

Rent Comparability Studies  
and the Methodology for  
Completing a UA Analysis

*with*

*Nicole Walls*



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**Owner Agent Update  
Conference  
April 18-19, 2017**

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**RACR Session Topics**

- Rent Comparability Study Updates
- Utility Allowance Methodology

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**Rent Comparability Study Updates**

- Rent Comparability studies (RCS) are used to estimate the market rents for each section II unit type
- Market rent is the amount rent a tenant would probably pay if they were not receiving subsidy and rents were not restricted by HUD or any government agencies

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### Rent Comparability Study Updates

- On **December 1, 2016**, HUD released an update to Chapter 9 of the Section 8 Renewal Guidebook
- This update applies to all Rent Comparability studies signed after March 1, 2017 by the owner appraiser

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### Rent Comparability Study Updates

- Chapter 9 was reorganized to identify the responsibilities of each business partner (owner, appraisers and reviewers) in one place
- Section 9-2 now provides the following graphic illustrating the new chapter's organization and the application among stakeholders

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Section	Topic	Appraiser	Reviewer	Owner
9-1	Introduction			
9-2	Organization and Application			
9-3	Responsibilities			
9-4	Process			
9-5	Documentation			
9-6	Quality Control			
9-7	Compliance			
9-8	Conclusion			

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### Mandatory Market Rent Threshold Test

In this example, the project's median rents did not exceed HUD's threshold.

However, if the RCS based Median rent for the subject's project assisted units exceed 140 percent of the Median Gross Rent for the project zip code, then a HUD-commissioned RCS would be required.

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### Mandatory Market Rent Threshold Test

HUD has recently published the new median zip-code rents and the 140 percent thresholds. Users can find these new numbers under "What's New" on HUD's website at the following link:  
[https://portal.hud.gov/help/assist/HUD/for/program\\_officials/using/rental/index.cfm](https://portal.hud.gov/help/assist/HUD/for/program_officials/using/rental/index.cfm)

These numbers will be effective for any RCS signed by the owner's appraiser on or after February 11, 2017.

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### Rent Comparability Study Updates

A significant change to Chapter 9 for appraisers is that Chapter 9 now makes it clear that appraisers must provide the "how" and "why" for the adjustments in order for it to be a HUD-compliant RCS report.

While it has always been an expectation that adjustments be reasonable and supported, the guide now makes clear the degree of documentation required and acceptable methods of support for adjustments. This is a significant addition to the previous guide.

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### Rent Comparability Study Updates

- Stating "why" an adjustment was considered typically more straightforward such as recognizing a deficiency or advantage of a subject property relative to a comparable property
- The requirement to adequately explain "how" the adjustment was derived goes a step further in emphasizing the importance of documentation in the narrative to support the adjustment

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### Rent Comparability Study Updates

This could be supported through paired comparable analysis, interviews with management agents and leasing agents, or prior experience in the subject market. This component is required for all adjustments where the adjustment exceeds a nominal amount.

Section 9-12C defines nominal amount as an adjustment amount that exceeds the greater of \$10 or 2% of an unadjusted rent of the comparable.

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### Rent Comparability Study Updates

The explanation:

- Must be clear and convincing
- Every line item on the Rent Grid should have two separate and distinct explanations shown in the narrative

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**Rent Comparability Study Updates**

- In this update HUD also clarifies that the option to use FPMs or rents in non-section 8 units to determine market rents are only available for option 2 contract renewals and that these options may only be used with HUD approval
- In addition, triggers have now been established for a second review if the substantial review is done by a non-appraiser

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**Rent Comparability Study Updates**

- INQ is now required to send ALL RCS's to our appraiser for review (GIL group). INQ can not perform the substantive review for RCS's. You may receive correspondence from GIL if your RCS requires additional information
- Owners are encouraged to use the following checklist found in the revised Chapter 9 Appendix 9-2-1:

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**Rent Comparability Study Updates**

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**Rent Comparability Study Updates**

Training on Rent Comparability Studies can be found on Youtube at:  
<https://www.youtube.com/watch?v=7t84f4>

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**Utility Allowance Methodology**

- On September 9, 2015, HUD released a notice for the methodology used for completing a Utility analysis
- Owner's must calculate baseline utility allowances for each bedroom size every three years using the average of a sample of actual tenant utility costs
- In the two years between baseline analyses, owners may adjust the utility allowances using an increase factor provided by HUD

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**Utility Allowance Methodology**

The UAF can be found on the HUDuser website. It's determined by considering the state specific average retail price of electricity, gas, water, oil for residential customers and is published by the US Energy Information Administration.

<https://www.huduser.gov/portal/docusa/uaaf.html>

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**Completing a Baseline Utility Analysis**

**Steps 1 - 5**

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**Step 1: Determine Sampling Size**

Determine the required sample size. HUD outlines the minimum sample size in Figure 1 of HUD notice 2015-04. The chart on the next slide shows the minimum sample size per unit type.

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**Sampling Size**

Number of Units	Minimum Sample
1-20	20
21-50	25
51-75	30
76-100	35
101-150	40
151-200	45
201-250	50
251-300	55
301-350	60
351-400	65
401-450	70
451-500	75
501-550	80
551-600	85
601-650	90
651-700	95
701-750	100
751-800	105
801-850	110
851-900	115
901-950	120
951-1000	125

Please note: if you have a small property which 20 units or less you will be required to provide LR documentation for ALL units.

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**Sampling Size**

Please remember when submitting to your RACK specialist that you must include an explanation if you are unable to meet the minimum sample size requirements (i.e. high vacancy turnover).

It is your responsibility to demonstrate that every effort has been made to meet the requirements of the notice.

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**Step 2: Obtain your samples**

It is acceptable for you to receive and utilize multiple forms of documentation to support the baseline analysis. You can obtain data from the resident, the utility company, a third party provider, or a combination of the three. You must submit all of the backup documentation to support how the new GFA was calculated; this includes:

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**Back up Documentation**

- Copies of the latest bills received from utility providers, usually in summary format
- Copies of previous invoices & summary of monthly data if the tenant has bills to obtain the data either from the utility provider
- You can submit a spreadsheet summarizing the average of the monthly utility bills. The actual utility bill will not need to be submitted but must be retained in the tenant file for the term of tenancy plus three years and will be subject to HUDCHA review
- A combination of the above may be submitted

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**Step 3: Determine if your sample is compliant**

Some units should be excluded from your sample. These are:

- Units receiving a UA as part of a reasonable accommodation.
- Those units having been vacant for 3 or more months. Units included in the sample should have at least ten months of occupancy.
- Those units receiving a flat utility rate as part of a low-income rate assistance program. An exception to this would be if ALL tenants at the property were receiving flat rate utility assistance.

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The Affordable Housing  
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www.ahc.org

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**Step 3: Determine if your sample is compliant: Consider**

- Please remember! Do not remove the highest or lowest utility cost when determining the average.
- After the averages are determined, this is the amount that should be recommended and submitted to INQ.

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**Step 4: Create worksheet**

You can also use HUD's sample UA worksheet or create your own calculation worksheet that uses HUD's formula for calculating the averages.

Please see Attachment A of HUD notice 2015-04 for HUD's sample UA worksheet.

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### Step 5: Submit your Baseline to INQ

When we receive your baseline Utility Allowance, we will review using the following criteria & ensure that:

1. The baseline methodology utilized did not minimize the highest and lowest averages per unit
2. There are at least ten months of data included in the average(s). If you do not obtain this, an explanation must be provided if there is not at least ten months of data provided
3. The required minimum number of samples is included in the baseline submission

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### Step 5: cont'd

4. If the required minimum is not included in the baseline submission, you must provide an adequate explanation as to why the sample size has not been met
5. The data included in the baseline analysis is not greater than 18 months from the contract anniversary date

If any of these items are missing or clarification is needed, your RACR specialist will send you a request for additional information.

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### Non-Compliance

- Owners/agents should make every reasonable attempt to collect valid UA documentation for units
  - What to do in instances when a tenant refuses to sign a tenant release form
  - If a tenant refuses to sign a release form, this constitutes a material non-compliance of the lease agreement, as defined in the lease agreement and repeated violations can result in the termination of energy

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**Non-Compliance**

You are strongly encouraged to include language in the House Rules advising tenants of their obligation to sign the release forms and to provide any information deemed necessary in regards to the program, or face possible termination.

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**UA Decrease**

- Utility allowances may decrease if they were too high under the old methodology. In the event of a UA decrease, residents must receive two notices. The first resident notice is to advise them of their right to comment on the Utility Allowance decrease during a 30-day comment period. This must be conducted in form and manner required by 34 CFR 245.410 and 34 CFR 245.305.

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**UA Decrease**

Please include a copy of the notice when you submit your Utility Allowance analysis. At the end of the 30-day comment period, you must provide us with the certification of your compliance with the tenant comment procedures along with any resident comments you have received.

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**UA Decrease**

- The second resident notice serves as the notice of an increase in the tenant portion of the rent that resulted from the UA decrease.
- For further guidance on the requirements of this notice, please refer to HUD Handbook 4060.2 REV-1, Chapter 4, 96-11-83.

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**UA Decrease Phase - in**

- If a utility decrease exceeds 15 percent of the most recent utility allowance, the decrease must be phased in. This means the OIA will implement a 15% decrease the first year and then implement the remainder of the calculated decrease the following year. This way no decrease in either year will be more than 15%. This must also include the applicable UAF as well.
- Utility allowance phase-in eligibility is determined at the time of the first baseline analysis after implementation of Housing Notice 2015-04 only.

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**Year One - Baseline**

Current Utility Allowance	\$90
Decrease in First Year	40%
New Calculated Utility Allowance	\$54
Year 1 Utility Allowance*	\$77

\*With a phase-in cap of 15% each year, the new capped utility allowance is \$77 (\$90 - 15%). This is the utility allowance that gets implemented in Year 1.

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**Year Two – Second Year UAF**

- (Applied to calculated, uncapped new utility allowance) + 2%
- New Actual Utility Allowance \$15 (\$14 + 2%)
- Tenant's 2nd Year Capped Utility Allowance\* \$63 (\$77 - 15%)

**\*The utility allowance that gets implemented in Year 2 is \$63 even though the calculated utility allowance is \$15**

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**Year Three – Third year UAF**

- (Applied to uncapped second year utility allowance) + 2%
- New Actual Utility Allowance \$16 (\$15 + 2%)
- Tenant's Third Year Utility Allowance\* \$67

**\*Implement the actual calculated utility allowance as it is less than 1% lower than the previous year's utility allowance**

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**UA Initial Phase in**

In this example, the phase-in occurs over two years of the cycle (baseline year plus first factor-adjusted year). In each of the factor-adjusted years, the factor is applied to the previous year's calculated utility allowance, i.e. what the utility allowance would have been if there were not a cap put on it because of the requirement to phase it in. After that, there is a new baseline and phase-in requirements no longer apply.

**\*As per there is a decrease in the utility allowance, tenant will also need to provide**

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**Common Issues**

- Including 12 months of usage for the average rather than 12 months without providing an explanation. An explanation is required if you can not obtain 12 months
- Not realizing that a full UA baseline is no longer required every year. Please note, a baseline is only required after the 2<sup>nd</sup> year. In years 2 and 3 the UAF is used
- Be sure to separate the UA types when submitting the UA analysis

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**DUNS Numbers**

- In order to be eligible to receive financial assistance from federal programs, business entities are required to obtain a DUNS number and also annually register in the SAPI system.
- As provided on the website, the process to obtain a DUNS number and register on SAPI.gov requires two steps

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**Step 1: Obtain a DUNS number**

**By Toll-Free Telephone**  
Business entities may request the DUNS number by calling a toll-free telephone number: 1-(844) 763-5711. Tell the operator that you are applying to a Federal financial assistance program and need to register for a DUNS number.

**On the Web**  
Business entities can also obtain a DUNS number through C&I's Web site at: <http://idgquadel.com/webduns>

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**Step 2: Register on SAM.gov**

Once you have been assigned a DUNS number, you must **annually register on SAM.gov** to remain eligible to receive program financial assistance. To complete the process on SAM, you will need the same kind of information used to obtain your DUNS number as well as your Tax Identification Number (TIN) and other data to complete registration and reporting requirements.

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**SAM Registration**

Before registering, you should review the SAM User Guide. It can be viewed online or downloaded as a PDF at this address: [SAM User Help](#)

It may take 3 business days or up to 2 weeks before your SAM registration becomes active.

If you are updating or renewing your registration information, it will take approximately 24 hours to become active.

A **Frequently Asked Questions** about DUNS is available at: <http://fdgpm.dhs.com/webform/faqfaq.asp.do>

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**DUNS number**

Each year with the annual rent adjustment or contract renewal, IQC has to ensure that owners have an active DUNS Number for each HAP Contract (funding obligation).

Please note: The most recent version of the form HUD-9024 includes a space for you to report your DUNS number. Be sure to add your number to the form when you submit your submission to your RACR specialist.

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# AHAIN Owner Agent Update Conference

April 18, 2017

## INQ RACR Presentation Website Resources

HUDClips - *Handbooks, Guidebooks, Notices, Forms, Income Limits, etc.*

[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips](https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips)

HUD's Rent comparability training: <https://www.youtube.com/watch?v=uSkNooMb6As>

UAF: <https://www.huduser.gov/portal/datasets/mauf.html>

The new Chapter 9 and the appendices are posted under "What's New" "Revised Chapter 9 Rent Comparability Studies (Published 12/1/16, Effective 3/1/17)" at <http://www.hud.gov/offices/hsg/mfh/mfhsec8.cfm>

HUD Notice H-2015-04: <https://portal.hud.gov/hudportal/documents/huddoc?id=15-04hsgn.pdf>

FAQ's Methodology for Completing a Multifamily Housing Utility Analysis

H 2015-04 (June 22, 2015):

<https://portal.hud.gov/hudportal/documents/huddoc?id=UtilityAnalysis.pdf>

HUD has recently published the new median zip code rents and the 140 percent thresholds. Users can find these new numbers under "What's New" on

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/mfh/mfhsec8](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/mfhsec8)

DUNS Number and SAM: <https://www.hudexchange.info/resources/documents/DUNS-Number-and-SAM-Instructions.pdf>

A Frequently Asked Questions about DUNS is available at: <http://fedgov.dnb.com/webform/displayFAQPage.do>