

HOUSING CHOICE VOUCHER OCCUPANCY



Professional
Development

National Association of Housing and Redevelopment Officials

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MODULE 1

OVERVIEW & OBJECTIVES, WAITING LIST AND TENANT SELECTION



24 CFR 982.1 WHAT IS THE PROGRAM?



The Housing Choice Voucher (HCV) program is the federal government's major program for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market.



Participants are able to find their own housing, including single-family homes, townhouses and apartments.



The program is administered locally by public housing agencies (PHAs).

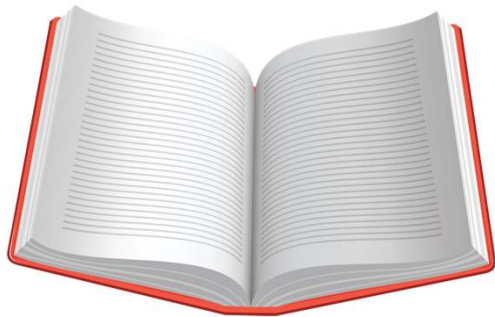


ADMINISTRATIVE PLAN

24 CFR 982.54



ADMINISTRATIVE PLAN



- The PHA must adopt a written Administrative Plan
 - Any revisions to the plan must be formally adopted by the PHA's Board of Commissioners
 - States the PHA's policy on matters that the PHA has discretion
 - Must be in accordance with HUD regulations and requirements
 - It is a supporting document to the PHA Plan and must be available for public review

ADMINISTRATIVE PLAN POLICY REQUIREMENTS



- Selection and admission of applicants from the PHA's waiting list
- Preferences
- Procedures for removing applicants, closing and reopening the PHA's waiting list
- Issuing or denying vouchers
- Policy on voucher term and any extensions or suspensions

ADMINISTRATIVE PLAN POLICY REQUIREMENTS



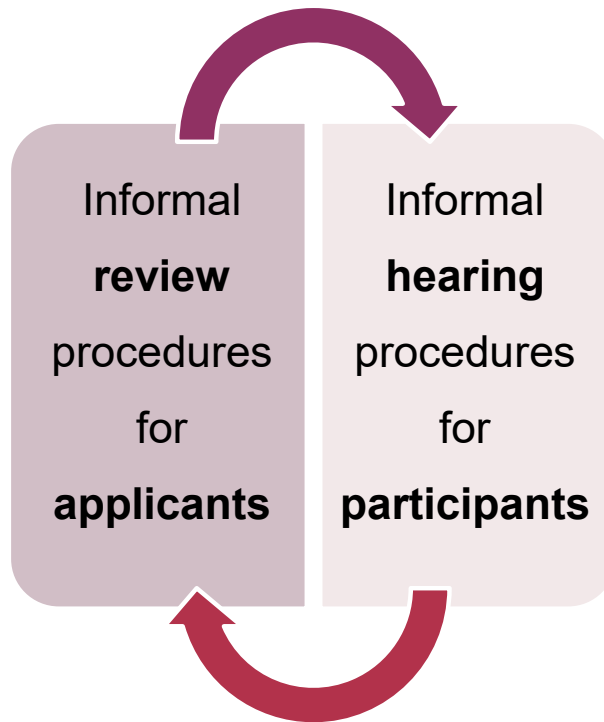
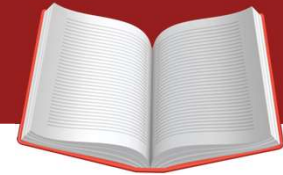
- **Special purpose vouchers**
- **“Family”** definition now has been revised to include lesbian, bisexual, gay, and transgender as a protected class (LBGTQ)
- **“Continuously Assisted”** definition
- **Denial or Termination Standards:** based on criminal activity or alcohol abuse
- **De-concentration:** Encouraging participation of suitable units located outside areas of low income or minority concentration

ADMINISTRATIVE PLAN POLICY REQUIREMENTS



- **Illegal discrimination:** assisting families where this has prevented them from leasing a suitable unit
- Providing information about a family to prospective owners
- Disapproval of owners
- Subsidy standards
- Family absence from the dwelling unit
- How to determine who remains in the program if a family breaks up

ADMINISTRATIVE PLAN POLICY REQUIREMENTS



ADMINISTRATIVE PLAN POLICY REQUIREMENTS



- The process for establishing and revising voucher payment standards
- Reasonable rent method
- Special housing type policies - shared housing, homeownership
- Overpayment/Underpayment Policies – for payment by a family to the PHA of amounts owed to the PHA
- Interim re-determinations
- Restrictions on the number of moves

ADMINISTRATIVE PLAN POLICY REQUIREMENTS



Approval by the Board of Commissioners or other authorized officials to charge the administrative fee reserve or change the Plan



HQS Inspections: procedural guidelines and performance standards



PHA screening of applicants for family behavior or suitability for tenancy

QUESTION



True or
False

Revisions of the
Administrative Plan
should be approved
by the agency's
Board of
Commissioners.

24 CFR 982.204 THROUGH 982.210 WAITING LIST





Poll

When was your waiting list last open?

- a) It's currently open
- b) 1-3 years ago
- c) 4-6 years ago
- d) 7 years or longer
- d) Not sure...and it's closed.

OPENING THE WAITING LIST



Some PHAs
keep list open at
all times



Others open
periodically and
close when
sufficient #'s are
obtained



Importance is to
have sufficient #
of qualified
applicants and
manage the
system

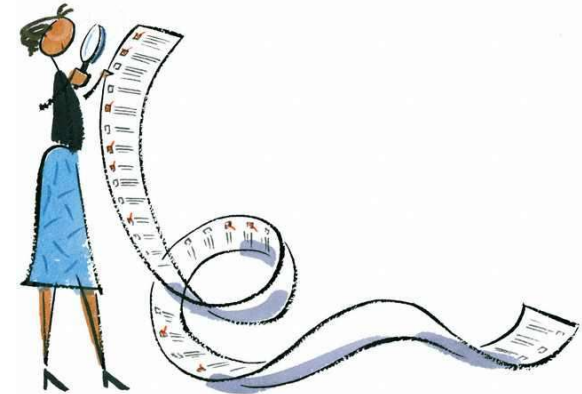


Don't keep
unreasonable
amounts of
applicants on the
waiting list

OPENING THE WAITING LIST

No magic formula for waiting list size

- Local needs
- New increments of vouchers
- Availability of previously issued vouchers
- Last time list was updated/purged
- Special target populations
- Turnover
- May be program specific- PBV or TBV



HUD does not have a minimum or maximum time limit for families to be on the waiting list

OPENING THE WAITING LIST

Method included in Administrative Plan

- Advertise in local paper
- Use minority media and other suitable means
- Announce date, times, and locations
 - If limited time, announce ending date
- State any limitations if only opening to a selective pool
- Have a plan for least likely to apply
- Include Fair Housing logos and criteria



FAIR HOUSING UPDATES

Provide outreach to persons with Disabilities

- Work with owners to have a stock of units with accessible features

PHA should take into account the difficulty of families finding a accessible unit

- Provide extensions to families as a reasonable accommodation
- HUD does not limit the number of extensions

Enter into non-discrimination contract with owners

FAIR HOUSING

Conduct outreach to find families “least likely to apply”



Outreach must include the Fair Housing logo and non-discrimination language, disclaimer or disclosure in the advertising message



WAITING LIST & TENANT SELECTION



PHA responsible for establishing application and selection process

- Up-to-date waiting list is critical
- Ensures families are admitted in proper sequence

Must allow consistency, fairness, and meet Fair Housing requirements

- Place on the waiting list
- Issuance of voucher
- Determination of eligibility
- Termination

CONDUCTING OUTREACH



Goal is to get the message to eligible families



Don't forget "least likely to apply"- Fair Housing Provisions

- Persons with disabilities
- Elderly
- Minorities
- Special target populations

CONDUCTING OUTREACH



- Community service announcements
- Advertisements
- Specialty and minority publications
- Supportive service organizations
- Direct referrals, current participants
- Churches
- Advocating agencies

CONDUCTING OUTREACH

Creative Strategies

- Press release
- Human interest story
- Flyers
- Mail-in applications
- Internet



CLOSING THE WAITING LIST



Insufficient funds or vouchers to assist families within a reasonable time

Generally, it is recommended that list be no more than 12-24 months, but there is no HUD requirement

May close only a portion of the list

- Keep open for special targets, special programs or under-served population

Must also review the target income population to determine that PHA can fulfill requirements

- 75% ELI new admissions

CLOSING THE WAITING LIST

Things to consider:



Are enough qualified on the list?

- No shows, briefings, voucher turnover, etc.
- Know your success ratio

What are the local preferences?

Income-targeting requirements

What is the average wait?

When was the last purging/updating done?

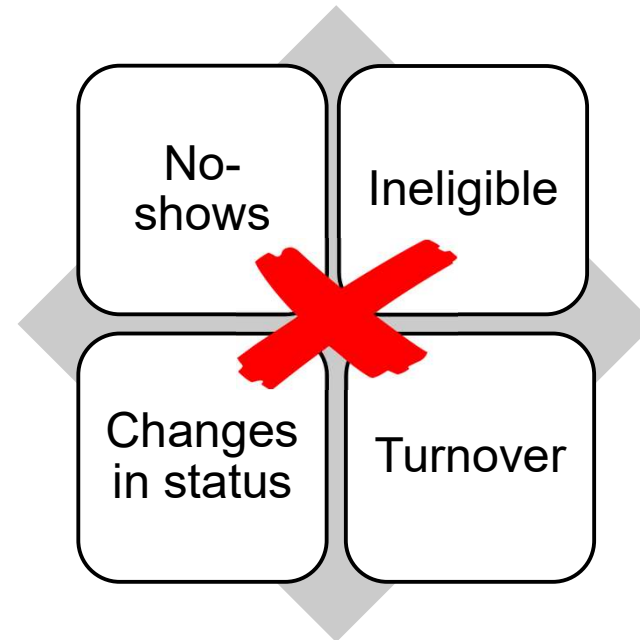
WAITING LIST & SOCIAL SECURITY NUMBERS



- A family may remain on the waiting list even if some members cannot provide documentation of SSNs at the time of the application.
- **All members declaring eligibility must provide SSN verification** at time of certification, or within 90-day extension (recent change exception)
 - if the person is not declaring eligibility (illegal entry into the country), they will have no SSN.
 - If no SSN, then PHA will request a HUD Identifier through WASS

24 CFR 982.204 (C) PURGING / UPDATING A WAITING LIST

Importance of purging



PURGING / UPDATING A WAITING LIST

Factors that require an application update
(most PHAs require it in writing)

Family
move

Change in
income

Change in
family
composition

Change in
benefit

Change in
preference

BENEFITS OF PURGING / UPDATING A WAITING LIST

Purging prevents delays in lease-up process

Increases outreach

Reduces declining leasing rate

Increases current information

Better reflects the community and current needs

HUD has no requirement that the PHA must purge the HCV waiting list annually

- Procedures for purging vary among PHAs

PURGING / UPDATING A WAITING LIST



Administrative Plan will state the process for removal

- Failure to respond to notice
- Failure to attend eligibility appointment
- “Undeliverable” mail
- Second notice
- Certified mail

PURGING / UPDATING A WAITING LIST



Process subject to Fair Housing

- Reasonable accommodation
- VAWA
- Disabled family

May require applicant to notify PHA every six-months even if no change

PURGING / UPDATING A WAITING LIST

Sample Procedure

Send first class mail notice

- “Address Unknown”, close the application, attach notices, and maintain file for 3 years.

No response
send a second notice
certified mail

- After final deadline, close application, attach notices, and maintain file for 3 years

- Update the application information and reposition according to preferences

Response

MAINTAINING WAITING LIST

Name

Family size

Other specific information for targeting income or special needs

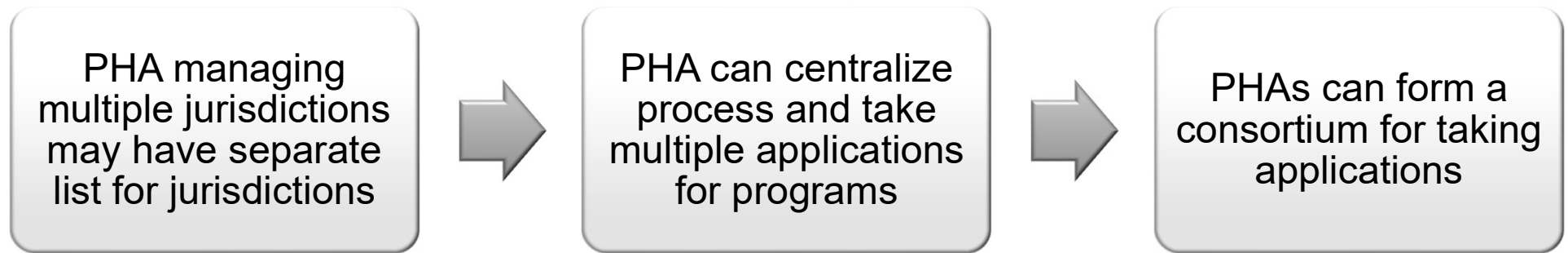
Qualification for preferences

Date and time

Collect sufficient information to select based on policy, Administrative Plan and preferences

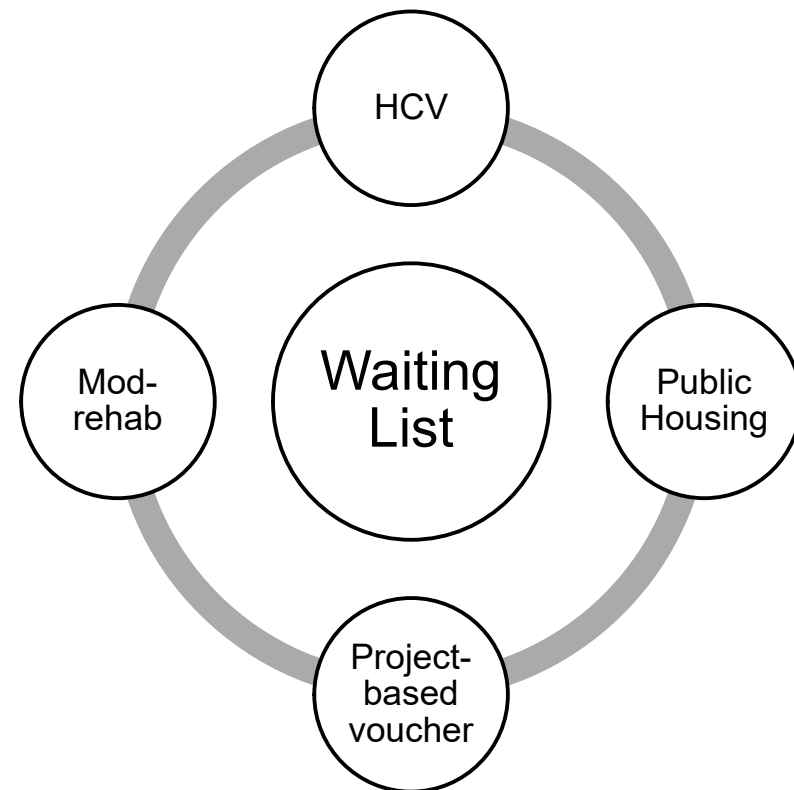
MAINTAINING WAITING LIST

Must use single waiting list for admission to HCV program, however



MAINTAINING WAITING LIST

If PHA maintains separate waiting list for programs and the program waiting list is open PHA must offer to place applicant on other waiting lists.



HCV HOMEOWNERSHIP



- PHA Discretionary Program
 - Option to allow applicants from the HCV Program to participate in the program or can require the family to be a participant to be eligible
 - Optional PHA Policy: Most PHAs state they must be a participant in the HCV Program for at least 1 year and be in good standing
 - Conditions must be contained in the Administrative Plan
 - PHA cannot separate the HCV waiting list for HCV Homeownership qualified families

MAINTAINING WAITING LIST



- PHA may not take actions or refuse to take an application from applicant who has applied for, received, or refused other housing assistance such as:
 - Refuse to list the applicant on HCV waiting list
 - Deny admission preference
 - Change place on preference, date and time, other factors
 - Remove the applicant from the list

ANALYZING THE WAITING LIST

Periodically review to ensure

- Represent objectives
- Outreach is working
- Consistent with Annual Plan and needs

Data requirements include

- # below 30% of median income or poverty level
- Elderly and disabled families
- # by race and ethnic groups



ANALYZING THE WAITING LIST

Questions:

Are there sufficient # and variety to ensure full utilization?

Is there a cross representation and characteristic of the broad community?

Does it reflect the “least likely to apply”?

Will the PHA meet income targeting requirements?

ACCEPTING APPLICATIONS

- Factors to consider:
 - Number expected to apply
 - Leasing rate and future availability
 - Size of program
 - # on the current list
 - Staff availability
 - Administrative restraints
 - Lottery System
 - Court orders, compliance agreements, and mandatory directives



ACCEPTING APPLICATIONS



- **Must accept application if wait list is open**
 - **Even if that family is ineligible**
 - **Determine final eligibility after receipt of information, and inform family in writing**
- **Must make process open to special needs**
 - **Accessible**
 - **Reasonable accommodation**
 - **PHA may have to use alternative methods to address this population**

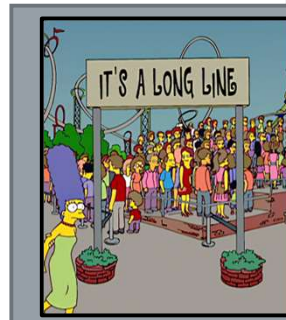
ACCEPTING APPLICATIONS



- Reasonable accommodation
 - TTD/TTY machines
 - Sign interpreter
 - Materials in Braille or on tape
 - Home interviews
 - Any others?

ACCEPTING APPLICATIONS

- Other methods to reach special populations
 - Alternative locations
 - Internet
 - Mail-in
 - Alternative times
 - Avoid long line systems



ACCEPTING APPLICATIONS

- PHAs use the following
 - Regular office hours
 - Walk-in/Appointment
 - Scheduled days
 - Always open
 - Special designated times
 - Evenings/Weekends



ACCEPTING APPLICATIONS

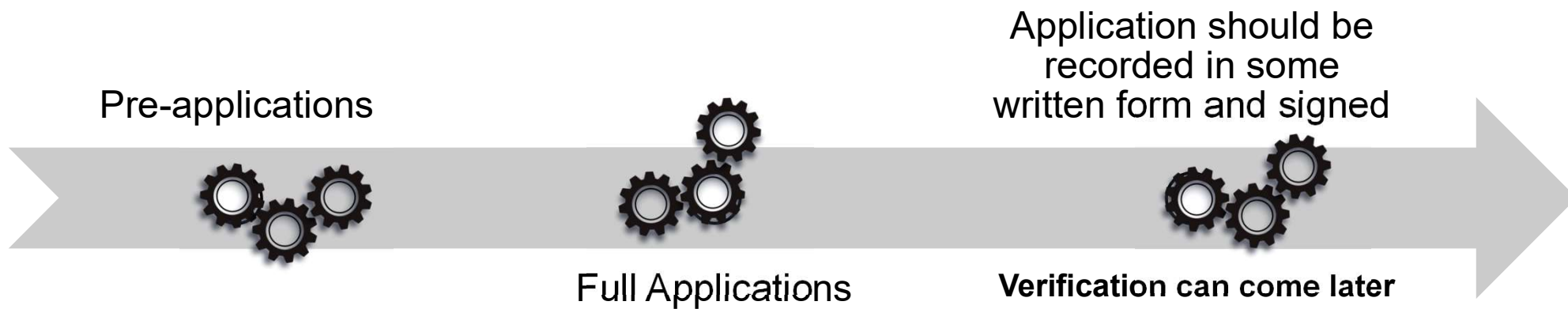
- Lottery system
 - No preference on date and time of receipt
 - List ordered by drawing
 - Eliminates long line problems
 - Used if demand is high
 - Rules must be established early and adhered to





PROCESSING APPLICATIONS & CONTENT

PROCESSING APPLICATIONS & CONTENT



24 CFR 982.204(B) WAITING LIST ORGANIZATION

The waiting list must contain the following information for each applicant:

- (1) Applicant name
- (2) Family unit size (number of bedrooms for which family qualifies under PHA occupancy standards)
- (3) Date and time of application
- (4) Qualification for any local preference
- (5) Racial or ethnic designation of the head of household

HUD FORM: 92066

This form is to be provided to each applicant for federally assisted housing.

OMB Control # 2502-0581
Exp. (02/28/2019)

Supplemental and Optional Contact Information for HUD-Assisted Housing Applicants

SUPPLEMENT TO APPLICATION FOR FEDERALLY ASSISTED HOUSING

This form is to be provided to each applicant for federally assisted housing

Instructions: Optional Contact Person or Organization: You have the right by law to include as part of your application for housing, the name, address, telephone number, and other relevant information of a family member, friend, or social, health, advocacy, or other organization. This contact information is for the purpose of identifying a person or organization that may be able to help in resolving any issues that may arise during your tenancy or to assist in providing any special care or services you may require. **You may update, remove, or change the information you provide on this form at any time.** You are not required to provide this contact information, but if you choose to do so, please include the relevant information on this form.

Applicant Name:	
Mailing Address:	
Telephone No:	Cell Phone No:
Name of Additional Contact Person or Organization:	
Address:	
Telephone No:	Cell Phone No:
E-Mail Address (if applicable):	
Relationship to Applicant:	
Reason for Contact: (Check all that apply)	
<input type="checkbox"/> Emergency	<input type="checkbox"/> Assist with Recertification Process
<input type="checkbox"/> Unable to contact you	<input type="checkbox"/> Change in lease terms
<input type="checkbox"/> Termination of rental assistance	<input type="checkbox"/> Change in house rules
<input type="checkbox"/> Eviction from unit	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Late payment of rent	
Commitment of Housing Authority or Owner: If you are approved for housing, this information will be kept as part of your tenant file. If issues arise during your tenancy or if you require any services or special care, we may contact the person or organization you listed to assist in resolving the issues or in providing any services or special care to you.	
Confidentiality Statement: The information provided on this form is confidential and will not be disclosed to anyone except as permitted by the applicant or applicable law.	
Legal Notification: Section 644 of the Housing and Community Development Act of 1992 (Public Law 102-550, approved October 28, 1992) requires each applicant for federally assisted housing to be offered the option of providing information regarding an additional contact person or organization. By accepting the applicant's application, the housing provider agrees to comply with the non-discrimination and equal opportunity requirements of 24 CFR section 5.105, including the prohibitions on discrimination in admission to or participation in federally assisted housing programs on the basis of race, color, religion, national origin, sex, disability, and familial status under the Fair Housing Act, and the prohibition on age discrimination under the Age Discrimination Act of 1975.	

Check this box if you choose not to provide the contact information.

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Signature of Applicant

Date

The information collection requirements contained in this form were submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The public reporting burden is estimated at 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Section 644 of the Housing and Community Development Act of 1992 (42 U.S.C. 13604) imposed on HUD the obligation to require housing providers participating in HUD's assisted housing programs to provide any individual or family applying for occupancy in HUD-assisted housing with the option to include in the application for occupancy the name, address, telephone number, and other relevant information of a family member, friend, or person associated with a social, health, advocacy, or similar organization. The objective of providing such information is to facilitate contact by the housing provider with the person or organization identified by the tenant to assist in providing any delivery of services or special care to the tenant and assist with resolving any tenancy issues arising during the tenancy of such tenant. This supplemental application information is to be maintained by the housing provider and maintained as confidential information. Providing the information is basic to the operations of the HUD Assisted-Housing Program and is voluntary. It supports statutory requirements and program management controls that prevent fraud, waste and mismanagement. In accordance with the Paperwork Reduction Act, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number.

Privacy Statement: Public Law 102-550, authorizes the Department of Housing and Urban Development (HUD) to collect all the information (except the Social Security Number (SSN)) which will be used by HUD to protect disbursement data from fraudulent actions.

Form HUD-92066 (05/09)

PROCESSING APPLICATIONS & CONTENT

- Avoids placing ineligible people on the waiting list
- May use it to notify a potentially eligible family that they are on the list
- PHA will still need full application before family is selected to participate
- Process may save the PHA time by not dealing with obsolete verification and information

Sample in Forms Section

PROCESSING APPLICATIONS & CONTENT

- Full Application
 - Usually works well if waiting list is short
 - Best done in a private interview setting
 - PHAs may have the family complete and PHA Staff reviews while the family is still present



24 CFR 982.207/PIH NOTICE H 2013-21 PREFERENCES

Sample Preferences

PHA's are permitted to establish local preferences, and to give priority to serving families that meet those criteria.

Residency Preference
(Persons residing, working in
a specific geographic area)

Homeless
Preference

Veteran

Victims of violent
crime

Victims of
domestic
violence

Working
Preference:
families, elderly
and disabled

Persons with
disabilities

PHA SELECTION PREFERENCE

- If PHA adopts a local preference, PHA cannot deny the preference to a family just because they live in public housing, if they are eligible
- **Cannot apply an additional preference if they agree to participate in**
 - **FSS**
 - **Homeownership**
- If change the present system, PHA must give notice and comment period; revise Administrative Plan and obtain Board approval before implementation

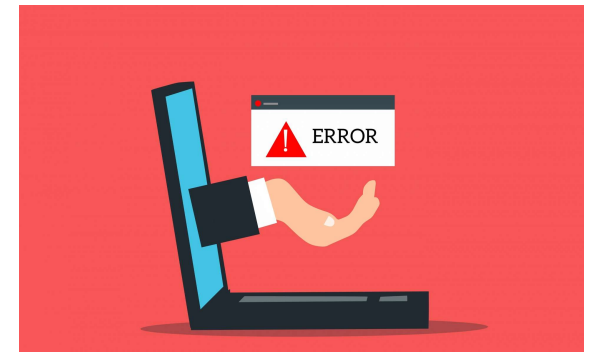
PHA SELECTION PREFERENCE

- **Preferences must be verified before admission**
 - If family cannot verify, they do not receive the preference and are repositioned on the waiting list accordingly



PHA SELECTION PREFERENCE

- More complex systems increase error rate
- PHA must review periodically to determine if it is achieving the desired results
- **More complex-more monitoring-more errors-less opportunity to achieve 98% accuracy requirement under SEMAP #1**
- Must leave a clear audit trail on the selection process



SELECTION FOR THE WAITING LIST

PHA should now be ready to:

Make final
eligibility
determination



Issue
voucher



Start the
leasing
process



SELECTION FOR THE WAITING LIST

- According to Administrative Plan
 - **Never select**
 - **in a different order for the purpose of selecting higher income families**
 - according to family size
 - May not skip family if PHA does not have the funds to pay HAP- must wait until funds are available and then continue the process
 - Admission cannot be based on where family lived before admission or where they will live under assistance
 - Exception for families living in PH, project-based, displaced, or residency preference

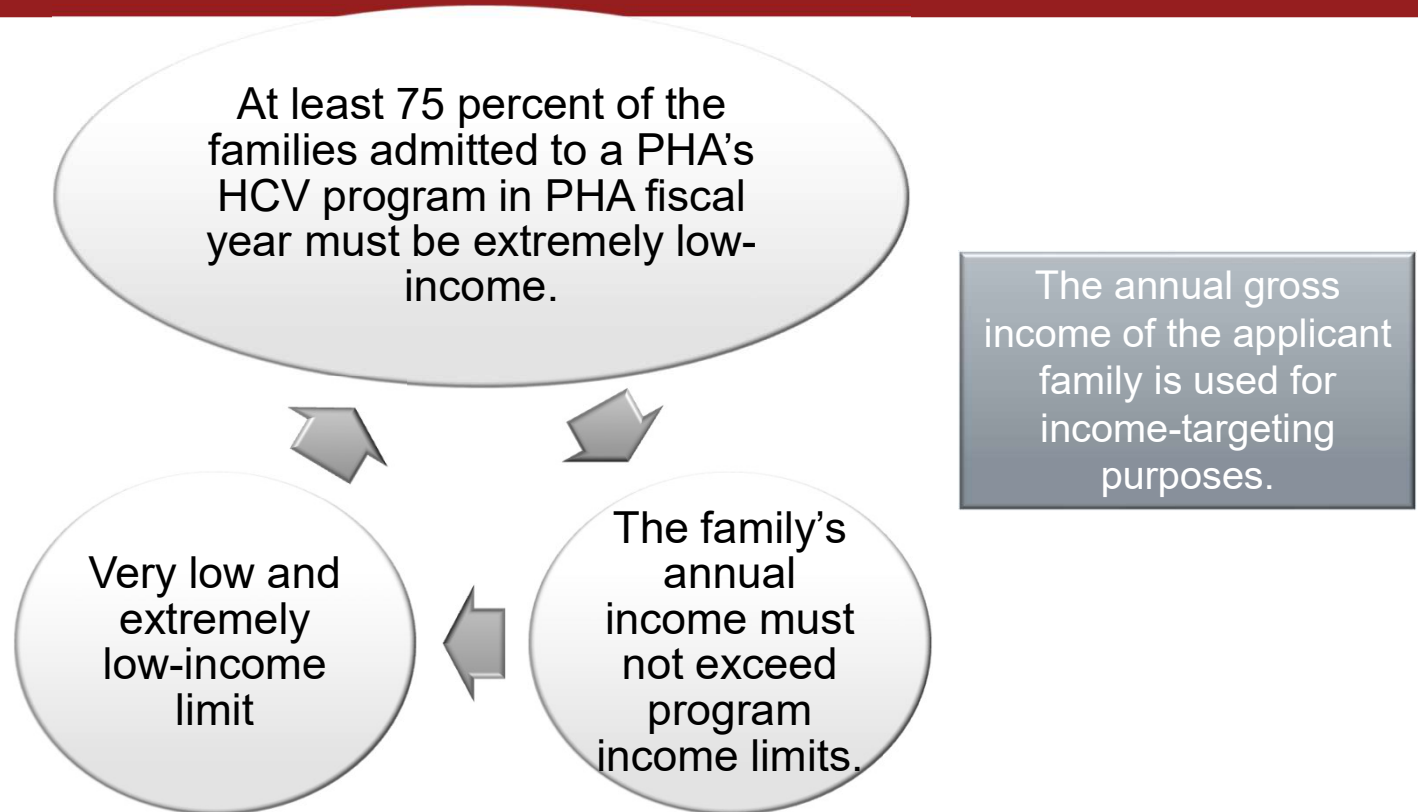
PHA SELECTION PREFERENCE

Admission restrictions can never be based on:

- Public assistance
- Unwed parents
- Child out of wedlock
- Children
- Age, race, religion, sex, national origin
- Self-sufficiency or homeownership requirement
- Person with a specific disability

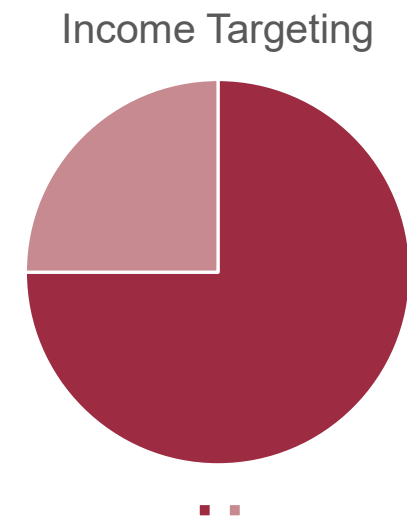


24 CFR 982.201 (B)&(C) INCOME LIMITS & TARGETING



24 CFR 982.201(B)(2) INCOME TARGETING

- PHA must ensure that 75% of new admissions are ELI families (Basic Targeting Requirement)
 - May adjust PH if manages both a PH and Section 8 Program and admits greater than 75% of ELI families into the Section 8 program
 - Must have a tracking system and keep records by fiscal year
 - Part of SEMAP



24 CFR 982.201 INCOME ELIGIBILITY

Extremely low-income (ELI) refers to families whose incomes meet the very low income threshold (50% of AMI) and do not exceed the higher of the federal poverty line or 30% AMI.

HUD publishes the ELI limits annually [Income Limits | HUD USER](#)

[2021 Poverty Guidelines | ASPE \(hhs.gov\)](#)

24 CFR 982.201 APPLYING INCOME LIMITS

What would be the Extremely Low-Income target limit for a family of 4 in Orange County?

HUD
HUD USER

FY 2021 INCOME LIMITS DOCUMENTATION SYSTEM

HUD.gov HUD User Home Data Sets Fair Market Rents Section 8 Income Limits MTSP Income Limits HUD LIHTC Database

FY 2021 Income Limits Summary

Selecting any of the buttons labeled "Click for More Detail" will display detailed calculation steps for each of the various parameters.

FY 2021 Income Limit Area	Median Family Income	FY 2021 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Santa Ana-Anaheim-Irvine, CA HUD Metro FMR Area	\$106,700	Very Low (50%) Income Limits (\$)	47,100	53,800	60,550	67,250	72,650	78,050	83,400	88,800
		Extremely Low Income Limits (\$)*	28,250	32,300	36,350	40,350	43,600	46,850	50,050	53,300
		Low (80%) Income Limits (\$)	75,300	86,050	97,550	107,550	116,200	124,800	133,400	142,000

NOTE: Orange County is part of the Santa Ana-Anaheim-Irvine, CA HUD Metro FMR Area, so all information presented here applies to all of the Santa Ana-Anaheim-Irvine, CA HUD Metro FMR Area. HUD generally uses the Office of Management and Budget (OMB) area definitions in the calculation of income limit program parameters. However, to ensure that program parameters do not vary significantly due to area definition changes, HUD has used custom geographic definitions for the Santa Ana-Anaheim-Irvine, CA HUD Metro FMR Area.

2021 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Persons in family/household	Poverty guideline
1	\$12,880
2	\$17,420
3	\$21,960
4	\$26,500
5	\$31,040
6	\$35,580
7	\$40,120
8	\$44,660

For families/households with more than 8 persons, add \$4,540 for each additional person.

VERIFICATION OF INCOME

Annual income must be verified within 60 days of the issuance of the voucher.

INCOME TARGETING - WAIVER

- To admit less ELI families
- PHA participating in WtW may request waiver from targeting requirement

HUD will review for the following:

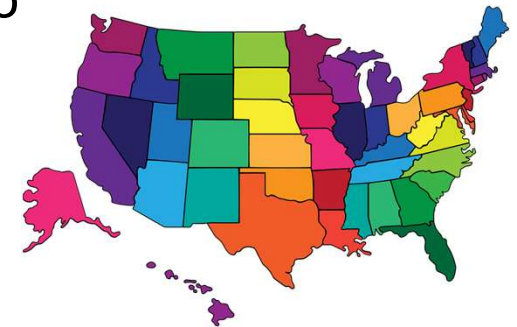
PHA has opened waiting list for families both inside and outside jurisdiction

PHA has notified public of open list and conducted outreach, including outreach to other PHAs

Despite all actions, if the PHA still cannot get an ELI group and admitting very low income families will address housing needs

INCOME TARGETING

- In multiple jurisdictions, PHAs can combine admissions to meet targeting requirement
 - Look at the aggregate # for admission to HCV
 - HUD will determine the fiscal year to use
- **Under portability, the initial PHA claims the family, unless the receiving PHA absorbs the port for first time on the program**



INCOME TARGETING

Monitoring

- Determine Annual Incomes of waiting list
- Estimate the # of new admissions
- Estimate the # of ELI families that PHA will need to admit
- Review admission and preference criteria to determine the sequence of admissions
- Monitor admissions to make sure 75% threshold is being met
- If not achieving, PHA may need to adjust preferences or strategy to increase the # of ELI families on the list

SPECIAL ADMISSIONS / NON-WAITING LIST ADMISSIONS

Special Program Funding

- PH demolition/redevelopment
- Federally assisted housing sales, foreclosures, demolition
- Mortgage insurance contract displacements
- Project-based opt-outs
- Non-purchasing family under HOPE I or HOPE II
- Veteran Assisted Supportive Housing (VASH)
- Family Unification Program (FUP)
- Some PHAs include RAD/PBV- program option

SPECIAL ADMISSIONS / NON-WAITING LIST ADMISSIONS

Special Program Funding Provisions

- PHAs must use the funds for these specific reasons
- Maintain separate records and does not require wait on the standard waiting list
- Not included when calculating SEMAP Indicator # 1

MAINTAINING FILES/DOCUMENTATION



3 years after date application is closed, withdrawn, or ineligible



For an admitted family- the duration of participation and 3 years thereafter



Files maintained for confidentiality

HUD 9886

Sources of Information To Be Obtained

- State Wage Information Collection Agencies (SWICA) (This consent is limited to wages and unemployment compensation received during period(s) within the last 5 years of receiving assisted housing benefits.)
- U.S. Social Security Administration (HUD only)
- U.S. Internal Revenue Service (HUD only)
- Information may also be obtained directly from:
 - (a) current and former employers concerning salary and wages and
 - (b) financial institutions concerning unearned income (i.e., interest and dividends).

MAINTAINING DOCUMENTATION

Files

Active files

Ineligible

Inactive

Organized to provide history

Chronologically

Accurately

Record of actions and changes

All required information

SEMAP INDICATOR #1: SELECTION FROM THE WAITING LIST

Measures:
Whether the PHA has

written policies in the
Administrative Plan for
selecting applicants
from the waiting list

followed these policies
when selecting
applicants for admission
from the waiting list

Section 8 Management Assessment Program (SEMAP) Certification

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0215
(exp. 02/29/2020)

Public reporting burden for this collection of information is estimated to average 12 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. This collection of information is required by 24 CFR sec 985.101 which requires a Public Housing Agency (PHA) administering a Section 8 tenant-based assistance program to submit an annual SEMAP Certification within 60 days after the end of its fiscal year. The information from the PHA concerns the performance of the PHA and provides assurance that there is no evidence of seriously deficient performance. HUD uses the information and other data to assess PHA management capabilities and deficiencies, and to assign an overall performance rating to the PHA. Responses are mandatory and the information collected does not lend itself to confidentiality.

Instructions Respond to this certification form using the PHA's actual data for the fiscal year just ended.

PHA Name	For PHA FY Ending (mm/dd/yyyy)	Submission Date (mm/dd/yyyy)
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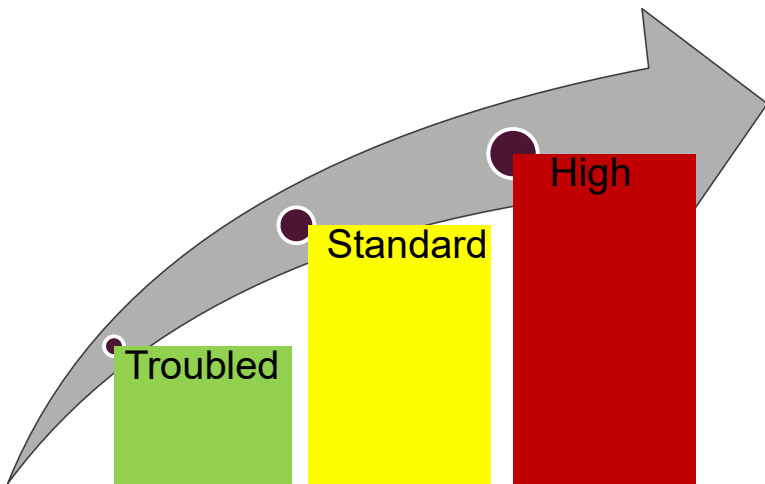
Check here if the PHA expends less than \$300,000 a year in Federal awards
Indicators 1 - 7 will not be rated if the PHA expends less than \$300,000 a year in Federal awards and its Section 8 programs are not audited for compliance with regulations by an independent auditor. A PHA that expends less than \$300,000 in Federal awards in a year must still complete the certification for these indicators.

Performance Indicators

- Selection from the Waiting List. (24 CFR 982.54(d)(1) and 982.204(a))
(a) The PHA has written policies in its administrative plan for selecting applicants from the waiting list.
PHA Response Yes No
(b) The PHA's quality control samples of applicants reaching the top of the waiting list and of admissions show that at least 98% of the families in the samples were selected from the waiting list for admission in accordance with the PHA's policies and met the selection criteria that determined their places on the waiting list and their order of selection.
PHA Response Yes No
- Reasonable Rent. (24 CFR 982.4, 982.54(d)(15), 982.158(f)(7) and 982.507)
(a) The PHA has implemented a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units (i) at the time of initial leasing, (ii) before any increase in the rent to owner, and (iii) at the HAP contract anniversary if there is a 5 percent decrease in the published FMR in effect 60 days before the HAP contract anniversary. The PHA's method takes into consideration the location, size, type, quality, and age of the program unit and of similar unassisted units, and any amenities, housing services, maintenance or utilities provided by the owners.
PHA Response Yes No
(b) The PHA's quality control sample of tenant files for which a determination of reasonable rent was required shows that the PHA followed its written method to determine reasonable rent and documented its determination that the rent to owner is reasonable as required for (check one):
PHA Response At least 98% of units sampled 80 to 97% of units sampled Less than 80% of units sampled
- Determination of Adjusted Income. (24 CFR part 5, subpart F and 24 CFR 982.516)
The PHA's quality control sample of tenant files shows that at the time of admission and reexamination, the PHA properly obtained third party verification of adjusted income or documented why third party verification was not available, used the verified information in determining adjusted income, properly attributed allowances for expenses, and, where the family is responsible for utilities under the lease, the PHA used the appropriate utility allowances for the unit leased in determining the gross rent for (check one):
PHA Response At least 90% of files sampled 80 to 89% of files sampled Less than 80% of files sampled
- Utility Allowance Schedule. (24 CFR 982.517)
The PHA maintains an up-to-date utility allowance schedule. The PHA reviewed utility rate data that it obtained within the last 12 months, and adjusted its utility allowance schedule if there has been a change of 10% or more in a utility rate since the last time the utility allowance schedule was revised.
PHA Response Yes No
- HQS Quality Control Inspections. (24 CFR 982.405(b))
A PHA supervisor (or other qualified person) reinspected a sample of units during the PHA fiscal year, which met the minimum sample size required by HUD (see 24 CFR 985.2), for quality control of HQS inspections. The PHA supervisor's reinspected sample was drawn from recently completed HQS inspections and represents a cross section of neighborhoods and the work of a cross section of inspectors.
PHA Response Yes No
- HQS Enforcement. (24 CFR 982.404)
The PHA's quality control sample of case files with failed HQS inspections shows that, for all cases sampled, any cited life-threatening HQS deficiencies were corrected within 24 hours from the inspection and, all other cited HQS deficiencies were corrected within no more than 30 calendar days from the inspection or any PHA-approved extension, or HQS deficiencies were not corrected within the required time frame, the PHA stopped housing assistance payments beginning no later than the first of the month following the correction period, or took prompt and vigorous action to enforce the family obligations for (check one):
PHA Response At least 98% of cases sampled Less than 98% of cases sampled

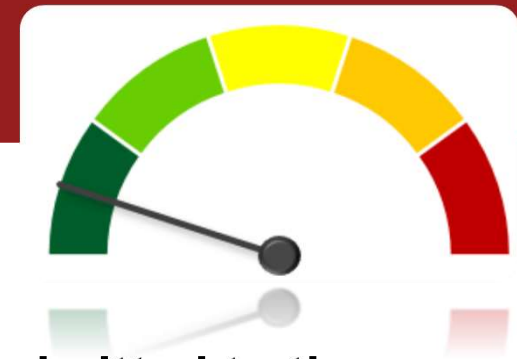
Previous edition is obsolete Page 1 of 4 form HUD-52648 (11/2015) ref. 24 CFR Part 985

SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM (SEMAP)



- Measures the performance of the PHAs HCV program in 14 key areas.
- Helps HUD target monitoring and assistance to PHA programs that need the most improvement.
- HUD will annually assign each PHA a rating on each of the 14 indicators and an overall performance rating of high, standard, or troubled.

SEMAP INDICATOR #1: SELECTION FROM THE WAITING LIST



■ 15 points

- Audit must state that PHA has the policies, and
- **98% of the families tested in the sample were admitted to the program and positioned on the waiting list according to the policies**
- Tracking is critical
- PHA certifies with the SEMAP submission
- PHAs must maintain information
 - Subject to auditor review
 - Subject to HUD confirmatory review

WORKBOOK EXERCISE #1

EXERCISE – DEVELOPING AN IN-TAKE, MARKETING,
MANAGEMENT, AND PURGING STRATEGY FOR ADMISSIONS –
BREAKOUT ROOMS



EXERCISE - DEVELOPING AN IN-TAKE, MARKETING, MANAGEMENT AND PURGING STRATEGY FOR ADMISSIONS

With your group, develop a plan for your PHA:

- intake
- marketing
- management, and
- purging strategy

The plan must consider the best use of PHA resources, comply with federal requirements, meet the needs of the community, increase utilization, revise processing issues, and address any preferences, court orders and other issues in addition to the strategy, provide the steps your group would take in the implementation.



HAPPY HOMES TRI-COUNTY HOUSING AUTHORITY

- Rural housing agency
- Multi-county
- High performer
- \$20,000 marketing budget
- Opening waiting list for first time in 4 years
- 600 units in program
- Court order to expand # of minorities in program
- Date and time preference
- Last purged- 8 years ago
- 300 on waiting list
- 250 turns per year (vouchers reissued due to turnover)
- 92% utilization rate
- Last Administrative Plan Update- 2020
- Current application pool, 92% elderly, 30% minority, 92% ELI families
- PHA offices are 504 accessibility compliant



WIERPERFECT CITY HOUSING AUTHORITY

- Large urban center agency
- Single jurisdiction
- Standard performer
- \$80,000 marketing budget
- Opening waiting list for first time in 10 years
- 15,000 units in program
- Court order to expand opportunity for disabled
- Preference for homeless, working and local
- Last purged- 2 years ago
- 800 on waiting list
- 2,500 turns per year (vouchers reissued due to turnover)
- 98% utilization rate
- Last Administrative Plan update- 2021
- Current application pool, 22% elderly, 92% minority, 65% Eli families
- PHA offices are not 504 accessibility compliant



BITHEBOOK CITY HOUSING AUTHORITY

- Small city agency
- Single jurisdiction but overlaps with county agency
- Troubled Agency
- \$100,000 marketing budget
- Maintains open waiting list
- 300 units in program
- Fair Housing finding on familial status discrimination
- No preference
- Last purged- 10 years ago
- 800 on wait list
- 60 turns per year (vouchers reissued due to turnover)
- 80% utilization rate
- Last Administrative Plan update- 2022
- Current application pool, 35% elderly, 62% minority, 100% ELI families
- PHA offices are 504 accessibility compliant



LOOSE-GOOSE METROPOLITAN HOUSING AUTHORITY

- Large metropolitan agency
- Single jurisdiction
- Standard Performer
- \$30,000 marketing budget
- Opening waiting list every two years
- 5,000 units in program
- No findings
- Still using old federal preference
- Last purged- 4 years ago
- 3,000 on wait list
- 600 turns per year (vouchers reissued due to turnover)
- 91% utilization rate
- Last Administrative Plan update- 2019
- Current application pool, 55% elderly, 15% minority, 75% ELI families
- PHA offices are not 504 accessibility compliant

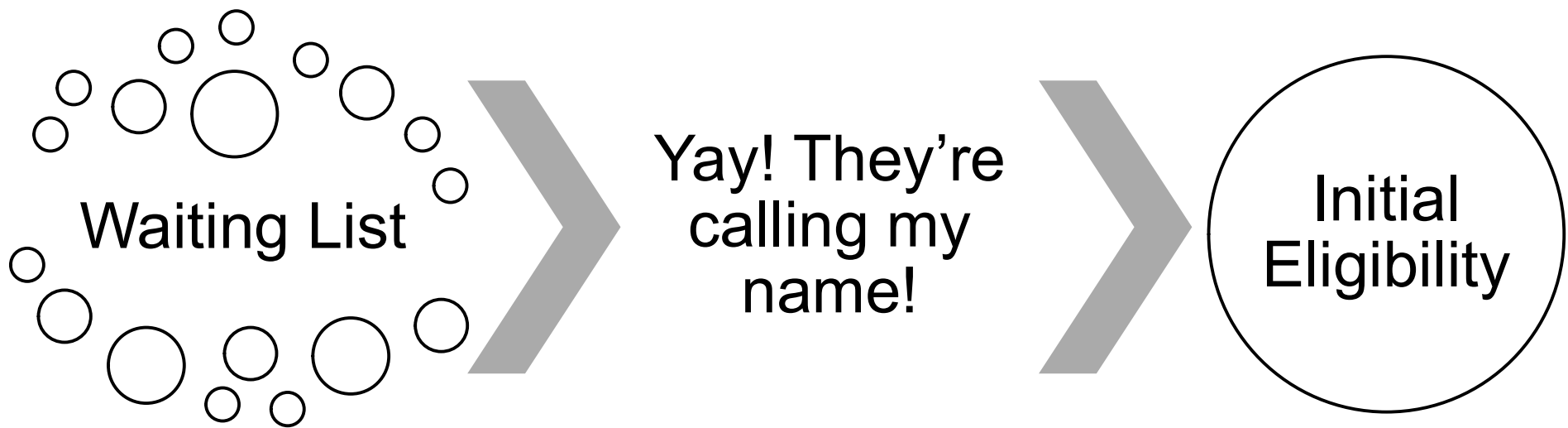


MODULE 2

ELIGIBILITY & DENIAL OF ASSISTANCE



WHERE DOES INITIAL ELIGIBILITY COME IN?



ELIGIBILITY FOR HCV



Determining Eligibility



- Must follow requirements for admission
- PHA strives for objectivity and consistency
- Must provide applicant opportunity to explain situations and furnish additional information
- PHA must explain reasons for its decisions

ELIGIBILITY FOR HCV

- PHAs may use pre-applications or a full application
- **Information must be verified prior to a voucher offer**
- Adults must be screened for criminal history
- Process should be “applicant friendly”
- Must conform to regulations and fair housing

ELIGIBILITY REQUIREMENTS

Factors that affect eligibility

- **Definition of a family**
- **Income limits**
- **Citizenship status**
- **Social Security information**
- **Criminal activity**
- **Student Ineligibility**

Information should be
contained in
Administrative Plan

STUDENT INELIGIBILITY REQUIREMENT (STUDENT RULE)



No assistance shall be provided **under Section 8** to any individual who is enrolled as a student at an institution of higher education and

Student Rule Checklist:

- is under 24 years of age
- is not a veteran of the U.S. military
- is unmarried
- does not have a dependent child
- is not a person with disabilities
- and is not otherwise individually eligible,
- or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance.

VETERAN ASSISTED SUPPORTIVE HOUSING (VASH)



VASH

VA will first determine eligibility of participant

PHA will then screen for income and lifetime sex-offender status

Over-income families

- Family must meet income limits at time of admission
- After admission income limits do not apply

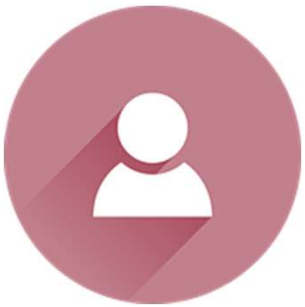
FAMILY DEFINITION 24 CFR 5.403

- Each applicant **must** meet the definition
- Guidelines provided by HUD
- PHA has discretion but must include HUD as a minimum



FAMILY DEFINITION (24 CFR 5.403)

- *Family* includes, but is not limited to, regardless of marital status, actual or perceived sexual orientation, or gender identity, the following:



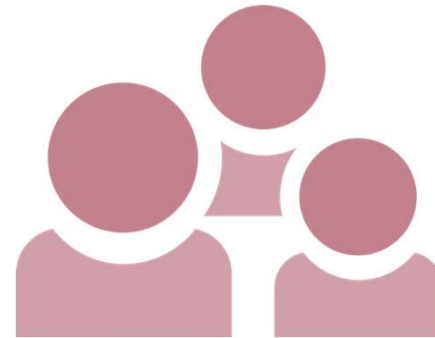
- 1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or

Note: Fair Housing Provisions on LGBT (LGTBQIA) is embedded into the definition of a family.

- The term “gender identity” means actual or perceived gender-related characteristics.
- The term “sexual orientation” means homosexuality, heterosexuality or bisexuality.

FAMILY DEFINITION

- 2) A group of persons residing together, and such group includes, but is not limited to:
- a) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);
 - b) An elderly family;
 - c) A near-elderly family;
 - d) A disabled family;
 - e) A displaced family; and
 - f) The remaining member of a tenant family.



FAMILY DEFINITION

- **Elderly Family:**
 - Head, co-head, spouse or sole member is at least 62 years of age; or
 - Two or more persons, each of whom is 62; or
 - One or more persons at least 62, living with one or more live-in aides
- **An elderly family by definition is not just a family with an elderly member**

FAMILY DEFINITION

- **Near Elderly Family:**

- Family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or
- Two or more persons at least 50.....who are living together; or
- One or more persons at least 50..... living with one or more live-in aides.

(Used more often in public housing)

FAMILY DEFINITION



■ Disabled Family

- Head, co-head, spouse or sole member is disabled; or
- Two or more persons with disabilities living together; or
- One or more with disabilities with one or more live-in aides
- A disabled family by definition is not just a family with a disabled member

FAMILY DEFINITION

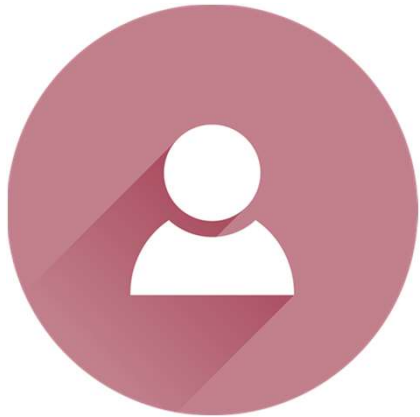


FEMA

- **Displaced Family**

- Each member or a sole member, is a person displaced by government action, or whose dwelling has been damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws

FAMILY DEFINITION



- **Remaining Member**

- Family member of an assisted family who remains when other members of the family have left the unit

- **Single Person**

- Is not elderly, disabled, displaced, or the remaining member of a tenant family

FAMILY DEFINITION

- PHA can further define family but must include the HUD requirements
- Some PHAs still use legal status or blood related, however some PHAs have had difficulty defending the position in the courts
- Some PHAs specifically include emancipated minors
- Verification of a “family” is required

POLL

A single disabled tenant living together with a live-in aide is a family or household?

- A. Family
- B. Household



INCOME LIMITS-NEW ADMISSION

- PH is a needs-test program
 - Two incomes used for eligibility and one for ensuring targeting requirements
 - Annual Income must be below “Very Low Income” limit for general initial program eligibility
- May have special criteria for Low-Income
- HUD establishes the income limit for PHA area
- Published in FR and www.huduser.com

INCOME LIMITS

3 income tiers (two determine eligibility)

- Extremely low-income (ELI): 30% of median income or the poverty rate for the area
 - **Targeting**
- Very low-income (VLI): 50% of median income
 - **Eligibility**
- Low-income (LI): 80% of median income
 - **Eligibility**

PHAs can adopt local policies permitting the admission of low-income families to address special issues and targeting

INCOME LIMIT- WHEN LOW-INCOME (80%) IS USED

Low-Income (80% of median) are eligible if:

- Ineligible student (student rule) provisions for HCV on using income of parent(s) to determine admission eligibility
- Continuously assisted under the PH or HCV program
 - **Relocations coming over from PH to HCV**
- Non-purchasing families in HOPE 1, HOPE 2, or other HUD-assisted homeownership programs

INCOME LIMIT- WHEN LOW-INCOME (80%) IS USED

- Low-Income (80% of median) are eligible if:
 - **Displaced as a result of prepayment or voluntary termination of a mortgage insurance contract (op outs)**
 - PHA has a policy to address other local issues
 - Attempt to reduce total subsidy cost (i.e.. Allowing two qualified sisters to live together in a 2-BR rather than assisting them individually in (2) 1-BR units
 - RAD Conversion - no income limit for converting PH tenants to HCV Participants
 - But may establish 80% for future admissions if included in Admin Plan

TARGETING REQUIREMENTS

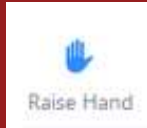


- Targeting Income
(30% of median income or poverty level for the area)
 - PHA must ensure that 75% of new admissions are ELI families (Basic Targeting Requirement)
 - May adjust PH if PHA manages both a PH and Section 8 Program and admits greater than 75% of ELI families into the Section 8 program
 - Must have a tracking system and keep records by fiscal year

“GENERAL PROGRAM INCOME LIMITS”

- **Applicant’s Annual Income** is compared to the **Very-Low Income** limit on new admissions
- Issue vouchers based on the highest income limit in the PHA’s jurisdiction, but use the area income limit for the jurisdiction that the family initially leases-in to determine eligibility for the first lease
- Records maintained to ensure compliance
- There is **no income limit for continued occupancy**, but assistance will stop for higher income families based on the calculation of HAP, if HAP goes to \$0.

RAISE YOUR HAND



- What are the two tiers of income used in the eligibility of admissions process?

CITIZENSHIP STATUS

- Federal Housing Assistance is limited to U.S. citizens and applicants who have eligible immigration status
- Eligible immigration
 - Verified through the Immigration and Naturalization Service (INS)
 - Homeland Security



CITIZENSHIP STATUS

DECLARATION OF SECTION 214 STATUS

Notice to applicants and tenants: In order to be eligible to receive the housing assistance sought, each applicant for or recipient of housing assistance must be lawfully within the United States. Please read the Declaration statement carefully and sign and return to the Housing Authority's Admissions Office. Please feel free to consult with an immigration lawyer or other immigration expert of your choosing.

I, _____, certify, under penalty of perjury, that to the best of my knowledge, I am lawfully within the United States because:

I am a citizen by birth, naturalized citizen or national of the United States.

OR:
 I have eligible immigration status and I am 62 years of age or older (attach proof of age).

OR:
 I have eligible immigration status as checked below (see reverse side of this form for explanations). Attach INS document(s) evidencing eligible immigration status and signed verification consent form.

Immigrant status under #1001(a)(15) or 101(a)(20) of the INA

OR:
 Permanent residence under #249 of INA

OR:
 Refugee, asylum or conditional entry status under #207, 208 or 203 of the INA

OR:
 Parole status under #212(d)(f) of the INA

OR:
 Threat to life of freedom under #243(h) of the INA

OR:
 Amnesty under #254 of the INA

Signature of Family Member _____ Date _____

Check box if signature of adult residing in the unit is responsible for a child named on statement above.

HA: Enter INS/SAVE Primary Verification # _____ Date _____

Warning: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious or fraudulent statement or entry, in any manner within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

[See reverse side for footnotes and instructions]


- Every Applicant must sign certification (214) for every household member claiming status as:
 - U.S. Citizenship; or
 - Eligible Immigrant; or
 - Choose not to claim eligible status and acknowledge ineligibility

CITIZENSHIP STATUS



- Declaration of Citizenship (Form 214)
 - A declaration signed by household is required (or in case of child, signature of parent)
 - PHAs may have policies in Administrative Plan requiring verification
 - Birth Certificates
 - Passports
 - Naturalization Papers, etc.
 - Once verified, the PHA does not need to re-verify citizenship every year
 - Should re-verify expired documents

CITIZENSHIP STATUS

- Non-citizens must provide
 - Signed declaration of citizen status
 - One of the INS documents specified in the rule
 - Listed on HUD 214 
 - Signed verification consent form describing transmission and use of information

Immigrant status under 101(a)(15) or 101(a)(20) of INA: A noncitizen lawfully admitted for permanent residence, as defined by 101(a)(20) of the Immigration and Nationality Act (INA), as an immigrant, as defined by 101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 1101(a)(15), respectively [immigrant status]. This category includes a noncitizen admitted under 210 or 210A of the INA (8 U.S.C. 1160 or 1161), [special agricultural worker status] who has been granted lawful temporary resident status.

Permanent residence under 249 of INA: A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and has continuously maintained residence in the U.S. since then, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under 249 of the INA (8 U.S.C. 1259) [amnesty granted under INA 249].

Refugee, asylum or conditional entry status under 207, 208 or 203 of INA: A noncitizen who is lawfully present in the U.S. pursuant to an admission under 207 of the INA (8 U.S.C. 1157) [refugee status]; pursuant to the granting of asylum (which has not been terminated under 208 of the INA (8 U.S.C. 1158) [asylum status]; or as a result of being granted conditional entry under 203(a)(7) of the INA (U.S.C. 1153(a)(7) before April 1, 1980, because of persecution or fear of persecution on account of race, religion or political opinion or because of being uprooted by catastrophic national calamity [conditional entry status].

Parole status under 212(d)(5) of INA: A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under 212(d)(5) of the INA (8 U.S.C. 1182(d)(5) [parole status].

Threat to life or freedom under 245(a) of INA: A noncitizen who is lawfully present in the U.S. as a result of the Attorney General's withholding deportation under 243(h) of the INA (8 U.S.C. 1253(h)) [threat to life or freedom].

Amnesty under 245(a) of the INA: A noncitizen lawfully admitted for temporary or permanent residence under 245(a) of the INA (8 U.S.C. 1255(a)) [amnesty granted under INA 245(a)].

CITIZENSHIP STATUS

Eligible:

- Families with all member citizens or eligible immigration status (full assistance)
- Mixed families (prorated assistance)

Not Eligible

- Non-citizen students
- Illegal aliens

CITIZENSHIP STATUS

■ Mixed Families

- Families that include both citizens or eligible immigration status, with members who do not have eligible immigration status
- Family is eligible for “prorated assistance” based on the # of eligible members in the household
- **Ratio- Number of eligible members divided by the total number of members in the family**
- More information is in the calculation section

Head of household name		Social Security Number		Date modified (mm/dd/yyyy)	
3. Household					
3a. Head of Household Member number 01	3b. Last name & Sr., Jr. etc. 3g. Sex 3h. Relation 3i. Citizenship 3n. Social Security Number	3c. First name 3j. Disability (Y or N) 3p. Alien Registration Number A-	3d. MI 3k. Race <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5.	3e. Date of birth 3q. Meeting community service or self-sufficiency requirement? (PH only)	3f. Age on effective date of action 3m. Ethnicity
3a. Member number 02	3b. Last name & Sr., Jr. etc. 3g. Sex 3h. Relation 3i. Citizenship 3n. Social Security Number	3c. First name 3j. Disability (Y or N) 3p. Alien Registration Number A-	3d. MI 3k. Race <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5.	3e. Date of birth 3q. Meeting community service or self-sufficiency requirement? (PH only)	3f. Age on effective date of action 3m. Ethnicity
3a. Member number 03	3b. Last name & Sr., Jr. etc. 3g. Sex 3h. Relation 3i. Citizenship 3n. Social Security Number	3c. First name 3j. Disability (Y or N) 3p. Alien Registration Number A-	3d. MI 3k. Race <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5.	3e. Date of birth 3q. Meeting community service or self-sufficiency requirement? (PH only)	3f. Age on effective date of action 3m. Ethnicity
3a. Member number 04	3b. Last name & Sr., Jr. etc. 3g. Sex 3h. Relation 3i. Citizenship 3n. Social Security Number	3c. First name 3j. Disability (Y or N) 3p. Alien Registration Number A-	3d. MI 3k. Race <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5.	3e. Date of birth 3q. Meeting community service or self-sufficiency requirement? (PH only)	3f. Age on effective date of action 3m. Ethnicity
3a. Member number 05	3b. Last name & Sr., Jr. etc. 3g. Sex 3h. Relation 3i. Citizenship 3n. Social Security Number	3c. First name 3j. Disability (Y or N) 3p. Alien Registration Number A-	3d. MI 3k. Race <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5.	3e. Date of birth 3q. Meeting community service or self-sufficiency requirement? (PH only)	3f. Age on effective date of action 3m. Ethnicity
3a. Member number 06	3b. Last name & Sr., Jr. etc. 3g. Sex 3h. Relation 3i. Citizenship 3n. Social Security Number	3c. First name 3j. Disability (Y or N) 3p. Alien Registration Number A-	3d. MI 3k. Race <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5.	3e. Date of birth 3q. Meeting community service or self-sufficiency requirement? (PH only)	3f. Age on effective date of action 3m. Ethnicity
3a. Member number 07	3b. Last name & Sr., Jr. etc. 3g. Sex 3h. Relation 3i. Citizenship 3n. Social Security Number	3c. First name 3j. Disability (Y or N) 3p. Alien Registration Number A-	3d. MI 3k. Race <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5.	3e. Date of birth 3q. Meeting community service or self-sufficiency requirement? (PH only)	3f. Age on effective date of action 3m. Ethnicity
3t. Total number in household				3t.	
3u. Family subsidy status under Noncitizens Rule				3u.	
3v. Eligibility effective date (mm/dd/yyyy) if qualified for continuation of full assistance (3u=C)				3v.	
3w. If new head of household, former head of household's SSN				3w.	
3h. Relation codes: H = head S = spouse K = co-head F = foster child/foster Adult Y = other youth under 18 E = full-time student 18+ L = live-in aide A = other adult 3i. Citizenship codes: EC = eligible citizen EN = eligible noncitizen IN = ineligible noncitizen PV = pending verification		3k. Race codes: 1 = White 2 = Black/African American 3 = American Indian/Alaska Native 4 = Asian 5 = Native Hawaiian/Other Pacific Islander 3m. Ethnicity codes: 1 = Hispanic or Latino 2 = not Hispanic or Latino		3q. Community service or self-sufficiency codes: 1 = yes 2 = no 3 = pending 4 = exempt 5 = n/a 3r. Family subsidy status codes: C = qualified for continuation of full assistance E = eligible for full assistance F = eligible for full assistance pending verification of status P = prorated assistance	

CITIZENSHIP STATUS

- PHA may not delay assistance if:
 - At least one person has submitted appropriate documentation
 - INS has a problem in returning information timely
 - Assistance is prorated
 - Deferral of termination of assistance is granted
 - Informal hearing process is not complete
 - Member in question moves or withdraws from the application or program

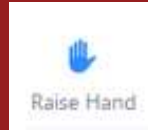
CITIZENSHIP STATUS

- PHA must terminate assistance for at least 24 months if family knowingly permitted ineligible person to live in assisted housing without informing PHA
- PHA may terminate for
 - Not submitting information by deadline
 - INS has not supplied info and no appeal in place
 - Decision by INS is the family is ineligible

CITIZENSHIP STATUS

- PHA must still prorate assistance if a family has at least one eligible member in the household
- Fair Housing Requirements
 - Prohibits discrimination on the basis of protected class

RAISE YOUR HAND



Q: Can an assisted family have a member of the household without legal immigration status?

Q: What is the family called?

Q: How is the assistance provided?



APPLICANTS WITH DISABILITIES REASONABLE ACCOMMODATION

APPLICANTS WITH DISABILITIES



- Illegal to reject an applicant because of disability or for reasons that could be overcome by reasonable accommodation
- If even with reasonable accommodation, if the applicant cannot meet essential requirements- may deem ineligible
 - Past behavior
 - Inability to comply

PHA 3 STEP APPROACH

Eligibility Review

Ask all applicants about any member with disability and qualifiers for deductions, preferences, etc.



Applying the Applicant Selection Criteria

Applicant has demonstrated compliance or non-compliance



Mitigating Circumstances and Reasonable Accommodation

MITIGATING CIRCUMSTANCES & REASONABLE ACCOMMODATION

- If family is Ineligible (does not meet applicant screening criteria)
 - Potential considerations for accommodation
 - May have additional interview
 - Determine if mitigation circumstances applicable
 - Evidence of mitigating circumstances
 - PHA has the right to request additional information
 - If applicant refuses to supply, then PHA can move forward with final determination

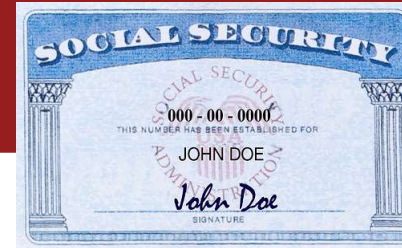
MITIGATING CIRCUMSTANCES & REASONABLE ACCOMMODATION

- If presented information
 - PHA must consider reasonable accommodation
 - Policy or procedure
 - Physical accommodation
 - Live-in Aide
 - Etc.
 - **Accommodation must be reasonable**
 - **Not create an undue financial or administrative burden to PHA**
 - **Not create a fundamental alteration to the program**
 - If resources are not available in the community- PHA can determine ineligible



SOCIAL SECURITY INFORMATION

SOCIAL SECURITY INFORMATION



- Disclosure of Social Security numbers and signatures on HUD's release authorization form are minimum program requirements
- Applicants and participants must disclose SS# of all family members declaring eligibility
 - **Must also have SSN on live-in aides and foster children (if they have a SSN)- PIH Notice 2012-10**
 - **New regulation provides for extension for verification for child under 6 added to the application in six months prior to admission**

SOCIAL SECURITY INFORMATION

- Parent or guardian must provide certification for a minor
- Persons without SS# must execute a statement that no SS# has been assigned
 - **Only time this is acceptable is the member is not declaring eligibility for the program**
 - **Look to the HUD 214**

SOCIAL SECURITY INFORMATION

- Types of acceptable verification
 - Copy of the original SS card
 - Identification information from federal, state, or local governmental agency
- If not the original SS# card, then family must certify that document is complete and accurate



VERIFICATION OF SSN AT ADMISSION EXCEPTION - REQUIRED

For Public Housing, Housing Choice Voucher and Multifamily Housing

- An applicant may remain on the waiting list but cannot become a participant until they provide the documentation to verify the SSN of each member of the household.

SSN FOR ADMISSIONS- EXCEPTION RULE

Children
under 6



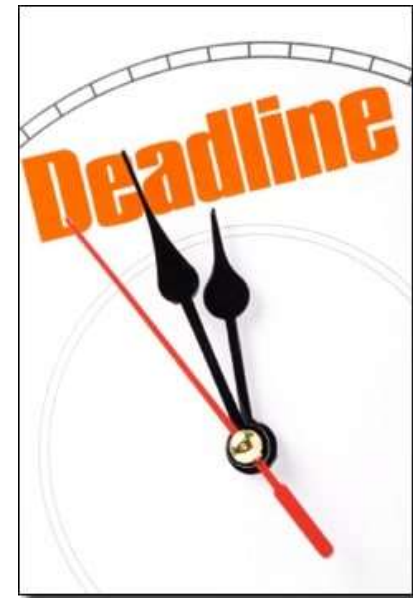
If added in the 6-month period before the household's admission date/ HCV voucher issuance, Applicant may become a participant



Documentation required must be provided to the PHA within 90 calendar days from the date of admission into the program or the HCV Contract.

SSN AT ADMISSION- EXCEPTION RULE

- PHA must grant an extension of one additional 90-day period if the PHA determines that, applicant's failure to comply was due to unforeseen circumstances outside the control of the applicant.
- If the applicant family fails to produce the documentation required within the required time period, the PHA must follow the provisions of the regulations- which includes termination of the assistance



BEST PRACTICE

PHAs should obtain a Social Security Number verification and Birth Certificate for each family member as soon as possible.

- Including when the family has added any new member to the household.
- Files missing proper verification may result in a finding during a review.
- PHAs should be proactive and maintain current information in the files and keep them organized.

AUTHORIZATION FOR RELEASE OF INFORMATION

- Form 9886
- All adults and participants 18 years and older sign an Authorization to Release Information Form- allows computer matching
- PHAs cannot use the Form 9887 as a substitute
- Form valid for 15 months
- Inform the individual what information it allows PHA to collect

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB CONTROL NUMBER: 2501-0014
REV: 07/2003

Authorization for the Release of Information/ Privacy Act Notice
to the U.S. Department of Housing and Urban Development (HUD) and the Housing Agency/Authority (HA)

PHAs requesting release of information: (Cross out space if none) (Full address, name of contact person, and date)

HA requesting release of information: (Cross out space if none) (Full address, name of contact person, and date)

Authority: Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by Section 903 of the Housing and Community Development Act of 1992 and Section 3003 of the Omnibus Budget Reconciliation Act of 1993. This law is found at 42 U.S.C. 3544.

This law requires that you sign a consent form authorizing: (1) HUD and the Housing Agency/Authority (HA) to request verification of salary and wages from current or previous employers; (2) HUD and the HA to request wage and unemployment compensation claim information from the state agency responsible for keeping that information; (3) HUD to request certain tax return information from the U.S. Social Security Administration and the U.S. Internal Revenue Service. The law also requires independent verification of income information. Therefore, HUD or the HA may request information from financial institutions to verify your eligibility and level of benefits.

Purpose: In signing this consent form, you are authorizing HUD and the above-named HA to request income information from the sources listed on the form. HUD and the HA need this information to verify your household's income, in order to ensure that you are eligible for assisted housing benefits and that these benefits are set at the correct level. HUD and the HA may participate in computer matching programs with these sources in order to verify your eligibility and level of benefits.

Uses of Information to be Obtained: HUD is required to protect the income information it obtains in accordance with the Privacy Act of 1974, 5 U.S.C. 552a. HUD may disclose information (other than tax return information) for certain routine uses, such as to other government agencies for law enforcement purposes, to Federal agencies for employment suitability purposes and to HAs for the purpose of determining housing assistance. The HA is also required to protect the income information it obtains in accordance with any applicable State privacy law. HUD and HA employees may be subject to penalties for unauthorized disclosures or improper uses of the income information that is obtained based on the consent form. **Private owners may not request or receive information authorized by this form.**

Who Must Sign the Consent Form: Each member of your household who is 18 years of age or older must sign the consent form. Additional signatures must be obtained from new adult members joining the household or whenever members of the household become 18 years of age.

Original is retained by the requesting organization. ref. Handbook

Persons who apply for or receive assistance under the following

Consent: I consent to allow HUD or the HA to request and obtain income information from the sources listed on this form for the purpose of verifying my eligibility and level of benefits under HUD's assisted housing programs. I understand that HAs that receive income information under this consent form cannot use it to deny, reduce or terminate assistance without first independently verifying what the amount was, whether I actually had access to the funds and when the funds were received. In addition, I must be given an opportunity to contest those determinations.

This consent form expires 15 months after signed.

Signatures:

Head of Household _____ Date _____	
Social Security Number (if any) of Head of Household _____	Other Family Member over age 18 _____ Date _____
Spouse _____ Date _____	Other Family Member over age 18 _____ Date _____
Other Family Member over age 18 _____ Date _____	Other Family Member over age 18 _____ Date _____
Other Family Member over age 18 _____ Date _____	Other Family Member over age 18 _____ Date _____

Privacy Act Notice. Authority: The Department of Housing and Urban Development (HUD) is authorized to collect this information by the U.S. Housing Act of 1937 (42 U.S.C. 1487 et. seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000a), and by the Fair Housing Act (42 U.S.C. 3601-19). The Housing and Community Development Act of 1987 (42 U.S.C. 3543) requires applicants and participants to submit the Social Security Number of each household member who is six years old or older. Purpose: Your income and other information are being collected by HUD to determine your eligibility, the appropriate bedroom size, and the amount your family will pay toward rent and utilities. Other Uses: HUD uses your family income and other information to assist in managing and monitoring HUD-assisted housing programs, to protect the Government's financial interest, and to verify the accuracy of the information you provide. This information may be released to appropriate Federal, State, and local agencies, when relevant, and to civil, criminal, or regulatory investigators and prosecutors. However, the information will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Penalty: You must provide all of the information requested by the HA, including all Social Security Numbers you, and all other household members age six years and older, have and use. Giving the Social Security Numbers of all household members six years of age and older is mandatory, and not providing the Social Security Numbers will affect your eligibility. Failure to provide any of the requested information may result in a delay or rejection of your eligibility approval.

Penalties for Misusing this Consent:
HUD, the HA and any owner (or any employee of HUD, the HA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form.

Use of the information collected based on the form HUD 9886 is restricted to the purposes cited on the form HUD 9886. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000.

Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the HA or the owner responsible for the unauthorized disclosure or improper use.

Original is retained by the requesting organization. ref. Handbooks 7420.7, 7420.8, & 7465.1 sm HUD-9886 (07/04)

HUD 9886

Sources of Information To Be Obtained

- State Wage Information Collection Agencies (SWICA) (This consent is limited to wages and unemployment compensation I have received during period(s) within the last 5 years when I have received assisted housing benefits.)
- U.S. Social Security Administration (HUD only)
- U.S. Internal Revenue Service (HUD only)
- Information may also be obtained directly from:
 - (a) current and former employers concerning salary and wages and
 - (b) financial institutions concerning unearned income (i.e., interest and dividends).

HUD-9886

- Additional independent verification information requirement other than EIV
- PHA's should have a secondary release of information to collect additional information.
- See consent form statement

POLL



- The HUD Form 9886 is valid for:
 - a) 12 months
 - b) 15 months
 - c) 18 months

STUDENT INELIGIBILITY REQUIREMENT (STUDENT RULE)



No assistance shall be provided **under Section 8** to any individual who is enrolled as a student at an institution of higher education and

Student Rule Checklist:

- is under 24 years of age
- is not a veteran of the U.S. military
- is unmarried
- does not have a dependent child
- is not a person with disabilities
- and is not otherwise individually eligible,
- or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance.

STUDENT RULE: DO THEY QUALIFY?

- College Student
 - Veteran
 - 22 years old
 - Single
 - No dependents
 - Not Disabled
 - Lives in apartment by campus, but parents not living with the student are over-income
- Are they eligible?

Student Rule Checklist:

under 24 years of age
not a veteran of the U.S. military
unmarried
does not have a dependent child
is not a person with disabilities and is
not otherwise individually eligible,
or has parents who, individually or
jointly, are not eligible on the basis of
income to receive assistance.

STUDENT RULE: DO THEY QUALIFY?

- Community College
 - 21 years old
 - Non-veteran
 - Unmarried
 - 1 dependent child
 - Not Disabled
 - Student is income eligible, but one of the parents not living with the student family is over-income for Section 8
- Are they eligible?

Student Rule Checklist:

under 24 years of age
not a veteran of the U.S. military
unmarried
does not have a dependent child
is not a person with disabilities and is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance.

STUDENT RULE: DO THEY QUALIFY?

- Higher Education Technical Trade School
 - 24 Years of Age
 - Non-veteran
 - Does not have a dependent child
 - Unmarried
 - Not Disabled
 - Is individually eligible and wants to live separately from the parents, but parents are not eligible
 - Parents are not on the application
- Are they eligible?

Student Rule Checklist:

under 24 years of age
not a veteran of the U.S. military
unmarried
does not have a dependent child
is not a person with disabilities and is
not otherwise individually eligible,
or has parents who, individually or
jointly, are not eligible on the basis of
income to receive assistance.

STUDENT RULE: DO THEY QUALIFY?

- College Student
 - 20 years of age
 - Not a veteran
 - Is unmarried
 - Does not have a dependent child
 - Not Disabled
 - Is income eligible and parents living in another state are below very-low income levels for the area
- Are they eligible?

Student Rule Checklist:

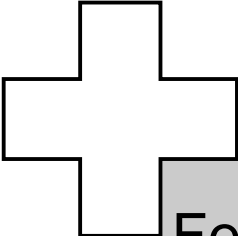
under 24 years of age
not a veteran of the U.S. military
unmarried
does not have a dependent child
is not a person with disabilities and is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance.

INCOME REQUIREMENT FOR HCV HIGHER EDUCATION STUDENT

Financial assistance not considered income for persons over the age of 23 with dependent children.

- For **Section 8 Programs only** any assistance, in excess of amounts received for **tuition and fees**, that an individual receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education, **shall be considered income to the individual**, **except** for persons over the age of 23 with dependent children.

WHAT ARE FEES?



Fees often include, student service fees, student association fees, student activity fees, and laboratory fees.

For income inclusions, “financial assistance” does not include loan proceeds for the purpose of determining income

WHAT IFS ? - DETERMINATION OF INCOME

- College Student
 - Veteran
 - 22 years old
 - Single
 - No dependents
 - Not Disabled
 - Lives in apartment by campus, but parents not living with the student are over-income
- Source of Income
 - Higher Education Grant: \$20,000 per year
 - Tuition: \$6,000 per year
 - Fees: \$500 per year
- What is the Annual Income?

WHAT IFS ? - DETERMINATION OF INCOME

- Community College
 - 24 years old
 - Non-veteran
 - Unmarried
 - Not Disabled
 - 1 dependent child
 - Student is income eligible, but one of the parents not living with the student family is over-income for Section 8
- Higher Education: \$10,000
- Private Education Sources (parents): \$10,000
- Tuition and Fees Expense is \$6,000
- What is the Annual Income?

WHAT IFS ? - DETERMINATION OF INCOME

- Higher Education Technical Trade School
 - 24 Years of Age
 - Non-veteran
 - Does not have a dependent child
 - Not Disabled
 - Unmarried
 - Is individually eligible and lives separately from the parents, but parents are not eligible. Parents are not a participant in HCV Program
- Source of Income
 - Student Loan of \$6,000 per year
 - Grant from the Technical School- \$5,000 per year
 - Tuition and fees are \$3,000 per year
- What is the Annual Income?

WHAT IFS ? - DETERMINATION OF INCOME

- College Student
 - 20 years of age
 - Not a veteran
 - Is unmarried
 - Not Disabled
 - Does not have a dependent child
 - Is income eligible and parents living in another state are below very-low income levels for the area
- Source of Income
 - Educational Scholarship from Higher Education Act of 1965 for \$20,000
 - Parent's contribution of \$3,000 per year
- Tuition and fees are waived by the University
- What is the Annual Income?



LIMITED ENGLISH PROFICIENCY

POLICY GUIDANCE

FINAL GUIDANCE REGARDING LEP

- Published January 22, 2007 in the Federal Register
- Affects recipients of federal financial assistance
- Required under Title VI- prohibition against national origin

Requires reasonable steps that agencies receiving federal assistance ensure meaningful access to programs and activities by Limited English Proficient (LEP) persons

WHO ARE LEP PERSONS

Limited English Proficiency “LEP”

- An individual who does not speak English as their primary language and has a limited ability to read, write, or understand English.
- These persons may be entitled to language assistance with respect to a particular type of service, benefit, or encounter



RAISE YOUR HAND

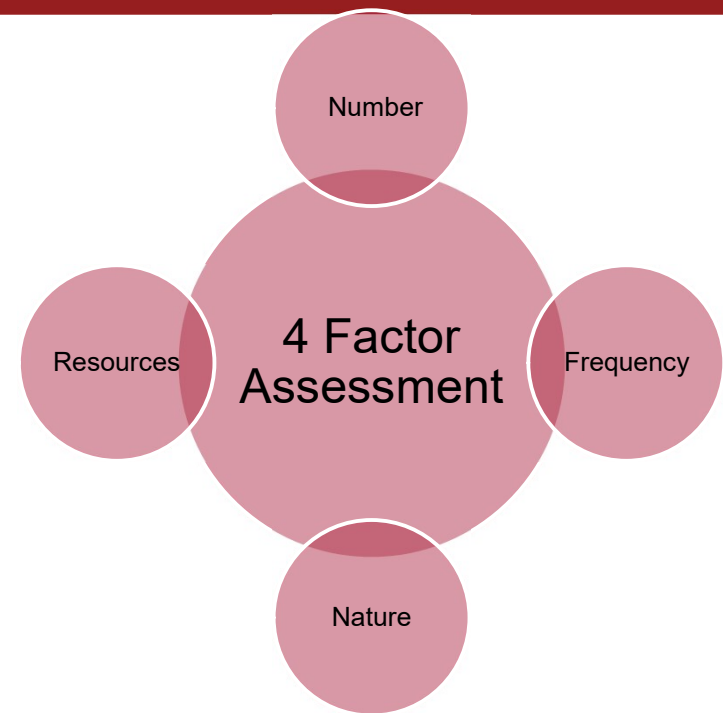


- Are any of your agency's forms, communication or services available in other languages?
- Which languages are available at your agency?

HOW TO DETERMINE THE EXTENT OF OBLIGATION TO DETERMINE LEP SERVICES

Four Factor Assessment

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the PHA
2. The frequency with which the LEP persons come in contact with the program
3. The nature and importance of the program, activity, or service provided by the program
4. The resources available to the PHA and cost



FACTOR #1

NUMBER OR PORTION OF LEP SERVED OR ENCOUNTERED

- The greater the portion, the more likely language services are needed
- Use the geographic area that the PHA operates
- Examine the instances of contacts with LEP persons
 - Admission, occupancy, outreach, etc.
 - Non-service because population does not know or understands services
- Use the census data, school system data, other government data

FACTOR # 2

FREQUENCY OF CONTACT WITH LEP

- The more frequent, the more likely the need to enhance, and the more intense the solution
 - Look as to daily, monthly, yearly contact with LEP persons
 - Look at types of persons that are LEP in which contact is made
 - Spanish, Russian, German, etc.
- Keep the plan and analysis simple

FACTOR #3

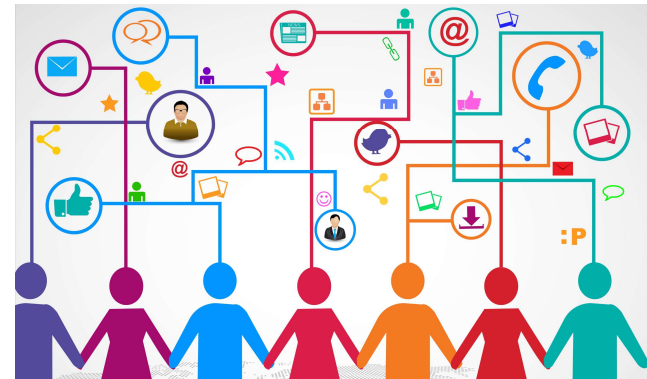
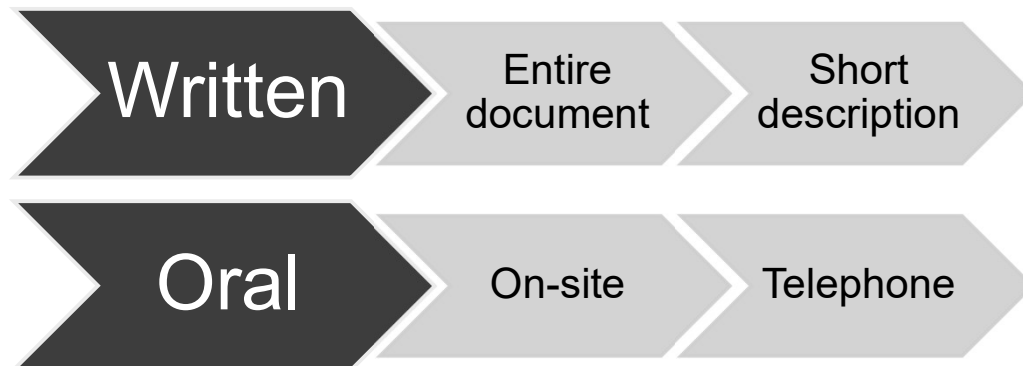
NATURE & IMPORTANCE OF THE PROGRAM OR SERVICE

- The more important the service, the more likely the need for language services
 - Serious or Life Threatening situations, applications, completing leases, Administrative Plans, Grievance Hearings, Evictions, required information for participation, etc.- important
 - Recreation services- less important

FACTOR #4 - RESOURCES AVAILABLE TO PHA & COST

- Smaller PHAs with limited resources and budgets are not expected to provide the same level of services as larger PHAs with larger budgets
- Reasonable steps may cease where the cost substantially exceed the benefits
- Resources and costs can be reduced by technological sharing, language assistance materials, advocating agencies, etc.

TWO MAIN WAYS OF PROVIDING



- Correct mix is determined by the four factor analysis
- PHAs have flexibility to determine the mix

RESOURCES & SERVICE OPTIONS

Translation Services

- Train and hire bilingual staff
- Shared translators
- Inexpensive software
- Telephonic and video conferences
- Provide a “mix” of services

Quality and Accuracy

- Competence of Interpreters
- Hiring Bilingual staff
- Hiring Staff Interpreters
- Contracting with Interpreters
- Using Telephone Interpreter Lines
- Using Community Volunteers
- Using a Family Member

WRITTEN LANGUAGE SERVICES

- Keep in mind that some families may not be able to read in their native language, therefore back-up oral interpretation may still be required
- Types of Documents
 - Consent and Complaint Forms
 - Written notices of Rights, denial, loss of benefits, hearings
 - Notices of Eviction
 - Notice of Free language assistance
 - Public hearings, leases applications, etc.

SAFE HARBOR

If a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the PHAs written translation obligations

- Failure to provide written does not mean there is noncompliance
- It is a starting point to consider the importance of service, benefit, etc.

SAFE HARBOR

- The PHA provides written translations of vital documents for an LEP group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served. Translations of other documents, if needed, can be provided orally
- If there are fewer than 50 persons that reach the 5% trigger, the PHA does not provide written translations, but provides written notice in the primary language of the right to receive oral interpretation of these materials- free of cost

SAFE HARBORS

- Safe Harbors are only for written translations
- PHA must still provide oral where the services are needed and reasonable in cost
- PHAs should check the competency of the written translators
- Documents should be clearly marked, “For Information Only”
- PHAs should still have the participant sign the appropriate English document

LANGUAGE ASSISTANCE PLAN (LAP)

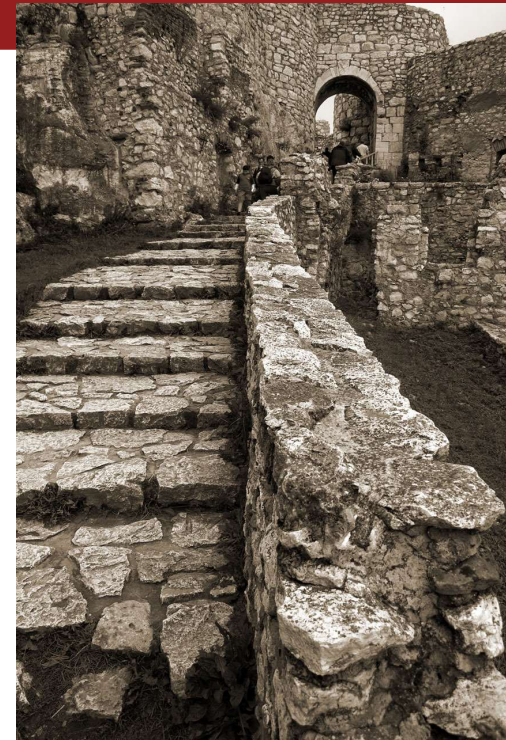
- Is an LAP necessary?
- Use the 4 factors test to determine if a LAP is necessary

Language
Assistance Plan
framework for implementation

- Training
- Administration
- Planning
- Budgeting

5 STEPS IN DEVELOPING A LAP

1. Identify LEP individuals that need the assistance
2. Identify the language assistance measures
 - Types of services
 - How to obtain
 - PHAs responses
 - How to measure competency
3. Train Staff
4. Provide Notice to LEP Persons
5. Monitor and Update the LAP



HUDS TRANSLATION OF DOCUMENTS

HCV HAP
Contract

Privacy Act
Release

Tenancy
Addendum

Request for
Lease Approval

FSS Credit
Worksheet

Statement of
Homeownership
Obligations

FSS Contract

Brochure- A
Good Place to
Live

VAWA

- Available in the following languages:

- Spanish
- French
- Vietnamese
- Haitian Creole
- Chinese
- Cambodian
- Korean
- Arabic
- Russian
- Laotian



VOLUNTARY COMPLIANCE EFFORT

- Goal is to Achieve Voluntary Compliance
- Covered by Title VI Regulations
 - Complaint
 - Investigations
 - Compliance Reviews
 - Efforts to Secure Compliance
 - Technical Assistance





DENIAL OF ASSISTANCE

TYPES OF ASSISTANCE DENIAL

Denial of Assistance includes:

- **Denial of listing on the waiting list**
- **Denial or withdraw of a voucher**
- **Refusal to enter into a HAP or approve a unit**
- **Refusal to provide assistance through portability**

DENIAL OF ASSISTANCE - CONTINUED

Assistance must be denied if:

- **Applicant does not meet eligibility**
- **Any adult refuses to sign required forms**
- Any family member has convicted of manufacturing methamphetamine on premises of assisted housing
- Any family member is a state lifetime sex offender

DENIAL OF ASSISTANCE - CONTINUED

- PHA **must** also establish denial policies if:
 - Family has been evicted from PH or been terminated from the assisted housing program
 - Any member has committed drug-related or violent criminal activity
 - Any member has committed fraud in a federal housing program
 - The family owes rent or other amounts to the PHA
 - The family has breached a repayment agreement
 - The family is an ineligible student
 - Family has violated program obligations

FAMILY OBLIGATIONS

- Supplying information necessary to administer the program and other information to determine eligibility
- Disclose and verify SSNs and sign and submit consent forms for obtaining information
- Supply information requested by PHA to verify family is living in unit

FAMILY OBLIGATIONS - CONTINUED

- Promptly notify PHA in writing when away for extended time
- Allow the PHA to inspect
- Notify the PHA in writing before moving out
- Residing in the dwelling unit- only residence
- Promptly notify PHA in writing of birth, adoption, court award custody
- Request written approval to add new family members
- Promptly notify PHA of any member moving out

FAMILY OBLIGATIONS - CONTINUED

- Provide PHA a copy of the eviction notice
- Provide utility bills and maintain appliances that owner is not required to provide
- All information supplied must be true and correct
- Not have ownership rights to the unit
 - Exceptions- HCV Homeownership, co-operatives, manufactured home

FAMILY OBLIGATIONS - CONTINUED

- Commit any serious or repeated violation
- Commit fraud, bribery, or other corrupt act in connection with the program
- Not receiving duplicate subsidy
- Not engage in drug related criminal activity or violent criminal activity or other criminal activity that threatens health, safety, or right to peaceful enjoyment
- Sublease, sub-let, assign, or transfer unit
- Damage the unit

FAMILY OBLIGATIONS - CONTINUED

- Receive HCV Assistance while residing in a unit owned by parent, child (unless approved under reasonable accommodation)
- Engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment.

INELIGIBILITY DUE TO CRIMINAL ACTIVITY 24 CFR 982.553

- Screening required to determine eligibility
- Must meet the federal behavioral test
- PHAs are required to prohibit admission of families with members who cannot pass the screening criteria



INELIGIBILITY DUE TO CRIMINAL ACTIVITY



- Prohibit admission to members who were/are
 - **Evicted from federally assisted housing for drug-related criminal activity for 3 years following the date of eviction**
 - Currently engaged in illegal use of a drug
 - Have patterns of use of illegal drugs or alcohol that would interfere with health, safety, or right of peaceful enjoyment of the premises by other residents
 - Subject to a lifetime registration requirement under the State sex offender registration program
 - Convicted of manufacture of methamphetamine on the premises of federally assisted housing

INELIGIBILITY DUE TO CRIMINAL ACTIVITY - CONTINUED

- Records management system must maintain confidentiality
- PHA must provide the opportunity to dispute the criminal records used by the PHA
- **Opportunity must be provided before a denial of admission**
- Criminal records must be destroyed after the PHA's determination
- Civil and criminal penalties for improper release of criminal records

INELIGIBILITY DUE TO CRIMINAL ACTIVITY - CONTINUED

Criminal penalty

- Conviction of a misdemeanor and penalty up to \$5,000
- Any person knowingly and willfully requests or discloses information to which he/she is not entitled is subject to criminal penalty

Civil liability

- Damages and other relief
- Reasonable attorney's fees and court cost
- U.S. District Court has jurisdiction

PHA'S DISCRETION TO CONSIDER CIRCUMSTANCES

- Reviewed on case by case
 - Seriousness of the offense
 - Extent of participation again
 - Individual family member and relationship
 - Effects on other family members
 - Actions of other family members
- Level of actions on previous cases
- Additional obligations or stipulations on the family



What are the factors that affect eligibility for HCV?





THE VIOLENCE AGAINST WOMEN ACT (VAWA) 2013

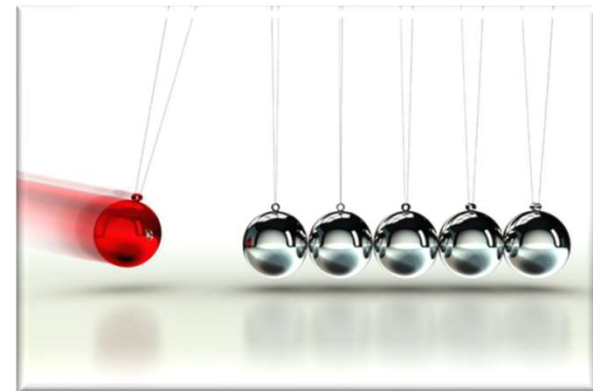


PIH NOTICES / STATUTE

- Updated Policies to Reflect Changes in 2017 Notices- should revise Admin Plan
- Notice of VAWA Rights- HUD-5380
- PIH Notices and Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking
- Emergency Transfer Policy Model Plan HUD-5381
- Request for VAWA Emergency Transfer HUD-5383

PROVISIONS IMPACT

- Selection
- Lease terms regarding termination
- Termination of assistance/eviction
- Grievance Rights
- HAP Contract
- Definition of who is protected
- Emergency Transfer Policy
 - Waiting List Management
- Portability



NEW FORMS

- HUD has published the following VAWA documents for housing providers:
 - Notice of Occupancy Rights (HUD-5380)
 - Victim Certification Form (HUD-5382)
 - Model Emergency Transfer Plan (HUD-5381)
 - Emergency Transfer Request (HUD-5383)
- Access these forms at:
https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud5a

PHA REQUIREMENTS



Include in the five year and annual plan

Goals, objectives, policies or programs that intend to support or assist victims of:

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking
- Includes members of the victims family (affiliated individuals) from losing their HUD-assisted housing as a consequence of the abuse

GENERAL PROVISIONS OF THE LAW

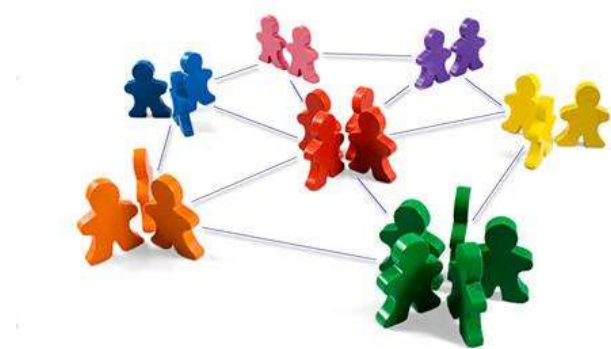
Provides that criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household or any guest or person under the tenant's control

will not be cause for termination of assistance, tenancy, or occupancy rights

if the tenant or an affiliated individual is the victim or threatened victim of the abuse

AFFILIATED INDIVIDUAL

- VAWA 2013 defines an “affiliated individual” with respect to an individual, as a:
 - spouse
 - parent
 - brother, sister
 - child of that individual
 - an individual to whom that individual stands in loco parentis,
 - any individual
 - tenant
 - lawful occupant living in the household of that individual



IMPLEMENTING TERMINATION CLAUSE



- May bifurcate the lease to remove occupant that engages in violence to family members
- PHA is authorized to honor court orders
- Nothing limits PHA from terminating for good cause
- PHA can terminate for an actual or imminent threat
- Nothing supersedes other laws that provide greater protection

VAWA PROTECTIONS

Notice of Occupancy Rights (HUD-5380)

- Housing providers (HP) must distribute this HUD-approved to applicant and tenants to ensure they are aware of their VAWA rights, including confidentiality and any limitations on those protections (24 CFR 5.2005(a))

Victim Certification Form (HUD-5382)

- HP must also distribute the HUD-approved certification form, which serves as a means of documenting the incident or incidents of domestic violence, dating violence, sexual assault, and stalking (24 CFR 5.2005(a))

VAWA PROTECTIONS - CONTINUED

- **Notice of Occupancy Rights and certification form** must be distributed to applicants/tenants no later than at the following times (24 CFR 5.2005(a)(2)):
 - When an applicant is denied assistance or admission;
 - When the individual is provided assistance or admission;
 - With any notification of eviction or notification of termination of assistance; and
 - During the **12-month period following December 16, 2016**, either during the annual recertification or lease renewal process, if applicable, or through other means if there will be no annual recertification or lease renewal process for a tenant.
- **The notice and the certification form must be made available in multiple languages, consistent with HUD's Limited English Proficiency**

VAWA PROTECTIONS

Emergency Transfer Plan (24 CFR 5.2005(e))

- Provides that emergency transfer plans must allow for a tenant to transfer to a new unit **when a safe unit is immediately available** and the tenant **would not have to apply** in order to occupy the new unit
- Housing providers, **as identified in the final rule and program-specific regulations** for the covered housing program, must adopt an emergency transfer plan and be able to make transfers no later than **June 14, 2017**

EMERGENCY TRANSFER PLAN

24 CFR 5.2005(E)(1)

Internal Emergency Transfer

- The tenant would not be categorized as a new applicant; so the tenant may reside in the new unit without having to undergo an application process.

External Emergency Transfer

- The tenant would be categorized as a new applicant; so the tenant must undergo an application process in order to reside in the new unit.

EMERGENCY TRANSFER PLAN

Keep in mind...

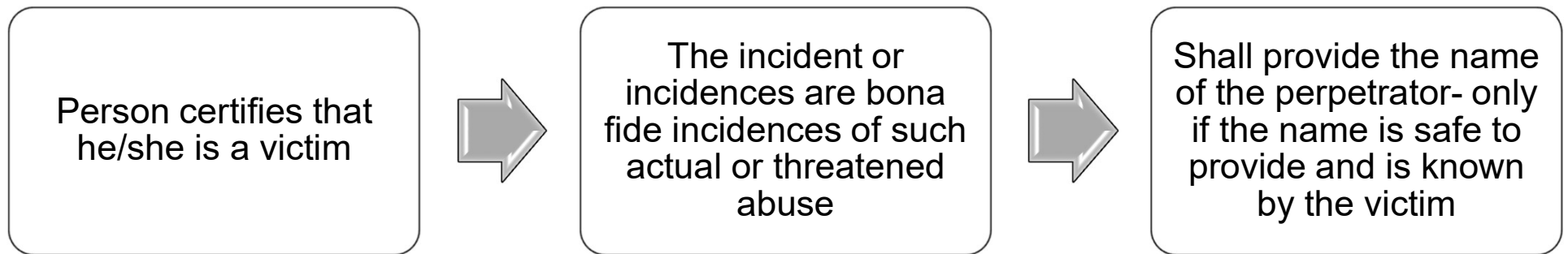
- Transfers are contingent upon whether a housing provider has a safe and available unit
- HUD does not prohibit emergency transfers within the same property
- HUD does not require HPs to bear or assist in paying for tenant moving costs or that units to be kept vacant after a victim has moved
- HUD does not mandate specific time periods for responding to transfer requests

HUD-5382

- Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking Form
- PHAs and Section 8 owners may request a tenant to certify that the individual is a **victim** of domestic violence, dating violence, sexual assault, or stalking and the incidence or threatened or actual abuse in the determination that VAWA is applicable

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION	U.S. Department of Housing and Urban Development	OMB Approval No. 2577-0286 Exp. 06/30/2017
<p>Purpose of Form: The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.</p> <p>Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.</p> <p>In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:</p> <ol style="list-style-type: none">(1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.(2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or(3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant. <p>Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.</p> <p>Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.</p>		
Form HUD-5382 (12/2016)		

HUD-5382



HUD-5382

- In lieu of the certificate, the victim may supply the PHA/owner with
 - Federal, state, tribal, territorial, or local police or court record
 - Documentation signed and attested to by an employee, agent or volunteer of a victim service provider, attorney or medical professional from whom they have sought assistance that attests to the incident and that the person in question is a victim

CERTIFICATION



If the victim does not return the form in 14 days, as required, none of the protections under the law will apply

- PHA may grant additional time



The PHA/owner would be free to evict, or terminate the assistance

NOTICE

- VAWA requires
 - PHA must notify tenants/applicants of their rights under VAWA
 - Include the existence of the required form
 - Make the information available to all applicants
 - In the event of an eviction or start of an eviction proceeding, enclose the form with the applicable notice and direct the family to complete the form, sign and return by the specified date. PHAs could include language on VAWA protections in the termination notice that the tenant can come by the office and pick up the form

CONFIDENTIALITY

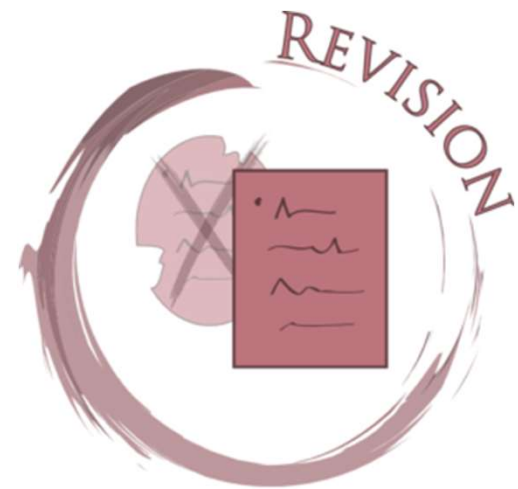
All information provided to the PHA/owner relating to the incident, including the fact that they are a victim must be retained in confidence

Must not be entered into any shared data base nor provided to a related entity, except

- Requested or consented by the individual in writing
- Required for eviction or termination
- Otherwise required by law

PHAS REQUIRED REVISIONS

- Administrative Plan- should be updated to new provisions
- Include protections for transfers
- Notices of Termination
- Eviction Notices
- PHA Plan
- Admission Forms- Briefing Packets
- Leases/Assistance Contracts
- Notice to Participants/Tenants/Owners



PROVISIONS OF VAWA 2013



- Enhanced protection to individuals that are ineligible for the program
- Must try to assist the person to find other housing- even if they are ineligible for the program- if they are a person in the household

CONTINUED ASSISTANCE



PHA's administrative discretion is not dependent on the eviction by the owner



PHA can remove the individual (perpetrator) from the program, if the remaining participant (victim) wants to continue receiving assistance

PORTABILITY FOR VAWA

PHA may not restrict portability if the individual is a victim of domestic violence

- Family has complied with other obligations in the program and has moved to protect the health and safety of the individual
- PHA may allow the move if the only basis for denial would be violating the lease agreement
 - Failure to complete the lease term or provide proper notice prior to moving.
- PHA may request the HUD 5382 to verify the claim
- PBV does not require notice for VAWA move

TENANT AND OWNER SCREENING



SCREENING

- PHAs qualifying the family for eligibility in no way endorse the family for tenancy nor predict a positive outcome for the landlord
- Landlord must apply their own criteria and screen the tenant for occupancy
- PHA must tell the owner that screening for suitability is owner's responsibility

SCREENING - CONTINUED

Owners encouraged to screen based on:

Payment of rent
and utility bills

Care for the unit
and premises

Respecting
others peaceful
enjoyment of
the property

Criminal
behavior

Compliance with
lease terms

SCREENING - CONTINUED

PHA required to provide the owner with

- **The families current and prior address as shown on the PHA's records**
- **The name and address of the families current landlord, if known**

The PHA can provide additional information, but it should be consistent and in accordance with the PHA's written policy

Policy on sharing information to landlords should be included in the briefing packet

SCREENING OF OWNERS

- PHA must not approve HAP for owners that have been disbarred, suspended, or subject to a limited denial of participation
- PHAs must not render assistance if directed by HUD
- PHA may have other screening requirements that may be included in the Administrative Plan



24 CFR 982.306 SCREENING OF OWNERS - CONTINUED

Administrative discretion for owners that:

- Violate obligations under HAP
- Commit fraud
- Engages in drug-related or criminal activity
- Have a history of non-compliance with HQS
- Practice of wrongful terminations
- Have a history of units that fail state or local housing codes
- Has not paid state or local taxes, fines or assessments
- Is not paying mortgage payments

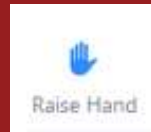


SCREENING OF OWNERS - CONTINUED

PHA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, brother, or family member unless:

- Reasonable accommodation
- Restriction applies at initial lease-up
- HUD may grant a waiver

RAISE YOUR HAND



What is your agency screening process?

DETERMINATION OF UNIT / VOUCHER SIZE

HUD has provided greater flexibility to PHAs in the determination of unit (voucher) size

PHA determines the standards as long as they are:

- not discriminatory
- do not exclude families with children and
- comply with other local requirements

A subsidy standard of two persons per bedroom, regardless of sex or age is now acceptable.

RECENT CHANGES

PHAs are strongly encouraged to revise “overly generous” policies

PHAs must ensure that voucher size determinations are reviewed if the family size changes, and if needed, the voucher size changes are made at the first annual reexamination

REQUIREMENTS APPLY TO UNIT SIZE

- Must provide for the smallest bedroom size needed without overcrowding
- Must be consistent to space requirements under HQS & for all families of like size and composition
- Child temporarily away from the home is counted
- Live-in Aide should not be required to share a bedroom
 - Live-in Aide's children do not require additional bedroom size authorization
- As a reasonable accommodation, based on verification, a disabled member may be provided a separate bedroom

GENERAL POLICIES OF A PHA

Typical PHA Standards Used to Issue Housing Choice Voucher

Standards Used to Determine Acceptability of Unit Size (HQS Rules)

Housing Choice Voucher Size	Minimum No. of Persons in Household	Maximum No. of Persons in Household	Unit Size	Maximum Occupancy Assuming a Living Room Is Used as a Living/Sleeping Area
0 BR	1	1	0 BR	1
1 BR	1	2	1 BR	4
2 BR	2	4	2 BR	6
3 BR	4	6	3 BR	8
4 BR	6	8	4 BR	10
5 BR	8	10	5 BR	12
6 BR	10	12	6 BR	14

EQUAL OPPORTUNITY REQUIREMENTS

- Executive Orders 11246, 11625, 12138, 12259, 46 FR 1253, 11063
- Title VI of the 1964 Civil Rights Act
- Section 3 of HUD Act of 1968
- Fair Housing Act Title VIII
- Section 504 of the Rehab Act of 1973
- Age Discrimination Act of 1975
- Title II of the ADA

EQUAL OPPORTUNITY REQUIREMENTS - CONTINUED

- Section 504 prohibits discrimination under any program or activity receiving federal financial assistance
- Section 8 requires additional outreach to owners with qualified units (may use a higher payment standard)
- Provides for reasonable accommodations
 - Outreach materials
 - Services
 - Accessible to sites and common facilities
 - Hearing impaired must be accommodated
 - Units
 - TDD or TTY machines

EQUAL OPPORTUNITY REQUIREMENTS - CONTINUED

- **Persons covered by 504 regulations**
 - **Any person who has**
 - **Physical or mental impairments that substantially limits one or more major life activities; or**
 - **A record of having such impairments or is regarded as having such impairments**
 - Reasonable Accommodation Form
 - This definition is different than definition used to determine occupancy
 - Occupancy Form

EQUAL OPPORTUNITY REQUIREMENTS - CONTINUED



Private owners must permit disabled persons, at their own expense, to make reasonable accommodations

Permission may be conditioned to assure work is done in a “workmanlike” manner

Modifications may be interior or exterior

FAIR HOUSING ACT

Illegal inquires

Unlawful for a housing provider to:

- **Ask if a applicant or prospective tenant for a unit has a disability or if anyone associated with an applicant or resident has a disability**
- **Ask about the nature or severity of a disability**



FAIR HOUSING ACT - CONTINUED

- Housing providers can inquire, provided the same inquiries are made of all applicants
- PHA must determine ability to meet requirements of tenancy
- Determinations on
 - Current illegal use of drugs
 - Specific program eligibility
 - Priority, deductions, etc.

FAIR HOUSING - CONTINUED



Required to verify

- Reasonable accommodation
- Deductions
 - Medical
 - Disabled family
 - Disability expense deduction

FAIR HOUSING VIOLATION

Never inquire about

the nature or severity
of the person's
disability

a diagnosis or details
of treatment

If a PHA receives documentation that contains the individual's specific diagnosis, individual treatment, or nature or severity, **the PHA should immediately dispose of this confidential information; this information should never be maintained in the tenant's file**

HCV PROGRAM SPECIFICS TO ASSIST THE DISABLED

Summary of HCV Provisions

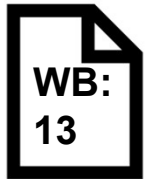
- PHAs may give a preference to applicants with disabilities- but cannot single out a specific disability
- Persons can choose from units in the market
- PHA can approve a higher payment standard up to 120% of the FMR
- HUD Field Office- up to 130% ; and Headquarters can approve an exception payment standard- up to 140%

HCV PROGRAM SPECIFICS TO ASSIST THE DISABLED - CONTINUED

- PHA can approve the leasing from a relative
- Owners must make reasonable accommodations in their policies, practices or services
- PHAs must instruct families about fair housing and include a complaint Form (HUD-903) in the briefing package

WORKBOOK EXERCISE #2

EXERCISE – DETERMINATION OF ELIGIBILITY - HOMEWORK



DETERMINATION OF ELIGIBILITY

A brief description of several families is presented.

First determine each family's:

Eligibility for admission

1. Income targeting requirements
2. Determine voucher size.

Assume two people per bedroom, with a separate bedroom for HOH (spouse), and also young adults of opposite sex above the age of 14.

The PHA allows for reasonable accommodations.

Program	Number of Persons in Family							
	1	2	3	4	5	6	7	8
Median Income	\$20,400	\$23,800	\$26,800	\$29,800	\$32,200	\$34,600	\$37,000	\$39,300
Lower-Income (80%)	\$16,700	\$19,040	\$21,440	\$23,840	\$25,760	\$27,680	\$29,600	\$31,440
Very Low Income (50%)	\$10,200	\$11,900	\$13,400	\$14,900	\$16,100	\$17,300	\$18,500	\$19,650
Extremely Low Income (30%)	\$6,270	\$7,140	\$8,040	\$8,940	\$9,660	\$10,380	\$11,100	\$11,790

DETERMINATION OF ELIGIBILITY

SCENARIO #1

Emma Believer

- 2 dependents below the age of 13

Income:

- Employment: \$12,000/year
- Social Security: \$100 per mo

Notes:

- Was evicted from Public Housing 4 years ago for non-payment of rent that she has just recently repaid.

Name	Annual Income \$	Income Limit \$	ELI Income for Targeting \$	Family Size #	Voucher Size #	Eligible or ineligible	Reason
E.B							

Determine the family's:

- Eligibility for admission
- Income targeting requirements
- Determine voucher size.

QUESTIONS AND THANK YOU!

To find additional training opportunities, visit the Professional Development training calendar!

