

HOME & HOME-ARP TBRA Regulatory Crosswalk – HOME Rule & Suspensions/Waivers

This crosswalk provides an overview of the “standard” HOME Investment Partnerships Program regulations applicable to the design and management of a tenant-based rental assistance (TBRA) program in comparison to the requirements for HOME-ARP TBRA. HOME Participating Jurisdictions (PJs) and their potential subrecipients can use this document to help guide the development of local programs to assist HOME-ARP Qualifying Population (QP) households with tenant-based rental assistance. It is not intended to be a complete discussion of either the regulations or the suspensions and waivers. For additional details, PJs should refer to the following resources:

- HOME Final Rule [24 CFR Part 92](#);
- [CPD Notice 21-10: Requirements for the Use of Funds in the HOME-ARP Program](#);
- [Appendix to CPD 21-10: Waivers and Alternative Requirements For Implementation of the HOME-ARP Program](#); and
- [HUD Exchange HOME-ARP page](#)

Requirement Final Rule Reference	Summary of Standard HOME Requirement	HOME-ARP Requirement
Eligible Activities & Costs		
1) Written tenant selection policies (§92.209(c))	PJ must have written tenant selection policies & criteria based on local needs & priorities in ConPlan	Requirement for written tenant selection policies and criteria materially the same, referencing the HOME-ARP Allocation Plan; within limits, selection may involve coordinated entry (CE); see targeted assistance below
2) Low Income/Very Low Income eligibility (§92.209(c)(1))	PJ must limit assistance to LI & VLI families; income must be determined annually	Eligibility is limited to HOME-ARP QPs; QP definition does not rely on household’s income except in some aspects of the “At Greatest Risk of Housing Instability” QP
3) Income determination (§92.203(a)(2))	PJ must determine initial TBRA tenant income eligibility by examining at least two (2) months source documentation	Applies inasmuch as income determination is used to establish tenant contribution to rent
4) Income targeting (§92.216(a) & (b))	PJ must meet annual allocation income targeting requirements, 90% of rental and TBRA families assisted must be at or below 60% AMI; remainder of TBRA and rental tenants may be at or below 80% AMI	Income targeting does not apply; all HOME-ARP TBRA beneficiaries must be QPs at entry
5) Targeted assistance (§92.209(c)(2))	PJ may establish TBRA programs with preference for special populations and TBRA programs targeting self-sufficiency and homebuyers; participants cannot be prohibited from applying for other assistance/programs	HOME-ARP has specific requirements around any limitations, preferences, and/or methods of prioritization; those must be outlined in HUD-approved Allocation Plan and consistent with HOME-ARP Notice (Section IV.C.)
6) Preference - Existing Tenants in future HOME projects (§92.209(c)(3))	PJ may establish a preference to provide TBRA to existing tenants in housing to be assisted with HOME; tenants may use assistance on HOME-assisted units or non-HOME assisted units	Not specifically applicable to HOME-ARP
7) Limitation on assistance to student households (§92.2 definition of Low-income Family)	PJ prohibited from assisting student households if ineligible to receive Section 8 assistance under 24 CFR 5.612	Determination of whether student constitutes their own “household” should be consistent with §5.612; however, household eligibility based on QP not income
Determination of Assistance		
8) Eligible TBRA Costs (§92.209(a))	PJ may provide assistance for rent (incl. utility allowance), security deposit, and utility deposit (if also providing rent or security deposit)	No significant difference, but may not use HOME-ARP TBRA in a lease-purchase situation

HOME & HOME-ARP TBRA Regulatory Crosswalk – HOME Rule & Suspensions/Waivers

Requirement Final Rule Reference	Summary of Standard HOME Requirement	HOME-ARP Requirement
9) Security deposits (§92.209(j))	PJ may provide loans or grants (can be sole subsidy) not exceeding two (2) months' rent; if only deposit assistance, income determination only at time of assistance	No difference
10) Maximum subsidy (§92.209(h))	PJ may not provide assistance that exceeds TBRA maximum subsidy amounts; monthly assistance is capped at the difference between PJ's rent standard (by unit size) and 30% of the tenant's monthly adjusted income; PJ must establish minimum tenant contribution; PJ must establish rent standard based on local market conditions or Section Housing Choice Voucher	PJ may provide up to 100% of rent (including utility allowance), not to exceed the PJ's rent standard; PJ must establish policies for determining household contribution to rent
11) Rent reasonableness (§92.209(f))	PJ must disapprove lease if rent is not reasonable based on assessment of comparable unassisted units	Rent may not exceed the "rent standard" established by the PJ for HOME-ARP TBRA based on either HCV or local market conditions
Rental Assistance Contract & Lease		
12) Rental assistance contract and lease approval (§92.209(k))	Contract may be between PJ and property owner or assisted tenant; if contract with owner, must also have written agreement with tenant; PJ must approve the lease.	Rental assistance contract(s) required; some specific provisions will be modified to reflect HOME-ARP's alternative requirements
13) Term of rental assistance contract (§92.209(e))	Contract term may not exceed 24 months, but may be renewed; contract & lease must have same start date; contract terminates if lease terminates (except contract with tenant may be transferable to lease of new unit)	PJ determines length of rental assistance contract (i.e., may exceed 24 months); contract and lease must start on the same date; termination with lease is the same (with same possibilities for transfer to a new unit)
14) Lease & tenant protections (§92.209(g))	Written lease of at least one (1) year required, unless shorter period agreed upon by all parties; lease may not include prohibited lease terms defined in §92.253(b)	No difference
15) VAWA (§92.359)	VAWA requirements apply to owner for term of rental assistance; PJ provides VAWA lease addendum, notice & certification form at lease execution & termination; owner must notify PJ if eviction or lease bifurcation occurs; PJ determines continuation of assistance & may provide assistance for emergency transfers	No difference
Property Standards		
16) Housing quality standards (§92.209(i))	PJ must inspect unit at initial occupancy and annually to ensure unit meets Section 8 HQS ¹ (24 CFR 982.401) property standards	No difference

¹ HQS is being replaced by HUD's National Standards for the Physical Inspection of Real Estate (NSPIRE) standards for Housing Choice Voucher and Project Based Voucher programs. This change will apply to both standard HOME and HOME-ARP TBRA.

HOME & HOME-ARP TBRA Regulatory Crosswalk – HOME Rule & Suspensions/Waivers

Requirement Final Rule Reference	Summary of Standard HOME Requirement	HOME-ARP Requirement
17) Lead-Based Paint (§35.1200-.1225)	For pre-1978 housing not otherwise exempt and TBRA recipients with a child under the age of six (6), a visual assessment of painted surfaces must be conducted, and deteriorated paint stabilized	No difference
Program Design Options²		
18) Special needs/disability (§92.209(c)(2)(i)-(ii))	PJ may allow for disability preference if ConPlan identifies unmet need; may limit to specific disability if meets 24 CFR 8.4(b)(1)(iv)	Limitations, preferences, and/or method of prioritization must be outlined in approved Allocation Plan and consistent with HOME-ARP Notice (Section IV.C.)
19) Self-sufficiency program (§92.209(c)(2)(iii))	PJ may require participation as condition of selection & renewal; not basis for termination; may not require if TBRA is provided for relocation under the URA	HOME-ARP makes no special provision for a “self-sufficiency program” that would allow participation in and/or acceptance of services as a condition of renewal
20) Homebuyer programs (§92.209(c)(2)(iv))	PJ may use rental assistance for lease-purchase programs (up to 36 months); not for downpayment/closing cost accumulation	HOME-ARP TBRA may not be used in a lease-purchase scenario
21) Portability of assistance (§92.209(d))	PJ may require use within the jurisdiction or allow portability outside the jurisdiction	No difference
Administrative Requirements		
22) Policies & procedures (§92.504(a))	PJ must manage day-to-day operation of its TBRA program or oversee subrecipient/contractor; must have and follow written policies and procedures	No difference
23) Monitoring (§92.504(a))	PJ must have a system for assessing risk of activities and projects and a system for monitoring administrative subrecipients	No difference
24) Program operation (§92.209(k))	PJ may operate program itself or contract with: <ul style="list-style-type: none"> • State Recipient/subrecipient, written agreement required (§92.504(b) & (c)(1) or (c)(2)) • Contracted administrator, procurement applies (2 CFR Part 200 & §92.504(c)(4)) 	HOME-ARP also includes the possibility of a nonprofit “sponsor” role where the sponsor would lease the unit from the property owner and sublet to the HOME-ARP TBRA QP tenant
25) Administration eligible as project costs (§92.209(a))	PJ may charge cost for income eligibility determinations & property inspections as project cost	No difference ³
26) Disbursements (§92.503)	PJ must set up, fund, draw and complete TBRA activities in IDIS - following HOME FACTS Vol. 9, No. 1, May 2020	IDIS used; HUD has issued supplemental guidance on IDIS for HOME-ARP TBRA as well as a webinar

² While these targeted program options are permissible under the Final Rule, HUD recognizes it is unlikely such preferences will be incorporated into emergency TBRA programs.

³ Note that delivery of supportive services is not a TBRA cost and may not be charged to administration. However, HOME-ARP can fund supportive services, including to HOME-ARP TBRA recipients. Those costs need to be separately categorized and charged to the appropriate activity.

HOME & HOME-ARP TBRA Regulatory Crosswalk – HOME Rule & Suspensions/Waivers

Requirement Final Rule Reference	Summary of Standard HOME Requirement	HOME-ARP Requirement
27) TBRA project completion (§92.2 (Project completion))	PJ may complete TBRA projects in IDIS upon meeting the definition of project completion; means the final drawdown has been disbursed for the project	No meaningful difference, see HOME-ARP specific IDIS resources above
28) Records (§92.508)	PJ must maintain records, including (§92.508(a)(2) program files and §92.508 (a)(3) project files) retained five (5) years after assistance terminates (§92.508 (c)(3))	Substantially similar, but substance of program and project records are modified to reflect HOME-ARP specifics, e.g., documentation of QP status
Other Federal Requirements		
29) Affirmative marketing (§92.351(a))	TBRA programs must be affirmatively marketed, including specific actions to attract applicants least likely to apply	No difference
30) Fair housing & non-discrimination, including Section 504 (§92.351)	PJ/subrecipient & owner subject to fair housing & non-discrimination, and reasonable accommodations or modifications; PJ/subrecipient subject to Section 504 program accessibility	No difference
31) Environmental review requirements (§92.352(a) & §58.35(b)(1))	TBRA is Categorically Excluded Not Subject to §58.5 (CENST) but is subject to §58.6 ; publication and notice likely not required	No difference
32) Conflict of interest (§92.356(b)-(e))	Assistance (as tenant or owner) may not be provided to PJ/subrecipient officials, staff, etc. or their immediate family or business associates; only HUD can approve waivers of conflict	Applies to HOME-ARP in full; additional conflict requirements outlined in HOME-ARP Appendix (see pg. 38 et seq) apply, notably that a TBRA subrecipient cannot provide HOME-ARP assistance to a tenant who occupies a unit owned by the subrecipient or its affiliate