and supportive housing. These units must be made available to homeless Vallejo residents.

In the PBV Program, the assistance is attached to the unit/structure. During the term of the Housing Assistance Payment (HAP) contract, VHA will make housing assistance payments to the owner for units leased and occupied by eligible individuals/families taken from the VHA waitlist.

VHA strongly encourages participation by owners of units located outside of poverty-concentrated areas to participate in the PBV Program. All properties must be located within the Vallejo City Limits.

These vouchers will not be available for units already receiving any other type of rental subsidy from local, state, county or federal sources. However, the VHA will consider properties that are receiving Low-Income Housing Tax Credits (LIHTC).

VHA invites applicants to submit written proposals regarding the property for which they seek vouchers. An owner with multiple properties interested in the PBV Program must submit a separate proposal for each proposed property.

VHA hereby incorporates HUD regulations found at [24 CFR 983](#) into the requirements of this RFP. Additionally the VHA's Administrative Plan, Chapter 17 Project-Based Vouchers, is incorporated in this proposal and can be reviewed at:

<http://www.cityofvallejo.net/common/pages/DisplayFile.aspx?itemId=11355009>

The Housing Opportunity Through Modernization Act of 2016 (HOTMA), which became law in August 2016, contains a series of amendments to the PBV law. HOTMA provides for HUD implementation of these provisions by notice or regulation. HUD's implementation may impose new requirements that affect PBV owners. For provisions where HUD implementation will allow discretionary action by VHA and the owner, VHA in its sole discretion may decide whether to allow or require such discretionary actions. An owner may request that the VHA consider such actions.

In accordance with 24 Code of Federal Regulations [\(CFR\) 983.255](#), VHA has no responsibility or liability to the owner or any other person for the family's behavior or suitability for tenancy.

II. How a PBV Subsidy Works:

In regards to PBV vouchers, VHA will be responsible for administering the vouchers through a Housing Assistance Payment Contract (HAP). Developers/partners of the new construction will execute a single Housing Assistance Payment Contract (HAP) with VHA on behalf of each unit. The HAP governs the flow of subsidy to the Development for the assisted units, explains the roles and responsibilities of all parties, term, penalties, and other matters. It is highly recommended that any partner that is interested in the program review the HAP prior to submitting their applications. It is in the best interest of all parties that all are fully aware of program requirements and the roles of all parties prior to becoming involved with the PBV program.

III. Site Selection Standards:

VHA will select a proposal for new construction and enter into a Development and HAP contract for those units meeting the following general criteria:

1. Project Based Voucher assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing or economic opportunities based upon the following considerations (Specific factors are discussed at 24 CFR 983.57):
 - a. Does the proposed project comply with PBV goals, civil rights requirements and all HQS?
 - b. VHA must also determine whether the proposed development consider the following:
 - i. Is the proposed PBV development in a HUD designated Enterprise Zone, Economic Community, or Renewal Community?
 - ii. Does the PBV development plan to be located in a census tract where concentration of assisted units will be or has decreased as a result of public housing demolition?
 - iii. Does the proposed area fall within a census tract that is undergoing significant revitalization?
 - iv. Have there been state, local, or federal dollars invested in the area?
 - v. Have new market rate units been developed in this area as to positively impact the poverty rate in the area?

- vi. Is the poverty rate in the area where the proposed PBV development will be located is greater than 20%? If so VHA may look at the poverty trend over the previous five (5) years. https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/project
 - vii. Does the area offer meaningful opportunities for educational and economic advancement?
2. The site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964 and any other subsequent act outlining fair housing.
 3. Must meet HUD regulations for site and neighborhood standards as described in 24 CFR 8.4 (b) (5).
 4. The site meets the HQS site standards in 24 CFR 982.401 (1).
 5. Be adequate in size, exposure and contour to accommodate the number and type of units proposed and adequate utilities and streets must be available to service the site.
 6. Be accessible to social, recreational, educational, commercial, and health facilities and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted standard housing of similar market rents.

IV. Housing Units and/or projects that are NOT eligible for PBV assistance and will not be eligible for development partnership include:

- Shared Housing
- United on the ground of a penal, reformatory, medical, mental, or similar public or private institution
- Nursing homes or facilities providing continuous psychiatric, medical, nursing service, board and care, or intermediate care (assistance may be approved for a dwelling unit in an assisted living facility that provides home health care service such as nursing and therapy for residents of the housing);
- Units owned or controlled by an educational institution or its affiliate and designed for occupancy by the students of the institution;
- Manufactured homes;
- Transitional housing;
- Owner-occupied housing;
- Units occupied by an ineligible family;
- Subsidized housing types determined ineligible in accordance with HUD regulations.

V. Eligibility requirements:

To be eligible for project-based Section 8 rental assistance, the following criteria must be met:

- Projects must be Permanent Supportive Housing in the City of Vallejo. Emergency, temporary or transitional housing are not eligible for project-based rental assistance.
- The units may be either independent units or non-independent living units that are Single Room Occupancy (SRO) units as defined by HUD (24 CFR §982.4).
- Tenants must have a lease with a minimum term of one year.
- The rents that are charged must meet the HACSL rent reasonableness test.
- Tenant heads of household must be at least 18 years old or have been legally emancipated.
- Tenants must have a disability with significant barrier to housing.
- On-site Services or services located at a nearby campus.

New Development and all projects receiving project-based Section 8 Housing Choice Vouchers will require an environmental review prior to any construction. An owner or its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities until an environmental review is completed. All proposed new construction developments with nine or more PBV units must comply with Davis- Bacon Labor requirements.

Rental assistance (which is based on each household's income) is provided while the units are occupied by eligible individuals or families referred from VHA's waiting list. In determining an appropriate rental assistance payment for units assisted under the PBV Program, VHA will examine only those costs associated with the housing component of the unit. The gross rent for the units is the amount of assistance for rent and tenant provided utilities. The rent to the owner must not exceed the lowest of the following amounts:

- The gross rent shall not exceed 110% of the applicable fair market rent (or any HUD-approved exception payment standards for the unit size minus any utility allowance);
- Reasonable rent; or
- The rent requested by the owner

The current Fair Market Rents for determining rents are:

Unit Size (#of bedrooms)	HUD's FY 2018 Fair Market Rent	VHA'S Payment Standards
Studio	\$983	\$983
1	\$1184	\$1207
2	\$1443	\$1500
3	\$2086	\$2005

HUD regulations places a project unit cap on the number of PBV units a project may have. The project cap is the greater of twenty-five (25) units or twenty-five percent (25%) of a property's units. Units in one of the following categories are excluded from this project cap:

- That are exclusively serving elderly families (as defined in 24 CFR 5.403)
- Households eligible for supportive services available to all families receiving PBV assistance. The project must make supportive services available to all assisted families in the project (but the family does not have to actually accept or receive the supportive service for the exception to apply to the units).

VI. RFP Instructions:

All proposals submitted in response to this solicitation must conform to all of the required specifications outlined within this document and any designated attachments in its entirety.

Applicants are required to fill out one application for each project. One original and two copies of the application should be submitted. If applying for PBV vouchers in more than one building where the buildings are located in different locations, an application is required for each building (one original and two copies); the Developer must submit all the required information for each building where the responses would differ at each address.

RFP requirements apply to each individual building within the project. Use additional pages to provide any other information that may be necessary to better describe the units.

The selection is conditional on a favorable environmental review in accordance with 24 CFR 983.58 and the selectee may not take any action prohibited until the environmental process is completed. Any costs for the environmental review or any special studies that may be required must be borne by the applicant. Other HUD approvals, including site selection and subsidy layering, will also be required.

VII. Application Content

A complete response to this RFP will include:

- Table of Contents
- Cover Letter: Please list the name of the Developer, contact information including name, email address, and phone numbers of persons who will be responsible to respond to answer any questions.
- A short description of this proposal and how it meets the Development Goals of this RFP, HACSL equity that is needed to complete project, and HACSL's return on investment.
- Developer Qualifications (please include):
 - a. A brief history of the firm including organization structure
 - b. A professional resume stating qualifications of the firm to develop multi-family units. Please include number of years in business, number of employees, and location of office or offices, names of principals or employees who will complete the service and their resumes and qualifications. Also include qualifications/resumes of personnel assigned to perform the work.
 - b. A description of prior housing projects which demonstrates a familiarity with developing multifamily developments and financing techniques such as Low Income Housing Tax Credits.
 - c. References (three minimum) must be provided identifying each client, a contact person, the client's mailing and email addresses and telephone number for similar projects completed by the personnel proposed for this project.
- Completed Application
- Outline including Construction Budget and Timeline
- Operating Proforma
- Signed letter agreeing to required Davis Bacon labor requirements for the new construction development.
- Proposed Environmental Review or approval of such
- Tenant Selection Criteria and Plan, which may include a preference for tenants who need the supportive services offered through the site
- Evidence of Site Control
- Description of Supportive Services
- Certification that the owner and other project principles are not on the U.S. General Services Administration list of parties excluded from Federal procurement and non-procurement programs

- Optional Supporting Documentation including
 - Evidence of zoning approval
 - Letters of Support from local government
 - Funding Award / Commitment documents
 - Verification or documentation of funding commitment for supportive services

VIII. Selection Process

a. The Vallejo Housing Authority (VHA) will employ the following process to determine which proposal will be selected.

- VHA staff will review each proposal to ensure that it is complete. Incomplete submissions will be returned and will not be processed further. Complete proposals will be submitted for scoring.
- All complete proposals will be scored by a scoring committee convened by VHA. All proposals will be ranked according to their score. The highest scored proposal(s) will be recommended and submitted to HUD for review.
- VHA reserves the right to reject any or all bids and proposals, to waive informalities or irregularities in the proposals received, and to reject non-conforming, non-responsive, conditional or qualified proposals, and to accept the bid/proposal, in whole or in part, which, in VHA's judgment, best serves the interest of VHA and its clients.

b. VHA will rate and rank proposals using the following criteria:

- Extent to which the project conforms to the RFP's Development Goals
- Extent to the amount of equity needed from VHA to complete project and the return on investment offered.
- Project Readiness, a greater weight will be given to funding applications based on when project units will be ready for occupancy.
- Owner experience and capability to maintain, build or rehabilitate housing as identified in the RFP;
- Owner experience with operating supportive housing that serves disabled persons;
- Extent to which the project furthers VHA goal of deconcentrating poverty and expanding housing and economic opportunities;
- Experience as an owner in the tenant-based voucher program (including PBV) and owner compliance with the owner's obligations under the tenant-based program; or
- Experience as an owner with other HUD programs and owner compliance with the owner's obligations under HUD program; and
- The extent to which services for special populations are provided on-site or in the immediate area for occupants of the property.

IX. Scoring Criteria

SCORING CRITERIA Category	Points
Project Readiness	
Project Feasibility-Financial Readiness to begin construction	10
De-concentrating Poverty / Expanding Housing and Economic Opportunities	
Extent to which the project furthers the goal of de-concentrating poverty and/or expanding housing and economic opportunities	10
VHA Development Goals and Equity	
Extent to which the project conforms with developmental goals of VHA	20
Proposed VHA Equity within project and return on investment	20
Owner/Developer Experience	
Experience in management/development of affordable housing or working with	10
Experience serving special populations	10
Experience with supportive services providers and/or providing services directly to	10
Experience and capability of maintenance of owned housing	10
Accessibility to transportation, medical services, employment opportunities, grocery stores, banks	10
Environmental review	10
Supportive Services	
Extent to which the project will provide supportive services and experience of providing services	20
Occupancy Policies	
Occupancy policies or statements of purpose clearly indicate screening criteria/occupancy policies in regards to identifying target population.	10
Maximum Score Achievable:	150

X. Right of the City to Reject Proposals

The City of Vallejo reserves the right to reject any or all proposals based on its sole discretion, or to waive any minor defects or irregularities in any proposal or in the proposal process, or to solicit new proposals on the same project or on a modified project which may include portions of the original proposed project as in the best interest of the City. The City may, in its discretion, elect to waive any requirements(s), either for all proposals or for a specific proposal which the City, in its sole discretion, deems non-material.

The City may reject or disqualify a proposal under any of the following circumstances:

- The Applicant misstates or conceals any material fact in the proposal.
- The proposal does not strictly conform to applicable laws or any requirements of this RFP.
- The proposal does not include documents, certificates, affidavits, acknowledgements, initial deposit or other information required by the RFP.
- The proposal has not been executed by the Applicant through or by an authorized officer or representative of the Applicant or Applicant's team.
- The Applicant fails to comply with all provisions, requirements and prohibitions binding on all Applicants as herein set forth or fails to comply with applicable law.
- The Applicant fails to acknowledge receipt of any formal addenda.
- For any other reason deemed in the best interests of the City.

XI. Award of Agreement

The City reserves the right to negotiate the terms of the Agreement for this project with one or more Applicants. Upon completion of the review/evaluation, the VHA shall notify those applicants who will be considered for further evaluation and negotiation. All Applicants so notified shall negotiate in good faith in accordance with direction from the VHA. Any delay caused by Applicant's failure to respond to direction from the VJA may lead to rejection of the proposal.

No proposal shall be binding upon the VHA until the Agreement is signed by duly authorized representatives of the selected Applicant and the VHA.

XII. Cost of Preparation of Proposal

The City will not pay costs incurred by the Applicant in the proposal preparation, printing or negotiation process. All such costs shall be borne by the Applicant.

XIII. Notification of Withdrawal of Proposal

Proposals may be modified or withdrawn at any time prior to the date and time specified for proposal submission by an authorized representative of the proposal and by formal written notice. Proposals submitted will become the property of the City after the proposal submission deadline.

XIV. Prevailing Wage

In accordance with the provisions of Section 1770 of the Labor Code of the State of California, the Director of the Department of Industrial Relations has determined the general prevailing rate of per diem wages applicable, and a current copy of said prevailing wages is on file with the City Clerk. Should the minimum Federal Wage Rate be higher than the rate determined by the Director of the Department of Industrial Relations, then the Federal Wage Rate Determination shall govern.

In addition, the City Charter requires that use of any public funds over \$1,000 shall require prevailing wage rates paid by any contractor, partner, operator, or other entity that is party to an agreement with the City, and all his/her subcontractors shall pay their employees on said work a salary or wage at least equal to the prevailing salary or wage for work of similar character in the locality in which the public work is performed.

XV. Public Record and Non-Disclosure Agreements

Each Applicant is hereby informed that, upon submittal of its proposal to the City in accordance with this RFP, the proposal is the property of the City.

- A. Unless otherwise compelled by a court order, the City will not disclose any proposal while the City conducts its deliberative process in accordance with the procedures identified in this RFP. However, after the City either awards an agreement to a successful Applicant, or the City rejects all proposals, the City shall consider each proposal subject to the public disclosure requirements of the California Public Records Act (California Government Code Sections 6250, *et seq.*) unless there is a legal exception to public disclosure.
- B. If an Applicant believes any portion of its proposal is subject to a legal exception to public disclosure, the Applicant shall: (1) clearly mark the relevant portions of its proposal "Confidential"; (2) upon request from the City, identify the legal basis for exception from disclosure under the Public Records Act; and (3) the Applicant shall defend, indemnify, and hold harmless the City regarding any claim by any third party for the public disclosure of the "Confidential" portion of the proposal.

XVI. Conflict of Interest

Applicant and any agents, sub-consultants or subcontractors, agree to indefinitely hold confidential any sensitive information provided by the City during the proposal process such as required for a complete and accurate proposal.

XVII. Term of Agreement

The term of the written agreement shall commence on the date last signed by the successful Applicant and City and shall continue in accordance with the agreed-upon project timeline described in the written agreement.

XVIII. Conflict of Interest

Applicants should disclose any past, ongoing or potential conflicts of interest which the Applicant may have as a result of performing the work described in this RFP.

XIX. Insurance

The awarded Applicant shall procure and maintain for the life of this contract agreement, insurance coverage obtained and written in the State of California of the following types and amounts, with a maximum deductible of \$25,000 per occurrence:

General Liability \$1,000,000 per occurrence / \$2,000,000 aggregate annually

Property Damage \$1,000,000 per occurrence / \$2,000,000 aggregate annually

Worker's Compensation: Worker's Compensation and Employer's Liability Insurance with limits as required by Chapter 440, California Statutes.

A current copy of an insurance certificate, or a letter of intent to provide insurance from the issuing company (including a description of types of coverage and dollar amount limits) shall be submitted with the RFP.

The successful Applicant shall submit a Certificate of Insurance (with endorsements) that names the City and the VHA as additional insured to the City concurrently with the execution of the written agreement and prior to the commencement of any services.

XX. Indemnification

Applicant shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, actual attorney's fees, consultant's fees, expert fees, losses or liability, in law or in equity, of every kind and nature operations, to be performed under this proposal and future agreement for Applicant's or contractor's tort negligence including active or passive, or strict negligence, including but not limited to personal injury, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of the Applicant, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless to any limitation by insurance, with the exception of the sole negligence or willful misconduct of the City.

XXI. Business License

The successful Applicant must either possess a current, valid Vallejo business license or must have submitted a Vallejo business license application and fee at the time of agreement award.

CONTACT:

Please contact Judy Shepard-Hall at 707-648-4408 or judy.shepard-hall@cityofvallejo.net if you have any questions.



Project Based Voucher Request for Proposals

VI. APPLICATION FORM

Project Based Voucher Application
Vallejo Housing Authority

I. Developer/Owner Information

- a. Organization Name: _____
- b. Organization Address: _____
- c. City: _____ Zip _____

- d. Federal Tax ID Number: _____
- e. Sponsor Organization Type (check only one):
 - i. Community Housing Development Organization
 - ii. Nonprofit Housing Developer
 - iii. Nonprofit Community Organization
 - iv. For-profit Housing Developer
 - v. Other (please specify): _____
- f. Executive Director: _____
- g. Telephone: _____
- h. Email: _____
- i. Project Contact: _____
- j. Telephone: _____
- k. Email: _____

II. Development Consultant (if applicable)

- a. Organization Name: _____
- b. Consultant Name: _____
- c. Telephone: _____
- d. Email: _____

III. Experience

- a. Does the applicant have experience owning and operating affordable housing?
 Yes No Specify how many years: _____
- b. Does the applicant have experience owning and operating supportive housing?
 Yes No Specify how many years: _____
- c. Does the applicant have experience managing a supportive housing team?
 Yes No Specify how many years: _____
- d. Does the applicant have any additional information they would like to include?

IV. Description of Project

- a. New Construction
- b. Address of Property:

- c. Complete the Following for each project that you propose to construct and designate the number of units by unit type to which you are proposing to attach assistance.

BEDROOM SIZE	Total # of Units	# of Units to be Assisted with
SRO		
0 Bdrm		
1 Bdrm		
2 Bdrm		
3 Bdrm		
4 Bdrm		
5 Bdrm		

- d. How many units of the total requested PBV assistance are accessible to persons with disabilities? ____
- e. Does the proposed design meet Fair Housing Accessibility?
 Yes No
- f. Please list all utilities and who will be responsible to pay in addition to any rent portion:
 - i. Property: _____
 - ii. Tenant: _____
- g. Will there be adequate office space for an on-site services team?
 Yes No
- h. Provide a brief narrative of the services available near the property. Be sure to include information about the distance to a public transit stop, public park, public library, supermarket, pharmacy, public medical clinic or hospital, public school, or senior center.

i. Will the project be located in:

Census tract # _____

- A low poverty census tract (less than 20%)
- A census tract that is a HUD-designated Enterprise Zone, Economic Community, or Renewal Community
- A census tract that is undergoing significant revitalization
- The area where State, local, or federal dollars have been invested that has assisted in the achievement of the statutory requirement
- The same census tract where new market rate units are being developed and such market rate units will positively impact the poverty rate in the area
- An area where the poverty rate is greater than 20 percent and in the past five years there has been an overall decline in the poverty rate.
- A census tract where there are meaningful opportunities for educational and economic advancement

V. Financial Information

a. Indicate the monthly contract rent expected under the Project- Based Voucher Program. Include a proposed 20-year operating budget.

Size of Units	Number of Units	Unit Rent Expected
Studio		_____
1 Bedroom	_____	_____
2 Bedroom	_____	_____
3 Bedroom	_____	_____
4 Bedroom	_____	_____
5 Bedroom	_____	_____

NOTE: Proposed contract rents must not exceed the lower of 110% of the established Fair Market Rents as published by HUD or the Housing Authority payment standard, including any area wide exception Payment Standard if applicable.

- b. Please identify the security deposit requirements \$_____
- c. Identify other charges not included with rent, i.e. parking, taxes, insurance_____
- d. Provide a brief narrative on how you plan to finance the new construction or rehabilitation. Include a proposed development budget and operating proforma:

- e. Attach evidence of financing commitments, e.g., award or notification letters, published lists of allocation awards, etc.
- f. Confirmation if the project is willing to offer First Right of Refusal for purchase to HACSL, pending a change in ownership. This would add HACSL to the waterfall of eligible parties to assume ownership in the case of sale.

VI. Tenants

- a. Please attach your written tenant selection criteria and plan to fill the PBV assisted units. At a minimum the plan must state that all vacancies will be filled by eligible applicants referred from the HACSL waiting list and must describe, with specificity, your tenant screening criteria. Tenants who need the supportive services provided at/near the site through the owner may receive a preference for admission to the site. Note that HUD may implement regulations or guidance in the future allowing for owner-maintained waiting lists, and HACSL will consider such changes if authorized by HUD. Please note that criteria for screening both assisted and unassisted tenants must be consistent.
- b. Please attach your operating manual and identify specific occupancy policies that assure retention.

VII. Supportive Services

- a. Will the property require tenants to participate in supportive services provided at/near the site?
Yes No
- b. Does the property agree that non-participation in services is not grounds for termination?
Yes No
- c. Does the property agree that any rental assistance provided cannot be used to pay for services?
Yes No
- d. Describe any and all supportive services that are to be provided:

Type of Service	FTE	Service Provider	Term of Service Commitme	Financial Commitme nt For	Onsite Yes/No
Case Manager					
Services Coordinator/Other					
Health related classes					
Independent living					
Meal services					
Transportation Services					
Education and employment services					
Health or behavioral health services provided by an appropriately-licensed organization or					
Services at nearby campus					

Please provide a brief explanation of these or any additional services:

Additional Application Requirements:

- a. Environmental Review – Include a statement on the applicant's willingness to have an environmental review conducted on the proposed site for the project based voucher program. If an environmental review has previously been conducted, please include results within the proposal as an attachment/exhibit.
- b. Layering Subsidy Review:
 - i. VHA may provide PBV assistance only in accordance with the following HUD layering regulations: The subsidy layering review is intended to prevent excessive public assistance for the housing by combining (layering) subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits. A further subsidy layering review is not required for housing selected as new construction or rehabilitation of housing, if HUD's designee has conducted a review, which included a review of PBV assistance, in accordance with HUD's PBV subsidy layering review guidelines.
 - ii. VHA may not enter into an Agreement or HAP contract until HUD or a housing credit agency approved by HUD has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements.
 - iii. The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.
 - iv. In accordance with this review VHA does have the right to revoke any or part of the PBV subsidy first if proposed project receives more subsidy than needed.