

HOUSING CHOICE VOUCHER OCCUPANCY



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FACULTY MEMBER

Dennis Morgan
NAHRO Faculty

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MODULE 1
OVERVIEW & OBJECTIVES, WAITING LIST AND TENANT SELECTION



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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).

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ADMINISTRATIVE PLAN
24 CFR 982.54




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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

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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

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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

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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

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ADMINISTRATIVE PLAN POLICY REQUIREMENTS

Informal review procedures for applicants

Informal hearing procedures for participants

Lease Agreement

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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

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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

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QUESTION



True or False

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

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24 CFR 982.204 THROUGH 982.210
WAITING LIST



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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.

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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

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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

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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

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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

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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



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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

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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

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CONDUCTING OUTREACH



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

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CONDUCTING OUTREACH

Creative Strategies

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



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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

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CLOSING THE WAITING LIST

Things to consider:

	<p>Are enough qualified on the list?</p> <ul style="list-style-type: none"> • No shows, briefings, voucher turnover, etc. • Know your success ratio 	<p>What are the local preferences?</p>
<p>Income-targeting requirements</p>	<p>What is the average wait?</p>	<p>When was the last purging/ updating done?</p>

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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

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

Importance of purging

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PURGING / UPDATING A WAITING LIST

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

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BENEFITS OF PURGING / UPDATING A WAITING LIST

HUD has no requirement that the PHA must purge the HCV waiting list annually
• Procedures for purging vary among PHAs

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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

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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

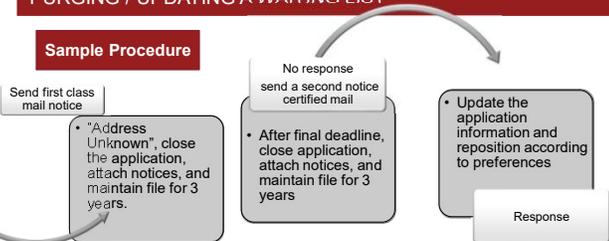
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PURGING / UPDATING A WAITING LIST

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

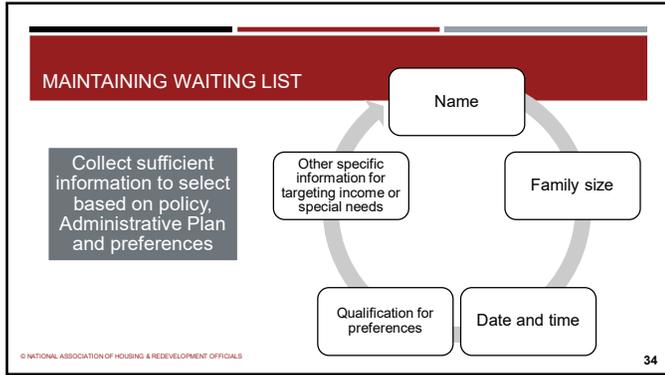
Update the application information and reposition according to preferences

Response

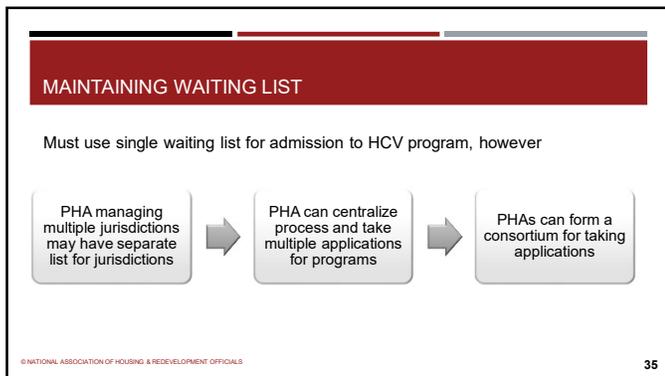
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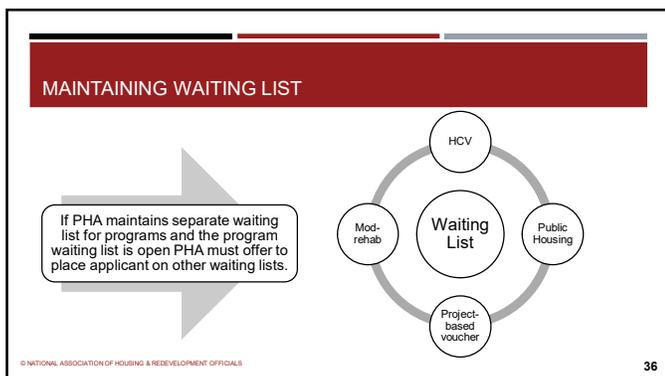
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HCV HOMEOWNERSHIP



- 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

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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

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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



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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?

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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

PHA designs the system

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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

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ACCEPTING APPLICATIONS



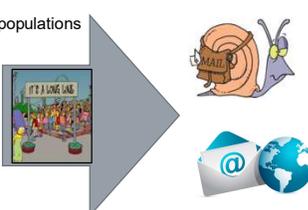
- Reasonable accommodation
 - TTD/TTY machines
 - Sign interpreter
 - Materials in Braille or on tape
 - Home interviews
 - Any others?

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ACCEPTING APPLICATIONS

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



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ACCEPTING APPLICATIONS

PHAs use the following:



- Special designated locations
- Wide geographic areas
- Malls
- Churches
- Community facilities
- Heavy concentrations of potential applicants
- Home visits
- Centralized application and referral centers
- Site-based locations
- Mail or fax
- Telephone
- Internet
- Lottery systems

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ACCEPTING APPLICATIONS

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



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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



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PROCESSING APPLICATIONS & CONTENT



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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

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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



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24 CFR 982.207/PIH NOTICE H 2013-21 PREFERENCES

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

Sample Preferences

- 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

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PHA SELECTION PREFERENCE

- Preferences are optional
 - Described in Administrative Plan
 - Consistent with PHA Plan and Consolidated Plan
 - Based on local needs and priorities
 - Supported by data
 - Public comment is considered
 - Establishes order on the waiting list
 - **Does not change eligibility requirements**



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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

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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



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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



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SELECTION FOR THE WAITING LIST

PHA should now be ready to:

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    graph LR
      A[Make final eligibility determination] --> B[Issue voucher]
      B --> C[Start the leasing process]
      C --> D[ARE YOU READY?]
  
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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

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PHA SELECTION PREFERENCE



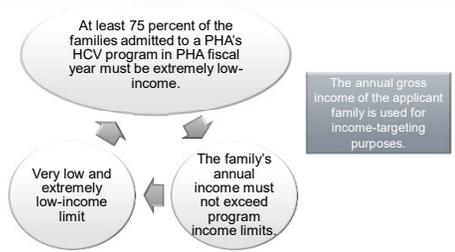
Admission restrictions can never be based on:

- 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

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



At least 75 percent of the families admitted to a PHA's HCV program in PHA fiscal year must be extremely low-income.

Very low and extremely low-income limit

The family's annual income must not exceed program income limits.

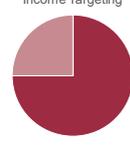
The annual gross income of the applicant family is used for income-targeting purposes.

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**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



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**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 \(hhs.gov\)](#)

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**24 CFR 982.201
APPLYING INCOME LIMITS**

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

FY 2021 INCOME LIMITS DOCUMENTATION SYSTEM

Selecting any of the buttons labeled "Go to New State" will display detailed calculation steps for each of the various parameters.

State	Family Size	Income Limit
Alabama	1	\$12,000
Alabama	2	\$17,400
Alabama	3	\$21,900
Alabama	4	\$26,500
Alabama	5	\$31,000
Alabama	6	\$35,500
Alabama	7	\$40,000
Alabama	8	\$44,500
Alabama	9	\$49,000
Alabama	10	\$53,500
Alabama	11	\$58,000
Alabama	12	\$62,500
Alabama	13	\$67,000
Alabama	14	\$71,500
Alabama	15	\$76,000
Alabama	16	\$80,500
Alabama	17	\$85,000
Alabama	18	\$89,500
Alabama	19	\$94,000
Alabama	20	\$98,500
Alabama	21	\$103,000
Alabama	22	\$107,500
Alabama	23	\$112,000
Alabama	24	\$116,500
Alabama	25	\$121,000
Alabama	26	\$125,500
Alabama	27	\$130,000
Alabama	28	\$134,500
Alabama	29	\$139,000
Alabama	30	\$143,500
Alabama	31	\$148,000
Alabama	32	\$152,500
Alabama	33	\$157,000
Alabama	34	\$161,500
Alabama	35	\$166,000
Alabama	36	\$170,500
Alabama	37	\$175,000
Alabama	38	\$179,500
Alabama	39	\$184,000
Alabama	40	\$188,500
Alabama	41	\$193,000
Alabama	42	\$197,500
Alabama	43	\$202,000
Alabama	44	\$206,500
Alabama	45	\$211,000
Alabama	46	\$215,500
Alabama	47	\$220,000
Alabama	48	\$224,500
Alabama	49	\$229,000
Alabama	50	\$233,500
Alabama	51	\$238,000
Alabama	52	\$242,500
Alabama	53	\$247,000
Alabama	54	\$251,500
Alabama	55	\$256,000
Alabama	56	\$260,500
Alabama	57	\$265,000
Alabama	58	\$269,500
Alabama	59	\$274,000
Alabama	60	\$278,500
Alabama	61	\$283,000
Alabama	62	\$287,500
Alabama	63	\$292,000
Alabama	64	\$296,500
Alabama	65	\$301,000
Alabama	66	\$305,500
Alabama	67	\$310,000
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Alabama	69	\$319,000
Alabama	70	\$323,500
Alabama	71	\$328,000
Alabama	72	\$332,500
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Alabama	74	\$341,500
Alabama	75	\$346,000
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Alabama	78	\$359,500
Alabama	79	\$364,000
Alabama	80	\$368,500
Alabama	81	\$373,000
Alabama	82	\$377,500
Alabama	83	\$382,000
Alabama	84	\$386,500
Alabama	85	\$391,000
Alabama	86	\$395,500
Alabama	87	\$400,000
Alabama	88	\$404,500
Alabama	89	\$409,000
Alabama	90	\$413,500
Alabama	91	\$418,000
Alabama	92	\$422,500
Alabama	93	\$427,000
Alabama	94	\$431,500
Alabama	95	\$436,000
Alabama	96	\$440,500
Alabama	97	\$445,000
Alabama	98	\$449,500
Alabama	99	\$454,000
Alabama	100	\$458,500

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VERIFICATION OF INCOME

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

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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
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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**



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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

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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

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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

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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

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MAINTAINING DOCUMENTATION

- Limited on HUD occupancy confidentiality requirements- except for EIV, but may be subject to other regulations, laws and requirements
 - HUD 9886 does have restrictions on information



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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).

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MAINTAINING DOCUMENTATION

Files

- Active files
- Ineligible
- Inactive

Organized to provide history

- Chronologically
- Accurately
- Record of actions and changes
- All required information

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SEMAP INDICATOR #1: SELECTION FROM THE WAITING LIST

Measures:
Whether the PHA has

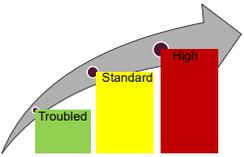
- written policies in the Administrative Plan for selecting applicants from the waiting list
- followed these policies when selecting applicants for admission from the waiting list



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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.

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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

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WORKBOOK EXERCISE #1
 EXERCISE – DEVELOPING AN IN-TAKE, MARKETING, MANAGEMENT, AND PURGING STRATEGY FOR ADMISSIONS – BREAKOUT ROOMS

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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.

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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

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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

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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

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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

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MODULE 2
ELIGIBILITY & DENIAL OF ASSISTANCE




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WHERE DOES INITIAL ELIGIBILITY COME IN?



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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

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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

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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

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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:

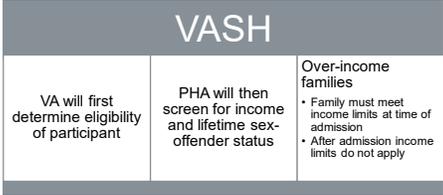
- is under 24 years of age
- is not a veteran of the U.S. military
- is unmarried
- does not have a dependent child
- is not a person with disabilities
- and is not otherwise individually eligible,
- or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance.

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VETERAN ASSISTED SUPPORTIVE HOUSING (VASH)



The diagram shows the VASH process flow:

- 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

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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



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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.

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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.



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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**

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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)

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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

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FAMILY DEFINITION



- **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

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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

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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

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POLL

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

- A. Family
- B. Household



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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

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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

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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

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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

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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



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"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.

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RAISE YOUR HAND



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

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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



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CITIZENSHIP STATUS



- 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

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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

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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

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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

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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

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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?

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**APPLICANTS WITH DISABILITIES
REASONABLE ACCOMMODATION**



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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

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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

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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

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SOCIAL SECURITY INFORMATION

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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**

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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**

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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



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VERIFICATION OF SSN AT ADMISSION EXCEPTION - REQUIRED

For Public Housing, Housing Choice Voucher and Multifamily Housing

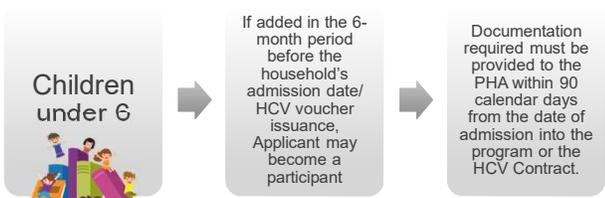
- An applicant may remain on the waiting list but cannot become a participant until they provide the documentation to verify the SSN of each member of the household.

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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.

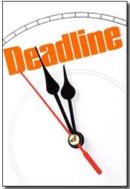
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SSN AT ADMISSION- EXCEPTION RULE

- 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



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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.

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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



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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).

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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

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POLL



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

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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.

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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.

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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.

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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.

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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.

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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.

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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

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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?

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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?

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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?

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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?

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LIMITED ENGLISH PROFICIENCY
POLICY GUIDANCE

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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

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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

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RAISE YOUR HAND

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

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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

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**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

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**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

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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

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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.

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TWO MAIN WAYS OF PROVIDING

Written → Entire document → Short description

Oral → On-site → Telephone



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

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RESOURCES & SERVICE OPTIONS

<p>Translation Services</p> <ul style="list-style-type: none"> • Train and hire bilingual staff • Shared translators • Inexpensive software • Telephonic and video conferences • Provide a "mix" of services 	<p>Quality and Accuracy</p> <ul style="list-style-type: none"> • Competence of Interpreters • Hiring Bilingual staff • Hiring Staff Interpreters • Contracting with Interpreters • Using Telephone Interpreter Lines • Using Community Volunteers • Using a Family Member
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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.

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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.

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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

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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

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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

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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



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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



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VOLUNTARY COMPLIANCE EFFORT

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



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DENIAL OF ASSISTANCE

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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

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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

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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

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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

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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

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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

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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

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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.

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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



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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



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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

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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

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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

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RAISE YOUR HAND 

What are the factors that affect eligibility for HCV?



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THE VIOLENCE AGAINST WOMEN ACT (VAWA)
2013



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PIH NOTICES / STATUTE

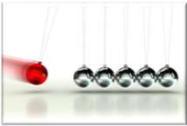
- Updated Policies to Reflect Changes in 2017 Notices- should revise Admin Plan
- Notice of VAWA Rights- HUD-5380
- PIH Notices and Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking
- Emergency Transfer Policy Model Plan HUD-5381
- Request for VAWA Emergency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

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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



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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

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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

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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

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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



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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

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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))

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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**

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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**

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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.

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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

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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

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HUD-5382

Person certifies that he/she is a victim → The incident or incidences are bona fide incidences of such actual or threatened abuse → Shall provide the name of the perpetrator- only if the name is safe to provide and is known by the victim

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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

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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

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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

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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

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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



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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

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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

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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

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TENANT AND OWNER SCREENING



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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

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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	

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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

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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



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**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



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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

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RAISE YOUR HAND 



What is your agency screening process?

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DETERMINATION OF UNIT / VOUCHER SIZE

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

<p>PHA determines the standards as long as they are:</p> <ul style="list-style-type: none"> • not discriminatory • do not exclude families with children and • comply with other local requirements 	<p>A subsidy standard of two persons per bedroom, regardless of sex or age is now acceptable.</p>
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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

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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

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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

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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

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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

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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

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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

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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**

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FAIR HOUSING ACT - CONTINUED

- Housing providers can inquire, provided the same inquires 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.

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FAIR HOUSING - CONTINUED



Required to verify

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

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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**

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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%

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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

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WORKBOOK EXERCISE #2
 EXERCISE – DETERMINATION OF ELIGIBILITY - HOMEWORK

WB: 13

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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	\$11,700

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DETERMINATION OF ELIGIBILITY

SCENARIO #1

Name:

- 2 dependents below the age of 13

Income:

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

Notes:

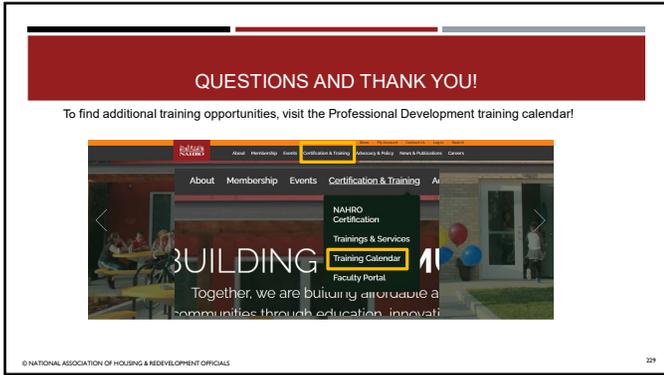
- Was evicted from Public Housing 4 years ago for non-payment of rent that she has just recently repaid.

Determine the family's:

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

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

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