Housing Choice Voucher Program

Administrative Plan

For the

Akron Metropolitan Housing Authority

This document is also available in accessible format from the Reasonable Accommodation (RA) Coordinator upon ten (10) business days advance notice.

Effective January 1, 2024

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Housing Choice Voucher Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time, and its requirements, as they apply to the HCVP Tenant-Based Assistance Program, are described in and implemented throughout this Administrative Plan. The HCVP tenant-based assistance programs are Federally funded and administered for the majority of the County of Summit by the Akron Metropolitan Housing Authority through its HCVP housing office.

Administration of the HCVP and the functions and responsibilities of the Housing Authority (PHA) staff shall be in compliance with the PHA's Personnel Policy and the Department of Housing and Urban Development's (HUD) HCVP Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

JURISDICTION

The jurisdiction of the PHA is the majority of the County of Summit.

A. HOUSING AUTHORITY MISSION STATEMENT

The Akron Metropolitan Housing Authority provides quality, affordable housing and services as a platform to develop people, property and community.

B. FIVE YEAR AGENCY GOALS

Goal 1: Preserve & Expand Quality Affordable Housing

Goal 2: Maintain Operational Excellence While Pursuing Innovation and Efficiencies

Goal 3: Improve Resident Quality of Life

Goal 4: Positively Impact Community Change

C. PURPOSE OF THE PLAN [24 CFR 982.54]

The purpose of the Administrative Plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the Agency Plan. The Housing Choice Voucher Program was implemented on10/1/99, and pre-merger Housing Voucher tenancies and Over Fair Market Rent tenancies converted automatically to Housing Choice Voucher tenancies on that date. However, all other existing contracts will remain in effect until the family's second reexamination after the merger date or when a new lease is executed, whichever comes first.

The PHA is responsible for complying with all changes in HUD regulations pertaining to these programs. If such changes conflict with this Plan, HUD regulations will have precedence. The PHA will revise this Administrative Plan as needed to comply with changes in HUD regulations. The original Plan and any

changes must be approved by the Board of Commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

This Administrative Plan is a supporting document to the PHA Agency Plan, and is available for public review as required by CFR 24 Part 903.

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 982: HCVP Tenant-Based Assistance: Housing Choice Voucher Program
- 24 CFR Part 983: Project-Based Vouchers
- 24 CFR Part 985: The Section 8 Management Assessment Program (SEMAP)

Local rules that are made part of this Plan are intended to promote local housing objectives consistent with the intent of the Federal housing legislation.

D. ADMINISTRATIVE FEE RESERVE [24 CFR 982.54(D)(22)]

All expenditures from the administrative fee reserve will be approved by the PHA Board of Trustees and made in accordance with the approved budget.

E. RULES AND REGULATIONS [24 CFR 982.52]

This Administrative Plan is set forth to define the PHA's local policies for operation of the housing programs in the context of Federal laws and Regulations. All issues related to HCVP not addressed in this document are governed by such Federal regulations, HUD Memos, Notices and guidelines, or other applicable law. The policies in this Administrative Plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding. AMHA will submit requests for HUD waiver of program rules and regulations on behalf of participants as a reasonable accommodation if timely requested to do so.

F. TERMINOLOGY

The Akron Metropolitan Housing Authority is referred to as "PHA" or "Housing Authority" throughout this document.

"Family" is used interchangeably with "Applicant" or "Participant" and can refer to a single person

family. "Tenant" is used to refer to participants in terms of their relation to landlords. “Landlord"

and "owner" are used interchangeably.

"Disability" is used where "handicap" was formerly used.

"Non-citizens Rule" refers to the regulation effective June 19, 1995 restricting assistance to U.S. citizens and eligible immigrants.

The HCVP is also known as the Regular Tenancy Certificate, Over-FMR Tenancy (OFTO) and Voucher Programs. The Housing Choice Voucher Program refers to the merged program effective as of 10/1/99.

"Failure to Provide" refers to all requirements in the first Family Obligation. See "Denial or Termination of Assistance" chapter.

"Merger date" refers to October 1, 1999, which is the effective date of the merging of the HCVP Certificate and Voucher programs into the Housing Choice Voucher Program. See Glossary for other terminology.

G. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of the Housing Authority to comply fully with all Federal, State, and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The PHA shall not deny any family or individual the equal opportunity to apply for or receive assistance under the HCVP on the basis of race, color, sex, religion, national origin, age, familial status, disability, military status, ancestry, sexual orientation, marital status and gender identity in accordance with the HUD LGBT rule.

To further its commitment to full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the Voucher holder's briefing packet and available upon request at the front desk.

The AMHA will comply with affirmatively furthering fair housing requirements of 24CFR 903.7(o)

- Examining its programs or proposed programs;
- Identifying any impediments to fair housing choice within those programs;
- Addressing those impediments in a reasonable fashion in view of the resources available;
- Working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and
- Maintaining records reflecting these analyses and actions.

All Housing Authority staff will be required to attend fair housing training and informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as a part of the overall commitment to quality customer service. Fair Housing posters are posted throughout the Housing Authority office/s, including in the lobby and interview rooms and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organizations to keep current with new developments.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25, and 8.31, no individual with disabilities shall be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities.
Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

The Akron Metropolitan Housing Authority Central Office is accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the Ohio Relay Service at 1 (800) 750-0750; and the Federal Relay Service at 1 (800) 877-8339.

H. REASONABLE ACCOMMODATIONS POLICY [24 CFR 100.202]

It is the policy of this PHA to be service-directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families. The AMHA does not discriminate in admission or access to, or treatment in its federally assisted programs and activities on the basis of disability. AMHA identifies the Reasonable Accommodation Coordinator as the AMHA employee responsible for coordinating AMHA's efforts to comply with the nondiscrimination provisions set forth in 24 CFR Part 8.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the PHA will treat a person differently than anyone else. The PHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on PHA forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administrative Plan including when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

To be eligible for a reasonable accommodation as per all Federal and Ohio laws pertaining to individuals with disabilities, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following Reasonable Accommodation definition:

> A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
> A record of such impairment; or
> Being regarded as having such an impairment

Note: This is not the same as the HUD definition used for purposes of determining allowances.

Rehabilitated former drug users and alcoholics are covered under the Reasonable Accommodation. However, a current drug user is not covered. In accordance with 5.403, individuals are not considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug or alcohol addiction is a material factor to their disability are excluded from the definition.
Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a professional third party competent to make the assessment, provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If the PHA finds that the requested accommodation creates an undue administrative or financial burden,the PHA will deny the request and/or present an alternate accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the PHA (i.e., waiving a family obligation).

An undue financial burden is one that when considering the available resources of the agency as a whole,

the requested accommodation would pose a severe financial hardship on the PHA.

The PHA will provide a written decision to the person requesting the accommodation within a reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing referred to as an appeal meeting, to review the PHA's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Verification of Disability
The PHA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

Outreach
Outreach efforts will include notification of the PHA's Reasonable Accommodation Coordinator as well as all other media and agencies listed in the PHA's Administrative Plan regarding public notices (see section on opening and closing the waiting list in "Applying for Admission" chapter.)

Families utilizing portability to AMHA with a reasonable accommodation approved by another PHA
A family requesting to port to AMHA, who was previously granted an accommodation for an extended voucher size per the Federal or state laws pertaining to individuals with disabilities will be subject to re-verification by AMHA's Reasonable Accommodation Coordinator before AMHA will approve an increased voucher size. Those families will receive a voucher from AMHA based on AMHA's unit size criteria, subject to modification if the Reasonable Accommodation is approved.

For families previously approved by another PHA for an additional bedroom for a live-in aide:

> The family must submit a request for accommodation for a live-in aide and provide all paperwork requested by AMHA. If the accommodation is approved, AMHA will verify the proposed live-in aide's eligibility for AMHA's housing programs before the aide will be permitted to reside with the family.

For families previously approved by another PHA for an additional bedroom for any other reason: The

> family must submit a request for accommodation and provide all paperwork requested by AMHA. If the accommodation is approved, the voucher size will be increased per the approval.

I. TRANSLATION OF DOCUMENTS

In determining whether it is feasible to provide translation of documents written in English into other languages, the PHA will consider the following factors:

- AMHA will take the necessary steps to ensure meaningful access to the housing and services available at AMHA by people of limited English-speaking proficiency, in compliance with Title VI of the 1964 Civil Rights Act, HUD Guidance, and other applicable laws.

- AMHA will provide interpreter services for all Limited English Proficient (LEP) individuals who

need access to language assistance to apply or communicate with AMHA employees. These interpreters may be in person or by telephone. Where possible, AMHA will utilize translated documents to assist LEP individuals with applying for AMHA services and to communicate appointments and other items regarding a LEP individual's application for housing or LEP tenant's housing. These interpreter or translation services will be provided at no cost to the applicant or tenant.

- Service providers will be available to assist in completing the application and certification process with PHA identified persons with literacy barriers.

J. MANAGEMENT ASSESSMENT OBJECTIVES

The PHA operates its housing assistance program with efficiency and can demonstrate to HUD auditors that the PHA is using its resources in a manner that reflects its commitment to quality and service. The PHA policies and practices are consistent with the areas of measurement for the following HUD SEMAP indicators.

- Selection from the Waiting List
- Reasonable Rent
- Determination of Adjusted Income Utility Allowance Schedule
- Current Approved HUD Inspection Protocol Quality Control Inspections
- Bonus Indicator Deconcentration
- Success Rate of Voucher Holders

Supervisory quality control reviews will be performed by a PHA Supervisor or other qualified person other than the person who performed the work, as required by HUD, on the following SEMAP factors:

- Selection from the waiting list
- Rent reasonableness
- Determination of adjusted income
- Current Approved HUD Inspection Protocol Enforcement
- Current Approved HUD Inspection Protocol Quality Control

The annual sample of files and records will be drawn in an unbiased manner, leaving a clear audit trail.

The minimum sample size to be reviewed will relate directly to each factor.

K. RECORDS FOR MONITORING PHA PERFORMANCE

In order to demonstrate compliance with HUD and other pertinent regulations, the PHA will maintain records, reports and other documentation for a time that is in accordance with HUD requirements and in a manner that will allow an auditor, housing professional or other interested party to follow, monitor and or assess the PHA's operational procedures objectively and with accuracy and in accordance with SEMAP requirements with internal supervisory audits.

In addition to the required SEMAP documentation, supervisory staff audit the following functions:

- Not less than 5% of reexaminations
- Not less than 5% of new applications
- Not less than 5% of claims processed

L. PRIVACY RIGHTS [24 CFR 982.551 and 24 CFR 5.212]

Applicants and participants, including all adults in their households, are required to sign the HUD 9886

Authorization for Release of Information. This document incorporates the Federal Privacy Act Statement and describes the conditions under which HUD/PHA will release family information.

The PHA's policy regarding release of information is in accordance with State and local laws which may restrict the release of family information.

Any and all information which would lead one to determine the nature and/or severity of a person's disability must be kept in a separate folder and marked "confidential" or returned to the family member after its use. The personal information in this folder must not be released except on an "as needed" basis in cases where an accommodation is under consideration. All requests for access and granting of accommodations based on this information must be approved by the Reasonable Accommodation Coordinator.

The PHA's practices and procedures are designed to safeguard the privacy of applicants and program participants. All applicant and participant files will be stored in a secure location which is only accessible by authorized staff.

PHA staff will not discuss family information contained in files unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

M. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low income families on a regular basis. When the PHA's waiting list is open, the PHA will publicize the availability and nature of housing assistance for very low income families in a newspaper of general circulation, minority media, and by other suitable means.

To reach persons who cannot read the newspapers; the PHA will distribute fact sheets to the broadcasting media, and initiate personal contacts with members of the news media and community service personnel.

The PHA will also utilize public service announcements.

The PHA will communicate the status of housing availability to other service providers in the community, and advise them of housing eligibility factors and guidelines in order that they can make proper referrals for housing assistance.

N. OWNER OUTREACH [24 CFR 982.54(d)(5)]

The PHA makes a concerted effort to keep private owners informed of legislative changes in the tenant-based program, which are designed to make the program more attractive to owners. This includes informing participant owners of applicable legislative changes in program requirements.

The PHA encourages owners of decent, safe and sanitary housing units to lease to HCVP families.

The PHA encourages participation by owners of suitable units located outside areas of low poverty or minority concentration.

The PHA conducts periodic meetings with participating owners to improve owner relations and to recruit new owners.

The PHA has partnered with Socialserve.com to provide owners the opportunity to list their properties for clients with

vouchers. The listing site, www.summithousingsearch.org, is for Summit County only. Owners are directed to the site to post their listings and voucher holders are directed to the site to search for housing. The hard copy list of units is available upon request, e.g. when a client states they do not have internet access to either Socialserve.com or AMHA.Socialserve.com offers 8:00 a.m. to 8:00 p.m. customer service, and will assist owners in listing their properties and assist voucher holders looking for housing.

The PHA will actively recruit property owners with property located outside areas of minority and poverty concentration and apply for exception payment standards if the PHA determines it is necessary to make the program more accessible in the PHA's jurisdiction.

The PHA encourages program participation by owners of units located outside areas of poverty or minority concentration. The PHA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choices and better housing opportunities to families. Voucher holders are informed of a broad range of areas where they may lease units inside the PHA's jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of poverty or minority concentration.

Chapter 2

ELIGIBILITY FOR ADMISSION [24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION
This Chapter defines both HUD and the PHA's criteria for admission and denial of admission to the program. The policy of this PHA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The PHA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the PHA pertaining to their eligibility.

A. ELIGIBILITY FACTORS [982.201(b)]

The PHA accepts applications only from families whose head or spouse is at least 18 years of age.

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the PHA.

The HUD eligibility criteria are:

- An applicant must be a "family"
- An applicant must be within the appropriate Income Limits
- An applicant must furnish Social Security Numbers for all family members, with the exception of a child under the age of 6 who was added to the household within the 6- month period prior to the household's date of voucher issuance. In this case, an applicant must furnish acceptable proof of a Social Security Number for the child within 90 calendar days from the effective date of the Housing Assistance Payment contract. An extension of one additional 90-day period must be granted if the PHA determines, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside of the control of the applicant.
- An applicant must furnish declaration of Citizenship or Eligible Immigrant Status and verification where required
- At least one member of the applicant family must be either a U.S. citizen or have eligible immigration status before the PHA may provide any financial assistance
- Meets or exceeds the tenant selection criteria as set forth in this policy

Student Eligibility Requirements (24 CFR 5.612)
No assistance shall be provided under Section 8 of the 1937 Act to any individual who:

- Is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)
- Is not a veteran of the United States Military
- Is unmarried
- Does not have a dependent child, and
- Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under Section 8 of the 1937 Act
- Is under the age of 24 and
- Is not a person with disabilities, as such term is defined in 3 (b) (3) (E) of the United

States Housing Act of 1937 (42 U.S. C. 1437a (b) (3) (E)

This does not apply for students who reside with parents who are applying to receive HCVP assistance as a family.

Students with disabilities on the Housing Choice Voucher Program on or before 11/25/05 are exempt from being made ineligible.

For a student under the age of 24 who is not a veteran, is unmarried, does not have a dependent child and who is seeking section 8 assistance, section 327 (a) of the Act sets up a two-part income eligibility test. Both parts of this test must be affirmatively met. That is, both the student and the student's parents (the parents individually or jointly) must be income eligible for the student to receive section 8 assistance. If it is determined that the parents are not income eligible, the student is ineligible to receive section 8 assistance.

A student under the age of 24 who meets the additional criteria of section 327 of the Act may be income eligible for assistance in circumstances where an examination of the income of the student's parents may not be relevant or where the student can demonstrate the absence of, or his or her independence from, parents. These practices and criteria include but are not limited to consideration of all of the following:

- The individual must be of legal contract age under state law
- The individual must have established a household separate from the occupancy or the individual meets the U.S. Department of Education's definition of an independent student.
- The individual must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations
- The individual must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. The certification is required even if no assistance will be provided.

The PHA will verify a student's independence from his or her parents to determine that the student's parents' income is not relevant for determining the student's eligibility for assistance by taking into consideration all of the following:

- Reviewing and verifying previous address information to determine evidence of a separate household, or verifying the student meets the U.S. department of Education's definition of "independent student" and
- Reviewing prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent (except if the student meets the Department of Education definition of "independent student" and
- Verifying income provided by a parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income
- Determining if the student is a "vulnerable youth". If the student qualifies as such, that is all that is necessary to consider them an "independent student." Vulnerable youth include:
    - The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older.

- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by the court of competent jurisdiction in the individual's state of legal residence.
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act) or as unaccompanied, at risk of homelessness, and self-supporting, by-
    - A local educational agency homeless liaison, designated pursuant to section 722 (g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act.
    - The director (or designee) of a program funded under the Runaway and Homeless Youth Act.
    - The director (or designee) of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants).
    - A financial aid administrator.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter.

These reasons for denial constitute additional admission criteria.

The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors.

Eligibility factors will be verified before the family is issued a voucher.

B. FAMILY COMPOSITION [24 CFR 982.201(c)]

The applicant must qualify as a Family. A Family may be a single person or a group of persons.

A "family" includes a family with or without a child or children. A group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides is a family. The PHA determines if any other group of persons qualifies as a "family".

A single person family may be:

- An elderly person
- A displaced person
- A person with a disability

Individuals may not be considered disabled for eligibility purposes solely on the basis of any drug or alcohol dependence.

- Any other single person

A child who is temporarily away from home because of placement in foster care is considered a member of the family. This provision only pertains to the foster child's temporary absence from the home, and is not intended to artificially enlarge the space available for other family members.

A family also includes:

- Two or more persons who intend to share residency whose income and resources are available to meet the family's needs.
- Two or more elderly or disabled persons living together, or one or more elderly, near elderly or disabled persons living with one or more live-in aides is a family.

Head of Household
The head of household is the adult member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law.

Spouse of Head
Spouse means the husband or wife of the head.

For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. It includes the partner in a common law marriage in effect prior to 1988. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head
An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Aide
A Family may include a live-in aide provided that such live-in aide:

- Is determined by the PHA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities,
- Is not obligated for the support of the person(s), and
- Would not be living in the unit except to provide care for the person(s).

A live-in aide is treated differently than family members. Some important differences include:

- Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.
- Live-in aides are not subject to Non-Citizen Rule requirements.
- Live-in aides may not be considered as a remaining member of the tenant family.

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above.

A spouse, partner or child(ren) of a live-in aide may also reside in the unit, providing doing so does not increase the subsidy by the cost of an additional bedroom and that their presence does not overcrowd the unit.

A Live in Aide may only reside in the unit with the approval of the PHA. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, licensed professional or reliable third party. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled.

The PHA will approve a live-in aide if needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability. Approval of a live-in aide for reasonable accommodation will be in accordance with CFR 24 Part 8 and the reasonable accommodations section in Chapter 1 of this administrative plan.

When approval of a live-in aide is given, the family must submit a specific live-in aide's name and information for approval by the PHA within 60 calendar days of the PHA's notification. If the 60-day period expires, the voucher will be reduced to the bedroom size permitted based solely on family composition and the family will have to resubmit an application for approval of a live-in aide. An extension may be granted by the manager of HCVP or Reasonable Accommodation Coordinator for extenuating circumstances.

If the family removes the current approved live-in aide and does not submit a specific replacement live-in aide's name and information for approval by the PHA within 60 days of the PHA's notification, and the 60 day period expires, the voucher will be reduced to the bedroom size permitted based solely on family composition and the family will have to resubmit an application for approval of a live-in aide.

The live-in aide will be subject to AMHA's applicant screening criteria and must annually provide proof of continued residence in the unit. The head of household will be subject to annual reexamination of the continued disability/need for the live-in aide for those that were not certified with a permanent disability.

[24 CFR 982.316] At any time, the PHA will refuse to approve a particular person as a live-in aide or may withdraw such approval if:

- The person commits fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to the PHA or to another PHA in connection with HCVP or public housing assistance under the 1937 Act.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the PHA will make the decision taking into consideration the following factors:

- Which family member applied as head of household.
- Which family unit retains the children or any disabled or elderly members.
- Restrictions that were in place at the time the family applied.
- Role of domestic violence in the split.
- Recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the PHA.

Multiple Families in the Same Household
When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children
Children who are subject to a joint custody agreement but live with one parent at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

C. INCOME LIMITATIONS [24 CFR 982.201(b), 982.353]

To be income eligible the family may be under the low-income limit in any of the following categories: [24 CFR 982.201(b)]

- A very low income family.
- A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of voucher issuance. Programs include any housing Federally assisted under the 1937 Housing Act.
- A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511.
- A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project.
- A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173.
- A low-income family or moderate income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract under 24 CFR 248.165.
- A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

To determine if the family is income-eligible, the PHA compares the Annual Income of the family to the applicable income limit for the family's size.

Families whose Annual Income exceeds the income limit will be denied admission and offered an informal review.

Income for Student Eligibility:
Any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S. C. 1001 et seq.), from private sources, or from an institution of higher education as defined under the Higher Education Act of 1965 (20 U.S.C. 1002) shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for person over the age of 23 with dependent children. For purposes of this paragraph, “financial assistance” does not include loan proceeds for the purpose of determining income.

A student’s financial assistance under Sec. 5.609 (b) (9) is considered income only in the context of that student’s application for, or retention of, section 8 assistance separately from the student’s parents.

Portability: For initial lease-up at admission, families who exercise portability must be within the applicable income limit for the jurisdiction of the receiving PHA in which they want to live.

D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218, 5.233]

Families are required to provide verification of Social Security Numbers for all family members prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program. For an applicant only, if a child under the age of 6 who was added to the household within the 6-month period prior to the household's date of voucher issuance, the applicant may become a participant so long as they furnish acceptable proof of a Social Security Number for the child within 90 calendar days from the effective date of the Housing Assistance Payment contract. An extension of one additional 90-day period must be granted if the PHA determines, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside of the control of the applicant. Failure to produce verification of the Social Security Number within the required time period is grounds for denial or termination of assistance.

Failure to furnish verification of Social Security Numbers is grounds for denial or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 90 days. Individuals exempt from disclosure are individuals who do not contend to have eligible immigration status, tenants age 62+ as of January 31, 2010 and tenants who have previously disclosed a valid SSN.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals, who are neither, may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD.

For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

Mixed Families: A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.

All members ineligible: Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.

Non-citizen students: Defined by HUD in the non-citizen regulations at 24 CFR 5.522. Not eligible for assistance.

Appeals: For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

F. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b), 982.552 (c) (ii)]

A family will not be admitted to the program if any member of the family has been evicted from Federally assisted housing for serious violation of the lease within the past 3 years.

A family will be denied admission to the program if any member of the family including a live-in-aide fails to sign and submit consent forms for obtaining information required by the PHA, including Form HUD-9886.

The PHA will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:

- The family must not have violated any family obligation during a previous participation in the HCVP for 3 years prior to final eligibility determination.
- The PHA will make an exception, if the family member who violated the family obligation is not a current member of the household on the application.
- The family must pay any outstanding debt owed the PHA or another PHA as a result of prior participation in any Federal housing program. The PHA will check criminal history for all adults in the household to determine whether any member of the family has violated any of the
  prohibited behaviors as referenced in the section on screening and terminations policy in the "Denial or Termination of Assistance" chapter.
- If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).
- Persons who have been part of a family whose assistance has been terminated under the Certificate or Voucher program within the last three years,
- Persons who have been convicted of drug-related criminal activity (excluding minor misdemeanors) or violent criminal activity are suitable for housing three (3) years after the most recent release date that can be determined from either 1) sentence or 2) probation or 3) parole.
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program,
- Persons who have engaged in or threatened abusive or violent behavior toward PHA employees or agents, or
- Persons who are subject to lifetime sex offender registration.
- Persons currently listed on the Criminal Trespass List.

Removal of a Family Member's Name from the Application

HUD permits PHAs to impose as a condition of admission, a requirement that family members who participated in or were culpable for an action or failure to act which results in the denial of assistance, to not reside in the unit. As a condition for receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to reside in the unit. (Refer to Chapter 15 "Denial Or Termination Of Assistance)

G. TENANT SCREENING [24 CFR 982.307, Notice: PIH 2006-42]

The PHA will take into consideration any of the criteria for admission described in the "Denial or Termination of Assistance" chapter.

No applicant for the HCV program who has been a victim of domestic violence, dating violence, or stalking shall be denied admission into the program if they are otherwise qualified.

The PHA will not screen family behavior or suitability for tenancy. The PHA will not be liable or responsible to the owner or other persons for the family's behavior or the family's conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before PHA approval of the tenancy, the PHA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as: [24 CFR 982.307(a)(3)]

- Payment of rent and utility bills
- Caring for a unit and premises
- Respecting the rights of other residents to the peaceful enjoyment of their housing
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and
- Compliance with other essential conditions of tenancy.

The PHA will give the owner, if requested:

- The family's current and prior address as shown in the PHA's records; and
- The name and address (if known by the PHA) of the landlord at the family's current and prior address

The same types of information will be supplied to all owners.

The PHA will advise families how to file a complaint if they have been discriminated against by an owner. The PHA will advise the family to make a Fair Housing complaint. The PHA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

H. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment. If the PHA determines that there is insufficient funding after a voucher has been issued, the PHA may rescind the voucher and place the affected family back on the waiting list in its original position. No action will be required by the family for the initial placement back on the waiting list, but the family will still be required to respond to requests for information. All eligibility requirements must still be met.

I. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to noncitizen status. See "Complaints and Appeals" chapter for additional information about reviews and hearings.

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

HUD rules prohibit denial of assistance to the program based on the following criteria:

- Age, disability, race, color, religion, sex, national origin, familial status, military status, ancestry, sexual orientation, marital status, and gender identity in accordance with the HUD LGBT rule.
- Where a family lives prior to admission to the program.
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside the PHA's jurisdiction (See Chapter 13 "Moves With Continued Assistance/Portability")
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock.
- Whether the family includes children.
- Whether a family decides to participate in a family self-sufficiency program.

Chapter 3

APPLYING FOR ADMISSION
[24 CFR 982.204]

INTRODUCTION
The policy of the PHA is to ensure that all families who express an interest in housing assistance are given an equal opportunity to apply, and are treated in a fair and consistent manner. This Chapter describes the policies and procedures for completing an initial application for assistance, placement and denial of placement on the waiting list, and limitations on who may apply. The primary purpose of the intake function is to gather information about the family, but the PHA will also utilize this process to provide information to the family so that an accurate and timely decision of eligibility can be made.

Applicants will be placed on the waiting list in accordance with this Plan.

A. OVERVIEW OF THE APPLICATION TAKING PROCESS
The purpose of application taking is to permit the PHA to gather information and determine placement on the waiting list. The application will contain questions designed to obtain pertinent program information. Families who wish to apply for any one of the PHA's programs must complete an application form when application taking is open. Applications will be made available in an accessible format upon request from a person with a disability.

When the waiting list is open, any family asking to be placed on the waiting list for HCVP rental assistance will be given the opportunity to complete an application.

B. OPENING/CLOSING OF APPLICATION TAKING [24 CFR 982.206, 982.54(d)(1)]
The PHA, at its discretion, may restrict application intake, suspend application intake, and close waiting lists in whole or in part. The PHA may open or close the list by local preference category.

The decision to close the waiting list will be based on the number of applicants who qualify for a local preference, and the ability of the PHA to house applicants within a reasonable period of time.

When the PHA opens the waiting list, the PHA will advertise through public notice in the following newspapers, minority publications and media entities, location(s), and program(s) for which applications are being accepted:

- Akron Beacon Journal
- The Reporter
- Community Newspapers
- AMHA Sites
- Department of Human Services
- International Institute
- Urban League

To reach persons with disabilities, the PHA will provide separate notice to local organizations representing the interests and needs of the disabled. This will include notice to the following organizations:

The notice will contain:

- The dates, times, and the locations where families may apply.
- The programs for which applications will be taken.
- A brief description of the program.
- A statement that public housing residents must submit a separate application if they want to apply for HCVP.
- Limitations, if any, on who may apply.

The notices will be made in an accessible format if requested. They will provide potential applicants with information that includes the PHA address and telephone number, how to submit an application, information on eligibility requirements, and the availability of local preferences.

Upon request from a person with a disability, additional time will be given as an accommodation for submission of an application after the closing deadline. This accommodation is to allow persons with disabilities the opportunity to submit an application in cases when a social service organization provides inaccurate or untimely information about the closing date.

If the waiting list is open, the PHA will accept applications from eligible families unless there is good cause for not accepting the application, such as denial of assistance because of action or inaction by members of the family for the grounds stated in the "Denial or Termination of Assistance" chapter of this Administrative Plan. [24 CFR 982.206(b)(2)]

When Application Taking is Suspended

The waiting list may not be closed if it would have a discriminatory effect inconsistent with applicable civil rights laws.

During the period when the waiting list is closed, the PHA will not maintain a list of individuals who wish to be notified when the waiting list is open.

Suspension of application taking is announced in the same way as opening the waiting list.

The open period shall be long enough to achieve a waiting list adequate to cover projected turnover over the next 24 months. The PHA will give at least 15-day notice prior to closing the waiting list. The PHA will announce the closing of the waiting list by public notice. When the period for accepting applications is over, the PHA will add the new applicants to the list by:

Local preference priority, and/or date and time of application receipt.

The PHA will update the waiting list at least annually by removing the names of those families who are no longer interested, no longer qualify for housing, or cannot be reached by mail or telephone. At the time of initial intake, the PHA will advise families of their responsibility to notify the PHA when mailing address or telephone numbers change.

Reopening the List

If the waiting list is closed and the PHA decides to open the waiting list, the PHA will publicly announce the opening.

Any reopening of the list is done in accordance with HUD requirements.

Limits on Who May Apply
When the waiting list is open:

Any family asking to be placed on the waiting list for HCVP rental assistance will be given the opportunity to complete an application.

When the application is submitted to the PHA:

It establishes the family's date and time of application for placement order on the waiting list.

Multiple Families in Same Household
When families apply that consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

C. APPLICATION PROCEDURES [24 CFR 982.204(b)]

Families who wish to apply for any of the PHA's programs must complete an on-line application when application taking is open.

Persons with disabilities may contact the PHA to make other arrangements to complete their application. The application process:

The PHA will process applications for assisted housing in accordance with the following two- phase procedure:

Phase One: Preliminary Application

1. Individuals or Families can apply by visiting the Akron Metropolitan Housing Authority website at www.akronhousing.org, and following the instructions for submitting a Preliminary Application. Individuals without access to a computer can contact the Housing Placement Office for assistance.
2. Once a Preliminary Application has been submitted on-line, the applicant will be provided with a confirmation number as proof of the date and time of their application.
3. AMHA will assume that the facts certified by the applicant in the Preliminary Application are correct, although all those facts will be subject to verification later in the application process.
4. Duplicate applications, including applications from a segment of an applicant household, will not be accepted.

Applicants are required to inform the PHA in writing of changes in family composition, income, and address, as well as any changes in their preference status. Applicants are also required to respond to requests from the PHA to update information on their application, or to determine their continued interest in assistance.

Failure to provide information or to respond to mailings within 10 (ten) working days will result in the applicant being removed from the waiting list.

Phase Two: Full Application

1. The PHA will notify the family by first class mail, phone or e-mail when it is selected from the preliminary waiting list to attend an Orientation/Interview and complete the Full Application. The notice will inform the family of the following:

    a. Date, time and location of the scheduled orientation/interview, including any procedures for rescheduling the orientation/interview.
    b. Who is required to attend the orientation/interview.
    c. Documents that must be provided at the interview to verify eligibility for a preference, if applicable.
    d. Other documents and information that should be brought to the interview

If a notification letter is returned to the PHA with no forwarding address, the family will be removed from the preliminary waiting list without further notice. Such failure to act on the part of the applicant prevents the PHA from making an eligibility determination; therefore, no formal hearing will be offered. Reasonable accommodation will be made for persons with a disability. A designee will be allowed to provide information, but only with permission of the person with a disability.

D. APPLICANT STATUS WHILE ON WAITING LIST [CFR 982.204]

Applicants are required to inform the PHA in writing of changes in address. Applicants are also required to respond to requests from the PHA to update information on their application and to determine their interest in assistance.

If after a review of the application the family is determined to be eligible, they will be notified in writing or in an accessible format upon request, as a reasonable accommodation.

This written notification of eligibility will be:

- Mailed to the applicant by first class mail
- Distributed to the applicant in the manner requested as a specific accommodation

If the family is determined to be ineligible based on the information provided in the application, its file will be withdrawn and the PHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal review. Persons with disabilities may request to have an advocate attend the informal review as an accommodation. (See "Complaints and Appeals" Chapter)

E. TIME OF SELECTION [24 CFR 982.204]

When funding is available, families will be selected from the waiting list in their determined sequence, regardless of family size, subject to income targeting requirements.

When there is insufficient funding available for the family at the top of the list, the PHA will not admit any other applicant until funding is available for the first applicant.

F. REQUIREMENTS FOR ADMISSION

Attend the Orientation/Interview

The PHA utilizes the Orientation as a vehicle to meet the informational needs of the family by providing information about the application and verification process, as well as to advise the family of other PHA services or programs which may be available. The Interview is used to discuss the family's circumstances in greater detail, to clarify information which has been provided by the family, and to ensure that the information is complete.

All adult family members must attend the interview and sign the housing application. Exceptions may be made for adult students attending school out of state or for members whom attendance would be a hardship.

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the PHA will provide translation services in accordance with the PHA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact the PHA within 30 days of the original appointment date, to schedule a new appointment. Applicants may reschedule one time only. Any additional requests to reschedule will require proof of just cause. Failure to appear for the scheduled interview without a request to reschedule will be interpreted to mean that the family is no longer interested, and their Preliminary Application will be withdrawn. Such failure to act on the part of the applicant prevents the PHA from making an eligibility determination; therefore, the PHA will not offer an informal hearing.

Clients who fail to respond within 30 days will have the option to complete a new Preliminary Application.

Information Required

The following information must be provided for ALL family members:

1. Birth Certificates / Record of Birth
2. Social Security Cards
3. Current or recent government issued photo identification or other photo identification of comparable reliability such as a school or business photo ID
4. Statement of Income (Wages, ADC, SS, Pension, etc.)
5. Value of Assets (Savings, Checking, CD's, Property, etc.)
6. All required citizenship or immigration status forms

Completing the Full Application

If the family is claiming a waiting list preference, the family must provide documentation to verify their eligibility for a preference (see Chapter 7). If the PHA determines the family is not eligible for the preference, the family will be placed back on the waiting list based on their adjusted preference points, then by date and time of their application.

All adult members must sign form HUD-9886, a "Release of Information," the declaration and consents related to citizenship/immigration status and any other documents required by the PHA. Applicants will be required to sign specific verification forms for information which is not covered by the HUD-9886. Failure to do so will be cause for denial of the application for failure to provide necessary certification

and release as required by the PHA

Information provided by the applicant will be verified, including information related to family composition, income, allowances and deductions, assets, eligible immigration status, full time student status and other factors related to preferences, eligibility and rent calculations.

Final eligibility will be determined when the full application process is completed and all information has been verified. The purpose of the full application is to permit the PHA to assess family eligibility or ineligibility and to determine placement.

The full application may contain questions designed to obtain the following information:

Names of head and spouse
Names of adult members and age of all members
Number of family members (used to estimate bedroom size needed)
Street address and phone numbers
Mailing address (If PO Box or other permanent address)
Annual income
Source(s) of income received by household members
Information regarding request for reasonable accommodation or for accessible unit
Social Security Numbers
Race/ethnicity
Marital Status
Arrests/Convictions
Previous address
Names and address of current and previous landlords
Emergency contact person and address
Questions regarding previous participation in HUD programs

G. VERIFICATION [24 CFR 982.201(e)]

Information provided by the applicant will be verified, using the verification procedures in the "Verification Procedures" chapter. Family composition, income, allowances and deductions, assets, full-time student status, eligibility and rent calculation factors, and other pertinent information will be verified. Verifications may not be more than 60 days old at the time of issuance of the Voucher.

H. DENIAL OF ADMISSION [24 CFR 982.553]

An applicant file will be withdrawn from the waiting list if any member of the family has been evicted from housing assisted under a 1937 Housing Act program during the past three years because of drug-related criminal activity. The PHA will grant an exception to such a family if:
The responsible member has successfully completed a rehabilitation program.
The evicted person clearly did not participate in or know about the drug-related activity.
The evicted person no longer participates in any drug-related criminal activity.

I. FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY [24 CFR 982.201]

After the verification process is completed, the PHA will make a final determination of eligibility. This decision is based upon information provided by the family, the verification completed by the PHA, and the current eligibility criteria in effect.

If the family is determined to be eligible, the PHA will mail a notification of eligibility (in an accessible format upon request, as a reasonable accommodation). A briefing will be scheduled for the issuance of a

voucher and the family's orientation to the housing program.

If the family is determined ineligible based on the information provided in the application, the PHA will notify the family in writing (in an accessible format upon request as a reasonable accommodation), state the reason(s), and inform them of their right to an informal hearing. Persons with disabilities may request to have an advocate attend the informal hearing as an accommodation. (See "Complaints and Appeals" Chapter.)

The basis for ineligibility may include but is not limited to:

- Over Income – The applicant's total family income is in excess of the admissions limits
- Age – The applicant family's head of household is not at least 18 years of age
- False Information – The applicant family gave false or misleading information on the application for housing
- Other – The applicant does not meet other State or Federal Regulation or future AMHA policy set forth at the time of application
- Screening – The applicant or family member did not meet the screening criteria

Chapter 4

ESTABLISHING PREFERENCES AND MAINTAINING THE WAITING LIST [24 CFR Part 5, Subpart D; 982.54(d)(1); 982.204, 982.205, 982.206]

INTRODUCTION

It is the PHA's objective to ensure that families are placed in the proper order on the waiting list and selected from the waiting list for admissions in accordance with the policies in this Administrative Plan.

This chapter explains the four local preferences which the PHA has adopted to meet local housing needs, defines the eligibility criteria for the preferences and explains the PHA's system of applying them.

By maintaining an accurate waiting list, the PHA will be able to perform the activities which ensure that an adequate pool of qualified applicants will be available so that program funds are used in a timely manner.

A. WAITING LIST [24 CFR 982.204]

The PHA uses one waiting list for admission to its HCVP tenant-based voucher assistance program and a separate waiting list with a different local preference system for its project based voucher program.

Except for Special Admissions, applicants will be selected from the PHA tenant-based waiting list and project- based waiting list in accordance with policies and preferences and income targeting requirements defined in this Administrative Plan.

The PHA will maintain information that permits proper selection from the

waiting lists. The waiting lists contain the following information for each

applicant listed:

- Applicant name
- Family unit size (number of bedrooms family qualifies for under PHA subsidy standards)
- Date and time of application
- Qualification for any local preference
- Racial or ethnic designation of the head of household
- Targeted program qualifications

B. SPECIAL ADMISSIONS [24 CFR 982.54(d)(e), 982.203]

If HUD awards a PHA program funding that is targeted for specifically named families, the PHA will admit these families under a Special Admission procedure.

Special admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The PHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

1. A family displaced because of demolition or disposition of a public or Indian housing project;
2. A family residing in a multifamily rental housing project when HUD sells, forecloses or demolishes the project;
3. For housing covered by the Low Income Housing Preservation and Resident Home-ownership Act of 1990;
4. A family residing in a project covered by a project-based HCVP HAP contract at or near the end of the HAP contract term; and
5. A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

Applicants who are admitted under Special Admissions, rather than from the waiting list, are identified in the computer system as such and the files are documented.

C. LOCAL PREFERENCES [24 CFR 982.207]

The PHA will offer public notice when changing its preference system and the notice will be publicized using the same guidelines as those for opening and closing the waiting list.

The PHA uses the following local preference system. A different local preference system is used for the HCVP project-based program (Chapter 20):

1. Date and time of receipt of a completed application.
2. Residency preference for families who live, work, or have been hired to work or who are attending school full time in the jurisdiction. Excludes online courses.
3. Veteran preference: to families of veterans and persons serving in the active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death.
   As used in this section:
   A. " Veteran" has the same meaning as assigned by the Ohio Revised Code 5901.01, which means either of the following:
      a. A former member of the armed forces of the United States who served on active military duty and received an honorable discharge or honorable separation, a member of the armed forces of the United States who died on active military duty, or a member of the armed forces of the United States missing in action more than ninety days; or
      b. A member of the Unites States merchant marine to whom either of the following applies:
         i. The member has an honorable report of separation from the active duty military service, form DD214 or DD215.
         ii. The member served in the United Sates merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.
      c. "United States Merchant Marine" includes the United States Army transport service and the United State naval transport service.
4. Summit County Children Services (SCCS) Certified Emancipated Youth and FUP Youth and Families- for youth eighteen years of age to twenty-four years of age, who are working with SCCS to

overcome or prevent homelessness or families working with SCCS for whom the lack of adequate housing is a primary factor in the imminent placement of the family's children in out-of-home or the delay in the discharge of the children from out-of-home care. Due to the limited number of available preferences, an applicant that qualifies for this preference cannot simultaneously qualify for the Full Term First Birthday preference. (This will be capped at 50 participants across all programs unless Family Unification (FUP) vouchers are available). As required by statute, a FUP voucher issued to a youth may only be used to provide housing assistance for a maximum of 36 months. The FUP voucher recipient may qualify for the Moving On Preference for continued housing, see below.

5. Full Term First Birthday Preference: for applicants referred by the Full Term First Birthday Greater Akron program, which works to promote healthy full-term pregnancies and ensure every child celebrates a first birthday. Due to the limited number of available preferences, an applicant that qualifies for this preference cannot simultaneously qualify for the Emancipated Youth and FUP preference. (This preference will be capped at 30 participants across all programs).

6. Summit County Continuum of Care (SCCoC) Coordinated Entry Preferences:
for applicants referred by SCCOC, Coordinated Entry the individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the SCCoC must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for assistance. The PHA must retain this documentation as part of the family's file. (This preference will be capped at 30 participants per year across all programs).

7. Transitional/Homeless Non-Elderly Disabled Preference:
for families that are composed of one of more non-elderly persons aged 18 to 61 with disabilities who are eligible for services through a partner agency with whom AMHA has executed a Memorandum of Understanding (MOU) and are:

- transitioning out of an institutional or other segregated setting,
- at serious risk of institutionalization,
- homeless,
- at risk of becoming homeless, or
- previously experienced homelessness and are currently a client in a permanent supportive housing or rapid rehousing project.

The family may include additional family members who are not non-elderly persons with disabilities. A family where the sole member is an emancipated minor is not an eligible household (This preference will be capped at 50 participants or at the amount of Mainstream vouchers

awarded, whichever is greater).

Applicants shall be referred to partner agencies who will then provide a certification of eligibility and written commitment of services for:

- housing search assistance,
- supportive services to help the family's transition from homelessness and/or housing instability to permanent housing, or
- supportive services to help the family comply with Housing Choice Voucher Program rules.

8. .Moving On Preference: for current supportive housing program participants (Shelter Plus Care, Family Unification Program, and Continuum of Care Permanent Supportive Housing with whom AMHA has executed an MOU) who have volunteered and meet the eligibility requirements to obtain a tenant based housing choice voucher. This preference is available when the supportive housing program is fully utilized per the grant agreement or is otherwise approved by the Housing Placement Manager or their designee. (Use of this preference for Continuum of Care participants will be capped at 20 participants across all programs).

9. Involuntary Displacement by Government Action Preference: involuntarily displaced by government action applicants are applicants who have been involuntarily displaced by government action and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than six (6) months from the date of verification by the PHA. Families are considered to be involuntarily displaced if they are required to vacate housing as a result of the following situation:

Federal, state or local government action related to code enforcement, public improvement, development, PHA relocation due to demolition, capital improvements, modernization, or rehabilitation, or deemed uninhabitable due to disaster (e.g. flood, fire, earthquake). If the owner of the property is an immediate family relative and there is no previous rental agreement, and the applicant has been part of the owner's family immediately prior to application, the applicant will not be considered involuntarily displaced. Eligible applicants living in property acquired by the PHA will be given involuntary displacement points.

10. Rent Burden, Homeless/Substandard Preference:

A. Rent Burden**:** for families paying more than 30% of their income for rent and utilities, commencing before they were selected from the waiting list and continuing through the verification of preference, see page 7-16 (Reference Admissions and Continued Occupancy Policy).

a. For purposes of this preference, "Family Income" is Gross Monthly Income as defined in the regulations.

b. "Rent" is defined as the actual amount due under a lease or occupancy agreement calculated on a monthly basis without regard to the amount actually paid, plus the monthly amount of tenant supplied utilities which can be either:

i. The PHA's reasonable estimate of the cost of such utilities, using the Housing Choice Voucher Program Utility Allowance Schedule; or

ii. The most recent month's cost of utilities owed by the family. If rent burden cannot be determined by current utility cost, then the average monthly payments the family actually made for these utilities in the most recent 12-month period, or if information is not obtainable for the entire period, the average of at least the past three months.

c. An applicant family may choose which method to use to calculate utility expenses. Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the total rent burden if included in Family Income.

i. To qualify for the Rent Burden preference, the applicant must pay rent directly to the landlord or agent.

ii. If the applicant pays their share of rent to a cohabitant and is not named on the lease, the PHA will require both verification from the landlord that the applicant resides in the unit, and verification from the cohabitant of the amount of rent paid by the applicant.

iii. If the applicant is subletting, the lessor must have the legal right to sublet.

d. Members of a cooperative are "renters" for the purposes of qualifying for the preference. In this case, "rent" would mean the charges under the occupancy agreement.

B. Homeless**:** An applicant will be considered homeless if the household meets the criteria listed below:

a. An individual or family who lacks a fixed, regular and adequate nighttime residence, meaning:

i. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or

ii. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

iii. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

b. An individual or family who:

i. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and

ii. Has no other residence; and

iii. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

C. Substandard: An applicant will be considered living in substandard housing if the household meets the criteria listed below:

a. Resides with friends or relatives on a temporary basis, or

b. Will lose their primary night-time residence within 60 days of verification of preference, or

c. Contains a Head or Co-Head, ages 18 to 25 years, who is aging out of the Foster Care system.

d. Have received notice from the PHA that they must relocate due to demolition, capital improvements, modernization, or rehabilitation of a PHA owned property.

11. . Insufficient Funding Preference: for families that were leased in a unit under HAP contract with AMHA and the HAP contract was terminated by AMHA due to insufficient funding for the HCVP Program. If this preference is utilized, no other preferences will be given.

12. Canceled Voucher Preference**:** for families that were issued a voucher by AMHA, but the voucher was recalled due to insufficient funding for the HCVP Program. If this preference is

utilized, no other preferences will be given.

If an applicant makes a false statement in order to qualify for a local preference, the PHA will deny admission to the program for misrepresentation and the family must wait 6 months to reapply.

D. INCOME TARGETING

In accordance with the Quality Housing and Work Responsibility Act of 1998, each fiscal year the PHA will reserve a minimum of seventy-five percent of its HCVP new admissions for families whose income does not exceed the higher of the Federal poverty level or 30 percent of the area median income. HUD refers to these families as "extremely low-income families." The PHA will admit families who qualify under the Extremely Low Income limit to meet the income targeting requirement, regardless of preference.

The PHA's income targeting requirement does not apply to low income families continuously assisted as provided for under the 1937 Housing Act.

The PHA is also exempted from this requirement where the PHA is providing assistance to low income or moderate income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out.

The PHA shall have the discretion, at least annually, to exercise the "fungibility" provision of the QHWRA. This provision allows the PHA to admit less than the minimum 40% of its extremely low-income families in a fiscal year to its public housing program to the extent that the PHA's admission of extremely low income families in the tenant-based assistance program exceeds 75% of all admissions during the fiscal year. If exercising this option the PHA will follow the fungibility threshold limitations as set forth in QHWRA legislation.

The discretion by the PHA to exercise the fungibility provision is also reflected in the PHA's Public Housing Admissions and Continued Occupancy Policy.

E. INITIAL DETERMINATION OF LOCAL PREFERENCE QUALIFICATION [24 CFR 982.207]

An applicant's entitlement to a local preference may be made on the following basis:

> The PHA will verify all preference claims at the time they are made. The PHA will re-verify a preference claim, if the PHA feels the family's circumstances have changed, at time of selection from the waiting list.

If the preference verification indicates that an applicant does not qualify for the preference, the applicant will be returned to the waiting list without the local preference and given an opportunity for a meeting.

If, at the time the family applied, the preference claim was the only reason for placement of the family on the list and the family cannot verify their eligibility for the preference as of the date of application, the family will be removed from the list.

F. EXCEPTIONS FOR SPECIAL ADMISSIONS [24 CFR 982.203, 982.54(d)(3)]

If HUD awards a PHA program funding that is targeted for specifically named families, the PHA will admit these families under a Special Admission procedure. Special Admissions families will be admitted outside of the regular waiting list process. They do not have to qualify for any preferences, nor are they required to be on the program waiting list. The PHA maintains separate records of these admissions.

The following are examples of types of program funding that may be designated by HUD for families living in a specified unit:

- A family displaced because of demolition or disposition of a public or Indian housing project;
- A family residing in a multi-family rental housing project when HUD sells, forecloses or demolishes the project;
- For housing covered by the Low Income Housing Preservation and Resident Homeownership Act of 1990;
- A family residing in a project covered by a project-based HCVP HAP contract at or near the end of the HAP contract term; and
- A non-purchasing family residing in a HOPE I or HOPE 2 project.

G. TARGETED FUNDING [24 CFR 982.203]

When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. When a specific type of funding becomes available, the waiting list is searched for the first available family meeting the targeted funding criteria.

Applicants who are admitted under targeted funding which are not identified as a Special Admission are identified by codes in the automated system. The PHA has the following "Targeted" Programs:

- Shelter Plus Care
- Family Unification Program
- Welfare to Work
- Money Follows The Person
- Veterans Affairs Supportive Housing
- Mainstream Program

H. PREFERENCE AND INCOME TARGETING ELIGIBILITY [24 CFR 982.207]

Change in Circumstances

Changes in an applicant's circumstances while on the waiting list may affect the family's entitlement to a preference. Applicants are required to notify the PHA in writing when their circumstances change.

Cross-Listing of Different Housing Programs and HCVP [24 CFR 982.205(a)]

If the waiting list for the PHA's public housing program, project-based voucher program or moderate rehabilitation program is open at the time an applicant applies for HCVP, the PHA must offer to place the family on its waiting lists for the other programs.

Other Housing Assistance [24 CFR 982.205(b)]

Other housing assistance means a Federal, State or local housing subsidy, as determined by HUD, including public housing.

The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing: [24 CFR 982.205(b)]

- Refuse to list the applicant on the PHA waiting list for tenant-based assistance after accepting other housing;
- Deny any admission preference for which the applicant is currently qualified;
- Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA selection policy (except for removing the rent burden preference points); or
- Remove the applicant from the waiting list.

I. ORDER OF SELECTION [24 CFR 982.207(e)]

The PHA's method for selecting applicants from a preference category leaves a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the administrative plan.

Local Preferences

Local preferences will be used to select families from the waiting list. The PHA has selected the following system to apply local preferences:

Local preferences will be aggregated using the following system:

Each preference will receive an allocation of points. The more preference points an applicant has, the higher the applicant's place on the waiting list.

Residency Preference	1 point
Veteran Preference	2 points
Emancipated Youth/FUP Youth & Families (Capped at 50 participants unless FUP vouchers are available)	2 points
Full Term First Birthday Preference (Capped at 30 participants)	2 points
Summit County Continuum of Care, (SCCoC) Coordinated Entry (Capped at 30 participants per year)	2 points
Transitional/Homeless Non-Elderly Disabled Preference	2 points
Involuntary Displacement by Government Action Preference	3 points
Rent Burden, Homeless/Substandard Preference	7 points
Moving On	8 points
Insufficient Funding Preference	30 points
Canceled Voucher Preference	20 points

Up to 50 households may receive a government displacement preference if referred by the City as having a child with an elevated blood level living in rental housing identified as contributing to the lead poisoning.

Among Applicants with Equal Preference Status

Among applicants with equal preference status, the waiting list will be organized by date and time.

Preference information on applications will be updated as applicants are selected from the waiting list. At that time, the PHA will:

Obtain necessary verifications of preference.

J. PREFERENCE DENIAL [24 CFR 982.207]

If the PHA denies a preference, the PHA will notify the applicant in writing of the reasons why the preference was denied and offer the applicant an opportunity for an informal meeting. If the preference denial is upheld as a result of the meeting, or the applicant does not request a meeting, the applicant will be placed on the waiting list without benefit of the preference. Applicants may exercise other rights if they believe they have been discriminated against.

If the applicant falsifies documents or makes false statements in order to qualify for any preference, they will be removed from the waiting list for misrepresentation and must wait 6 months to reapply.

K. REMOVAL FROM WAITING LIST AND PURGING [24 CFR 982.204(c)]

The Waiting List will be purged approximately every year by a mailing to applicants to ensure that the waiting list is current and accurate. The mailing will ask for confirmation of continued interest.

Any mailings to the applicant which require a response will state that failure to respond within 30 days will result in the applicant's name being dropped from the waiting list. The PHA allows a grace period of thirty (30) days after completion of the purge. Applicants who respond during this grace period will be reinstated.

An extension of 10 days to respond will be granted, if requested and needed as a reasonable accommodation for a person with a disability.

If the applicant did not respond to the PHA request for information or updates because of a family member's disability, the PHA will reinstate the applicant in the family's former position on the waiting list.

If a letter is returned with a forwarding address, it will be re-mailed to the address indicated.

If an applicant is removed from the waiting list for failure to respond, they will not be entitled to reinstatement unless the Housing Placement Manager determines there were circumstances beyond the person's control. Decisions will be rendered on a case by case basis.

Chapter 5

SUBSIDY STANDARDS
[24 CFR 982.54(d)(9)]

INTRODUCTION

HUD guidelines require that PHA's establish subsidy standards for the determination of family unit size, and that such standards provide for a minimum commitment of subsidy while avoiding overcrowding.

The standards used for the unit size selected by the family must be within the minimum unit size requirements of HUD's Current Approved Inspection Protocol for Vouchers. This chapter explains the subsidy standards, which will be used to determine the voucher size (family unit size) for various sized families when they are selected from the waiting list, as well as the PHA's procedures when a family's size changes, or a family selects a unit size that is different from the Voucher.

A. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

The PHA does not determine who shares a bedroom/sleeping room, but there must be at least one person per bedroom on the Voucher. The PHA's subsidy standards for determining voucher size shall be applied in a manner consistent with Fair Housing guidelines.

For subsidy standards, an adult is a person 18 years old or older.

All standards in this section relate to the number of bedrooms on the Voucher, not the family's actual living arrangements.

The unit size on the Voucher remains the same as long as the family composition remains the same, regardless of the actual unit size rented.

Generally, the PHA assigns one bedroom to two people within the following guidelines:

- Persons of different generations (see glossary for definition), persons of the opposite sex (other than spouses), and unrelated adults should be allocated a separate bedroom.
- Separate bedrooms should be allocated for persons of the opposite sex (other than adults who have a spousal relationship).
- Live-in aides will generally be provided a separate bedroom. No additional bedrooms are provided for the aide's family.
- Space may be provided for a child who is away at school but who lives with the family during school recesses.
- Space will not be provided for a family member, other than a spouse, who will be absent most of the time, such as a member who is away in the military.
- Adults of different generations will have separate bedrooms.
- Single person families shall be allocated one bedroom.
- A single pregnant woman with no other family members must be treated as a 2-person family.

GUIDELINES FOR DETERMINING VOUCHER SIZE Voucher Size Persons in Household

	Minimum Number	Maximum Number
0 Bedroom	1	1
1 Bedroom	1	2
2 Bedrooms	2	6
3 Bedrooms	3	8
4 Bedrooms	4	10
5 Bedrooms	6	12
6 Bedrooms	8	14

B. EXCEPTIONS TO SUBSIDY STANDARDS [24 CFR 982.403(a) & (b)]

The PHA shall grant exceptions from the subsidy standards if the family requests and the PHA determines the exceptions are justified by the relationship, age, sex, health or disability of family members, or other individual circumstances.

The PHA will grant an exception upon request as an accommodation for persons with disabilities.

Circumstances may dictate a larger size than the subsidy standards permit when persons cannot

share a bedroom because of a need, such as a:

- Verified medical or health reason; or
- Elderly persons or persons with disabilities who may require a live-in aide.

A household approved for an additional bedroom(s) due to a household member's disability (for any reason except individuals with an established permanent disability requiring a live-in aide) must certify annually that the need for the additional bedroom(s) continues to exist.

If the member of the household for whom the additional bedroom was provided (based on disability) leaves the household resulting in the remaining household being over housed, the voucher size will be reduced at the next annual re-examination.

Request for Exceptions to Subsidy Standards

The PHA will not issue a larger voucher due to additions of family members other than by birth, adoption, marriage, or court-awarded custody.

Requests based on health related reasons must be verified by a doctor, licensed professional or reliable third party.

PHA Error

If the PHA errs in the bedroom size designation, the family will be issued a Voucher of the appropriate size.

Changes for Applicants

The voucher size is determined prior to the briefing by comparing the family composition to the PHA subsidy standards. If an applicant requires a change in the voucher size, based on the

requirements of the PHA subsidy standards, the above-referenced guidelines will apply.

Changes for Participants
The members of the family residing in the unit must be approved by the PHA. The family must obtain approval of any additional family member before the new member occupies the unit except for additions by birth, adoption, or court-awarded custody, in which case the family must inform the PHA within 10 days. The above referenced guidelines will apply.

The voucher size for families may only be changed at the time of the annual reexamination and/or new contract.

Underhoused and Overhoused Families
If a unit does not meet current Approved HUD Inspection Protocol space standards due to an increase in family size, (unit too small), the
PHA will issue a new voucher of the appropriate size and assist the family in locating a suitable unit.

The PHA will also notify the family of the circumstances under which an exception will be granted, such as:

- If a family with a disability is underhoused in an accessible unit.
- If a family requires the additional bedroom because of a health problem, which has, been verified by the PHA.

In the case of enhanced voucher assistance, if a family is overhoused and an appropriate size unit in the project becomes available, the family will have 30 days to move to the appropriate size unit. An exception to this timeframe due to an extreme hardship may be granted by a reasonable accommodation or if approved by the Deputy Director or their designee.

C. UNIT SIZE SELECTED [24 CFR 982.402(c)

The family may select a different size dwelling unit than that listed on the Voucher. There are three criteria to consider:

Subsidy Limitation: The family unit size as determined for a family under the PHA subsidy standard for a family assisted in the voucher program is based on the PHA's adopted payment standards. The payment standard for a family shall be the *lower of*:

- The payment standard amount for the family unit size; or
- The payment standard amount for the unit size rented by the family.

Utility Allowance: The utility allowance used to calculate the gross rent shall be the *lower of*:

- The utility allowance amount for the family unit size; or
- The utility allowance amount for the unit size rented by the family.

Current Approved Inspection Protocol for Vouchers: The standards allow two persons per
living/sleeping room and permit maximum occupancy levels (assuming a living room is used as a
living/sleeping area) as shown in the table below. The levels may be exceeded if a room in addition to bedrooms and living room is used for sleeping.

Current Approved HUD Inspection Protocol **GUIDELINES FOR UNIT SIZE SELECTED**

Unit Size	Maximum Number in Household
0 Bedroom	1
1 Bedroom	4
2 Bedrooms	6
3 Bedrooms	8
4 Bedrooms	10
5 Bedrooms	12
6 Bedrooms	14

Chapter 6

FACTORS RELATED TO TOTAL TENANT PAYMENT AND FAMILY SHARE DETERMINATION [24 CFR Part 5, Subparts E and F; 982.153, 982.551]

INTRODUCTION

The PHA will use the methods, as set forth in this Administrative Plan to verify and determine that family income at admission and at annual reexamination is correct. The accurate calculation of Annual Income and Adjusted Income will ensure that families are not paying more or less money for rent than their obligation under the Regulations.

This Chapter defines the allowable expenses and deductions to be subtracted from Annual Income and how the presence or absence of household members may affect the Total Tenant Payment (TTP). Income and TTP are calculated in accordance with 24 CFR Part 5, Subparts E and F, and further instructions set forth in HUD Notices and Memoranda. The formula for the calculation of TTP is specific and not subject to interpretation. The PHA's policies in this Chapter address those areas, which allow the PHA discretion to define terms and to develop standards in order to assure consistent application of the various factors that relate to the determination of TTP.

A. INCOME AND ALLOWANCES [24 CFR 5.609]

Income: Includes all monetary amounts, which are received on behalf of the family. For purposes of calculating the Total Tenant Payment, HUD defines what is to be calculated and what is to be excluded in the Federal regulations. In accordance with this definition, all income which is not specifically excluded in the regulations is counted.

Annual Income is defined as the gross amount of income anticipated to be received by the family during the 12 months after reexamination. Gross income is the amount of income prior to any HUD allowable expenses or deductions, and does not include income, which has been excluded by HUD. Annual income is used to determine whether or not applicants are within the applicable income limits.

HUD allowable exclusions listed in 24 CFR 5.609 are not required to be verified, documented in the file or reported on the form HUD-50058 in accordance with PIH Notice 2013-04 until such time as HUD rescinds authority for this provision.

HUD allowable exclusions:

1. Income from employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, as defined in Sec. 5.403;
6. Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Amounts received:
    I. under training programs funded by HUD;

II. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
III. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
IV. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;
V. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

9. Temporary, nonrecurring or sporadic income (including gifts);
10. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
11. Earning in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);
12. Adoption assistance payments in excess of $480 per adopted child;
13. [Reserved]
14. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
16. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or
17. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHA's and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See the following list of benefits that qualify for this exclusion.]

    a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b));
    b) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S. C. 5044(g), 5088);
    c) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
    d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);
    e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
    f) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S. C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931));

g) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L-94-540, 90 Stat. 2503-04);
h) The first $2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S. C. 1407-1408);
i) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
j) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
k) Payments received on or after January 1, 1989, from the Agent Orange Settlement fund or any other fund established pursuant to the settlement in In Re Agent-product liability litigation, D.D.L. No. 381 (E.D.N.Y.);
l) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
m) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);
n) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
q) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
r) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and
s) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S. C. 2931).

Adjusted Income is defined as the Annual income minus any HUD allowable expenses and deductions. HUD has six allowable deductions from Annual Income:

- Dependent Allowance: $480 each for family members (other than the head or spouse) who are minors, and for family members who are 18 and older who are full-time students or who are disabled.
- Elderly/Disabled Allowance: $400 per family for families whose head (including co- head) or spouse is 62 or over or disabled.
- Allowable Medical Expenses: Deducted for all family members of an eligible elderly/disabled family.
- Child Care Expenses: Deducted for the care of children under 13 when childcare is necessary to allow an adult member to work, attend school, or actively seek employment.
- Allowable Disability Assistance Expenses: Deducted for attendant care or auxiliary apparatus for persons with disabilities if needed to enable the individual or an adult family member to work.
- The full amount of student financial assistance paid directly to the student or to the educational

institution [24CFR 5.609(c)(6)], except that in accordance with Section 224 of the FY 2005 Appropriations Act, the portion of any athletic scholarship assistance available for housing costs must be included in annual income [PIH Notice 2005-16]. Regular financial support from parents or guardians to students for food, clothing, personal items, and entertainment *is not* considered student financial assistance and is included *in* annual income.

B. DISALLOWANCE OF EARNED INCOME FROM RENT DETERMINATIONS FOR PERSONS WITH DISABILITIES [24 CFR 5.617; 982.201(b)(3)]

The annual income for qualified families may not be increased as a result of increases in earned income of a family member who is a person with disabilities beginning on the date on which the increase in earned income begins and continuing for a cumulative 12-month period. After the disabled family receives 12 cumulative months of the full exclusion, annual income will include a phase-in of half the earned income excluded from annual income.

A family qualified for the earned income exclusion is a family that is receiving tenant-based rental assistance under the Housing Choice Voucher Program; and

- Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any State program for TANF provided that the total amount over a six-month period is at least $500.

The HUD definition of "previously unemployed" includes a person with disabilities who has earned in the previous 12 months no more than the equivalent earnings for working 10 hours per week for 50 weeks at the minimum wage. Minimum wage is the prevailing minimum wage in the State or locality.

The HUD definition of economic self-sufficiency program is: any program designed to encourage, assist, train or facilitate economic independence of assisted families or to provide work for such families. Such programs may include job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as substance abuse or mental health treatment).

Qualifying increases are any earned income increases of a family member who is a person with disabilities during participation in an economic self-sufficiency or job training program and not increases that occur after participation, unless the training provides assistance, training or mentoring after employment.

The amount that is subject to the disallowance is the amount of incremental increase in income of a family member who is a person with disabilities. The incremental increase in income is calculated by comparing the amount of the disabled family member's income before the beginning of qualifying employment or increase in earned income to the amount of such income after the beginning of employment or increase in earned income. This prior income is considered the baseline income for the earned income disallowance.

Initial Twelve-Month Exclusion

During the cumulative 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the PHA will exclude from annual income of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over the prior income of that family member.

Second Twelve-Month Exclusion and Phase-in

During the second cumulative 12-month period after the expiration of the initial cumulative 12-month period referred to above, the PHA must exclude from annual income of a qualified family 50 percent of any increase in income of a family member who is a person with disabilities as a result of employment over income of that family member prior to the beginning of such employment.

Maximum Four-Year Disallowance (for disallowances prior to 1/1/2017)

The earned income disallowance is limited to a lifetime 48-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 48-month period starting from the date of the initial exclusion.

If the period of increased income does not last for 12 consecutive months, the disallowance period may be resumed at any time within the 48-month period, and continued until the disallowance has been applied for a total of 12 months of each disallowance (the initial 12-month full exclusion and the second 12- month phase-in exclusion).

No earned income disallowance will be applied after the 48-month period following the initial date the exclusion was applied.

Maximum Two-Year Disallowance (for disallowances beginning 1/1/2017)

The earned income disallowance is limited to a lifetime 24-month period for each family member who is a person with disabilities. For each family member who is a person with disabilities, the disallowance only applies for a maximum of 12 months of full exclusion of incremental increase, and a maximum of 12 months of phase-in exclusion during the 24-month period starting from the date of the initial exclusion. Each 12 month period is applied continuously and may not be stopped and resumed. At the end of the 24 months, the disallowance ends regardless of how many months were "used."

Applicability to Child Care Expense Deductions

The amount deducted for childcare expenses necessary to permit employment shall not exceed the amount of employment income that is included in annual income. Therefore, for families entitled to the earned income disallowance, the amounts of the full and phase-in exclusions from income shall not be used in determining the cap for childcare expense deductions.

Tracking the Earned Income Exclusion

The earned income exclusion will be reported on the HUD 50058 form. Documentation will be included in the family's file to show the reason for the reduced increase in rent.

Such documentation will include:

- Date the increase in earned income was reported by the family
- Name of the family member whose earned income increased
- Reason (new employment, participation in job training program, within 6 months after receiving TANF) for the increase in earned income
- Amount of the increase in earned income (amount to be excluded)
- Date the increase in income is first excluded from annual income
- Date(s) earned income ended and resumed during the initial cumulative 12-month period of

exclusion (if any)

- Date the family member has received a total of 12 months of the initial exclusion
- Date the 12-month phase-in period began
- Date(s) earned income ended and resumed during the second cumulative 12-month period (phase-in) of exclusion (if any)
- Date the family member has received a total of 12 months of the phase-in exclusion
- Ending date of the maximum 48-month (four year) disallowance period (48 months from the date of the initial earned income disallowance) for disallowances beginning before 1/1/2017
- Ending date of the maximum 24-month (two year) disallowance period (24 months from the date of the initial earned income disallowance) for disallowances beginning 1/1/2017 or after

The PHA will maintain a tracking system to ensure correct application of the earned income disallowance.

Inapplicability to Admission
The earned income disallowance is only applied to determine the annual income of families who are participants in the Housing Choice Voucher Program, and therefore does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

C. MINIMUM RENT [24 CFR 5.616]

"Minimum rent" is $50.00. Minimum rent refers to the Total Tenant Payment and includes the combined amount a family pays towards rent and/or utilities when it is applied.

The Total Tenant Payment is the greater of:
30% of the adjusted monthly income
10% of the monthly income
Or $50.00

Minimum Rent Hardship Exemptions:
A request for a minimum rent hardship exemption must be made in writing the HCVP Manager. The HCVP Manager will suspend the minimum rent requirement beginning the month following the family's request. This suspension will continue until a determination has been made as to whether there is a qualifying hardship and whether it is temporary or long term. This determination will be made within 30 days.

The family will not be evicted for nonpayment of the minimum rent during the 90-day period beginning the month following the family's request for a hardship exemption.

If it is determined that there is no qualifying financial hardship exemption, the rent will be reinstated, including back rent owed, from the beginning of the suspension. The family must pay the back rent on terms and conditions established in Chapter 17. (See Chapter on Owner or Family Debts to PHA)

If it is determined that a qualifying financial hardship is temporary, the minimum rent will be reinstated from the beginning of the suspension. The family will be offered a reasonable repayment agreement, on terms and conditions established in Chapter 17, for the amount of back minimum rent owed by the family.

If it is determined that a qualifying financial hardship is long term, the family will be exempt from the minimum rent requirements so long as such hardship continues. Such exemption shall apply from the beginning of the month following the family's request for a hardship exemption until the end of the qualifying financial hardship.

The financial hardship exemption only applies to payment of the minimum rent (as determined pursuant to 24 CFR 5.628(a)(4) and 5.630), and not to the other elements used to calculate the total tenant payment (as determined pursuant to 24 CFR 5.628(a)(1), (a)(2) and (a)(3).

Financial hardship includes these situations:

When the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Act of 1996;

When the family would be evicted because it is unable to pay the minimum rent;

When the income of the family has decreased because of changed circumstances, including loss of employment;

When a death has occurred in the family; and

Other circumstances as determined by HUD and the Director of Operations.

D. DEFINITION OF TEMPORARILY/PERMANENTLY ABSENT [24 CFR 982.54(d)(10), 982.551, 982.312]

The PHA must compute all applicable income of every family member who is on the lease, including those who are temporarily absent. In addition, the PHA must count the income of the spouse or the head of the household if that person is temporarily absent, even if that person is not on the lease.

Income of persons permanently absent will not be counted. If the spouse is temporarily absent and in the military, all military pay and allowances (except hazardous duty pay when exposed to hostile fire and any other exceptions to military pay HUD may define) is counted as income.

It is the responsibility of the head of household to timely report changes in family composition in writing. The PHA will evaluate absences from the unit using this policy.

Absence of Any Member

Any member of the household will be considered permanently absent if s/he is away from the unit for 180 consecutive days except as otherwise provided in this Chapter.

Absence due to Medical Reasons

If any family member leaves the household to enter a facility such as hospital, nursing home, or rehabilitation center, the PHA will seek advice from a reliable qualified source as to the likelihood and timing of their return. If the verification indicates that the family member will be permanently confined to a nursing home, the family member will be considered permanently absent. If the verification indicates that the family member will return in less than 90 consecutive days, the family member will not be considered permanently absent. If the family members returns to the subsidized unit prior to when AMHA receives the hearing decision, the termination will be withdrawn and the member may continue to reside
in the unit.

Absence Due to Full-time Student Status

Full time students who attend school away from the home will be treated in the following manner:

A student (other than head of household or spouse) who attends school away from home but lives with the family during school recesses may, at the family's choice, be considered either temporarily or permanently absent. If the family decides that the member is permanently absent, income of that member will not be included in total household income, the member will not be included on the lease, and the member will not be included for determination of Voucher size.

It is the responsibility of the head of household to timely report changes in family composition. Absence due to Incarceration

If the sole member is incarcerated for more than 60 consecutive days, s/he will be considered permanently absent. Any member of the household, other than the sole member, will be considered permanently absent if s/he is incarcerated for 60 consecutive days.

The PHA will determine if the reason for incarceration is for drug-related or violent criminal activity. It is the responsibility of the head of household to timely report changes in family composition.

Absence of Children due to Placement in Foster Care

If the family includes a child or children temporarily absent from the home due to placement in foster care, the PHA will determine from the appropriate agency when the child/children will be returned to the home.

If the time period is to be greater than 180 days from the date of removal of the child/ren, the Voucher size will be reduced. If all children are removed from the home permanently, the voucher size will be reduced in accordance with the PHA's subsidy standards.

It is the responsibility of the head of household to timely report changes in family composition.

Absence of Entire Family

These policy guidelines address situations when the family is absent from the unit, but has not moved out of the unit. In cases where the family has moved out of the unit, the PHA will terminate assistance in accordance with appropriate termination procedures contained in this Plan. Housing assistance payments terminate if the family is absent for longer than the maximum period permitted.

Families are required both to notify the PHA before they move out of a unit and to give the PHA information about any family absence from the unit.

Families must notify the PHA at least 60 days prior if they are going to be absent from the unit for more than 30 consecutive days in writing.

In certain circumstances, the PHA will allow a qualified VAWA victim to be absent from the subsidized unit greater than 30 days without prior notification to AMHA if they are leaving because a member of the family is the victim of a VAWA crime and the absence is needed to protect the health and safety of a family member, or a family member was a victim of sexual assault that occurred on the premises during the 90-calendar-day period before the family requests to move. In such a case, the VAWA covered family will have to notify AMHA as soon as possible after they leave the unit.

If the entire family is absent from the assisted unit for more than 60 consecutive days, the unit will be considered to be vacated and the assistance will be terminated.

“Absence” means that no family member is residing in the unit. HUD regulations require the PHA to terminate

assistance if the entire family is absent from the unit for a period of more than 180 consecutive days.

The PHA must terminate assistance for participants if 180 days have elapsed since the PHA's last housing assistance payment was made except for a reasonable accommodation or if approved by the Deputy Director or their designee.

In order to determine if the family is absent from the unit, the PHA may:
• Write letters to the family at the unit
• Telephone the family at the unit
• Interview neighbors
• Verify if utilities are in service
• Check with the post office

A person with a disability may request an extension of time as an accommodation.

If the absence which resulted in termination of assistance was due to a person's disability, and if funding is available, the PHA may reinstate the family as an accommodation if requested by the family as long as the request was made within 60 days of the family's termination date. The reinstatement is subject to the participant's continued eligibility for and compliance with the HCVP program.

The PHA will not readmit or resume assistance to a participant that has been terminated from the program due to an absence except for a reasonable accommodation or if approved by the Deputy Director or their designee.

Caretaker for Children

If neither parent remains in the household and the appropriate agency has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, the PHA will treat that adult as a visitor for the first 60 days.
If by the end of that period, court-awarded custody or legal guardianship has been awarded to the caretaker, the Voucher will be transferred to the caretaker.

If the appropriate agency cannot confirm the guardianship status of the caretaker, the PHA will review the status at 30 day intervals.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the PHA will secure verification from social services staff or the attorney as to the status.

If custody is awarded for a limited time in excess of stated period, the PHA will state in writing that the transfer of the Voucher is for that limited time or as long as they have custody of the children.

The PHA will use discretion as deemed appropriate in determining any further assignation of the Voucher on behalf of the children. The caretaker will be allowed to remain in the unit, as a visitor, until a determination of custody is made.

The PHA will transfer the voucher to the caretaker, in the absence of a court order, if the caretaker has been in the unit for more than 60 days and it is reasonable to expect that custody will be granted.

When the PHA approves a person to reside in the unit as caretaker for the child/ren, the income should be counted pending a final disposition. The PHA will work with the appropriate service agencies and the landlord to provide a smooth transition in these cases.

If a member of the household is subject to a court order that restricts him/her from the home for more than 60 days, the person will be considered permanently absent.

Visitors

The resident may not allow visitors to stay overnight more than 60 (sixty**)** total days in a twelve month period.

The resident may not allow visitors to stay overnight more than 15 (fifteen) consecutive days in a twelve month period.

Visitor(s) who remain beyond this period, without PHA approval, shall be considered living in the unit as an unauthorized household member(s) and their presence constitutes a breach of the lease.

Visitor use of the unit address and lack of evidence of any other address may be considered to determine if a visitor is an unauthorized household member in violation of the lease. Visitor use of the unit address as visitor's current residence for any purpose that is not explicitly temporary may be considered to determine if a permanent unauthorized household member in violation of the lease.

The family must request and receive PHA's approval prior to visitors arriving for any visitor who will be in the unit in excess of 15 (fifteen) consecutive days or 60 (sixty) total days in a twelve month period.

Statements from neighbors and/or the landlord will be considered in making the determination. Use of the unit address as the visitor's current residence for any purpose that is not explicitly temporary shall be construed as permanent residence.

The burden of proof that the individual is a visitor rests on the family. In the absence of such proof, the individual will be considered an unauthorized member of the household and the PHA will terminate assistance since prior approval was not requested for the addition.

Minors and college students who were part of the family but who now live away from home during the school year and are no longer on the lease may visit for up to 120 days per year without being considered a member of the household.

In a joint custody or shared parenting arrangement, if the minor is in the household less than 180 days per year, the minor will be considered to be an eligible visitor and not a family member.

Reporting Additions to Owner and PHA

Reporting changes in household composition to the PHA is both a HUD and a PHA requirement.

The family obligations require the family to request PHA approval to add any other family member as an occupant of the unit and to inform the PHA of the birth, adoption or court-awarded custody of a child.

The family must request prior approval of additional household members in writing. If any new family member is added, the income of the additional member will be included in the family income as applicable under HUD regulations.

If the family does not obtain prior written approval from the PHA, any person the family has permitted to move in will be considered an unauthorized household member.

In the event that a visitor continues to reside in the unit after the maximum allowable time, the family must report it to the PHA in writing within 10 days of the maximum allowable time.

Families are required to report any additions to the household in writing to the PHA within 10 days of the move-in date.

An interim reexamination will be conducted for any additions to the household.

In addition, the lease may require the family to obtain prior written approval from the owner when there are changes in family composition other than birth, adoption or court awarded custody.

Reporting Absences to the PHA
Reporting changes in household composition is both a HUD and a PHA requirement.

If a family member leaves the household, the family must report this change to the PHA, in writing, within 10 days of the change and certify as to whether the member is temporarily absent or permanently absent.

The PHA will conduct an interim evaluation for changes, which affect the Total Tenant Payment in accordance with the interim policy.

E. AVERAGING INCOME

When annual income cannot be anticipated for a full twelve months, the PHA may:

- Average known sources of income that vary to compute an annual income.

If there are bonuses or overtime, which the employer cannot anticipate for the next twelve months, bonuses and overtime received the previous year will be used.

If, by averaging, an estimate can be made for those families whose income fluctuates from month to month, this estimate will be used so as to reduce the number of interim adjustments.
The method used depends on the regularity, source and type of income.

F. MINIMUM INCOME

There is no minimum income requirement. Families who report zero income are required to complete a written certification at their annual or triennial income recertification and during other reported changes in income as needed.

Families that report zero income will be required to provide information regarding their means of basic subsistence, such as food, utilities, transportation, etc.

If the family's expenses exceed their known income, the PHA will make inquiry of the head of household as to the nature of the family's accessible resources.

G. INCOME OF PERSON PERMANENTLY CONFINED TO NURSING HOME [24 CFR 982.54(d)(10)]

If a family member is permanently confined to a hospital or nursing home and there is a family member left in the household, the PHA will calculate the income by using the following methodology and use the income figure which would result in a lower payment by the family:

- Exclude the income of the person permanently confined to the nursing home and give the family no deductions for medical expenses of the confined family member, or
- Include the income of the person permanently confined to the nursing home and give the family the medical deductions allowable on behalf of the person in the nursing home.

H. REGULAR CONTRIBUTIONS AND GIFTS [24 CFR 5.609]

Regular contributions and gifts received from persons outside the household are counted as income for calculation of the Total Tenant Payment. This includes rent and utility payments made on behalf of the family and other cash or non-cash contributions provided on a regular basis. It does not include casual contributions or sporadic gifts. (See "Verification Procedures" chapter for further definition.)

Any contribution or gift received every 3 months or more frequently will be considered a "regular contribution or gift" with the following stipulations:

1. If the client IS subject to minimum rent: Any "regular contribution or gift" received during the anticipated 12 month period that is under (less than) the total of $2,000 for a combined total of all adult members *will not* be counted or included as income.

2. If the client IS NOT subject to minimum rent (meaning their TTP is $51 or more or they have qualified for a minimum rent hardship exemption): Any "regular contribution or gift"received (regardless of the amount) over the anticipated 12 month period *will* be counted or included as income.

If the family's expenses exceed its known income, the PHA will inquire of the family regarding contributions and gifts.

I. ALIMONY AND CHILD SUPPORT [24 CFR 5.609]

Regular alimony and child support payments are counted as income for calculation of Total Tenant Payment.

If the amount of child support or alimony received is less than the amount awarded by the court, the PHA will use the amount awarded by the court unless the family can verify that they are not receiving the full amount and verification of item(s) below are provided.
The PHA will accept verification that the family is receiving an amount less than the award if:

- The PHA receives verification from the agency responsible for enforcement or collection.
- The family furnishes documentation of child support or alimony collection action filed through a child support enforcement/collection agency, or has filed an enforcement or collection action through an attorney.

It is the family's responsibility to supply a certified copy of the divorce decree.

J. LUMP-SUM RECEIPTS [24 CFR 5.609]

Lump-sum additions to Family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses, are not included in income but may be included in assets.

Lump-sum payments caused by delays in processing periodic payments such as unemployment or welfare assistance are counted as income. Lump sum payments from Social Security or SSI are excluded from income, but any amount remaining will be considered an asset. Deferred periodic payments which have accumulated due to a dispute will be treated the same as periodic payments which are deferred due to delays in processing.

In order to determine amount of retroactive tenant rent that the family owes as a result of the lump sum receipt:

- The PHA will calculate retroactively if the receipt was not reported at the first reexamination following receipt of the lump sum**.**

Retroactive Calculation Methodology
The PHA will go back to the date the lump-sum payment was received, or to the date of admission, whichever is closer.

The PHA will determine the amount of income for each certification period, including the lump sum, and recalculate the tenant rent for each certification period to determine the amount due the PHA.

At the PHA's option, the PHA may enter into a Payment Agreement with the family or the family may choose to pay the amount owed to the PHA in a lump sum.

The amount owed by the family is a collectible debt even if the family becomes unassisted. Attorney

Fees
The family's attorney fees may be deducted from lump-sum payments when computing annual income if the attorney's efforts have recovered a lump-sum compensation, and the recovery paid to the family does not include an additional amount in full satisfaction of the attorney fees.

K. CONTRIBUTIONS TO RETIREMENT FUNDS - ASSETS [24 CFR 5.603(d)]

Contributions to company retirement/pension funds are handled as follows:

- While an individual is employed, count as assets only amounts the family can withdraw without retiring or terminating employment.
- After retirement or termination of employment, count any amount the employee elects to receive as a lump sum.

L. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(d)(3)]

The PHA must count assets disposed of for less than fair market value during the two years preceding certification or reexamination. The PHA will count the difference between the market value and the actual payment received in calculating total assets.

Assets disposed of as a result of foreclosure or bankruptcy are not considered to be assets disposed of for less than fair market value. Assets disposed of as a result of a divorce or separation are not considered to be assets disposed of for less than fair market value.

The PHA's minimum threshold for counting assets disposed of for less than Fair Market value is $ $5,000.00. If the total value of assets disposed of within a one-year period is less than $ 1,500.00, they will not be considered an asset**.**

M. CHILDCARE EXPENSES [24 CFR 5.603]

Childcare expenses for children under 13 may be deducted from annual income if they enable an adult to work or attend school, or to actively seek employment.

In the case of a child attending private school, only after-hours care can be counted as childcare expenses.

Allowability of deductions for childcare expenses is based on the following guidelines:

Childcare to work: The maximum childcare expense allowed must be less than the amount earned by the person enabled to work. The "person enabled to work" will be the adult member of the household who earns the least amount of income from working.

Child care for school: The number of hours claimed for child care may not exceed the number of hours the family member is attending school, including reasonable travel time to and from school.

N. MEDICAL EXPENSES [24 CFR 5.609(a)(2), 5.603]

Nonprescription medicines must be doctor-recommended in order to be considered a medical expense. Nonprescription medicines will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

The upkeep and care of an assistance animal will be counted toward medical expenses for families who qualify if the family furnishes legible receipts.

O. PRORATION OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.520]

Applicability

Proration of assistance must be offered to any "mixed" applicant or participant family. A "mixed" family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible members.

Prorated Assistance Calculation

Prorated assistance is calculated by determining the amount of assistance payable if all family members were eligible and multiplying by the percent of the family members who actually are eligible. Calculations for each housing program are performed on the HUD 50058 form.

P. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

The PHA will not reduce the rental contribution for families whose welfare assistance is reduced specifically because of:

- Fraud by a family member in connection with the welfare program; or
- Failure to participate in an economic self-sufficiency program; or
- Noncompliance with a work activities requirement

However, the PHA will reduce the rental contribution if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where a family member has not complied with other welfare agency requirements; or
- A situation where a family member has complied with welfare agency economic self- sufficiency or work activities requirements but cannot or has not obtained employment, such as the family member has complied with welfare program requirements, but the durational time limit, such as a cap on the length of time a family can receive benefits, causes the family to lose their welfare benefits.

Imputed welfare income is the amount of annual income not actually received by a family as a result of a specified welfare benefit reduction that is included in the family's income for rental contribution. Imputed welfare income is not included in annual income if the family was not an assisted resident at the time of sanction.

The amount of imputed welfare income is offset by the amount of additional income a family receives that begins after the sanction was imposed.

When additional income is at least equal to the imputed welfare income, the imputed welfare income is reduced to zero.

Verification Before Denying a Request to Reduce Rent

The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance with economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction.

The welfare agency, at the request of the PHA, will inform the PHA of:

- Amount and term of specified welfare benefit reduction for the family;
- Reason for the reduction; and
- Subsequent changes in term or amount of reduction.

Q. UTILITY ALLOWANCE AND UTILITY REIMBURSEMENT PAYMENTS [24 CFR 982.153, 982.517]

The same Utility Allowance Schedule is used for all tenant-based programs.

The utility allowance is intended to cover the cost of utilities not included in the rent. The allowance is based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. Allowances are not based on an individual family's actual energy consumption.

The PHA's utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with the current approved inspection protocol for vouchers.

The PHA may not provide any allowance for non-essential utility costs, such as costs of cable or satellite television.

The PHA must classify utilities in the utility allowance schedule according to the following general categories: space heating, air conditioning, cooking, water heating, water, sewer, trash collection; other electric, refrigerator (for tenant supplied refrigerator), range (cost of tenant-supplied range); and other specified services.

If meters are not available for the individual rental unit, the owner must be responsible for payment of the applicable utility.

When the unit is being serviced by well water or septic, no utility allowance will be provided for water or sewer.

An allowance for tenant-paid air conditioning will be provided in those cases where the majority of housing units in the market have central air conditioning or are wired for tenant installed air conditioners [24 CFR 982.517].

The majority of housing units in the area with central air conditioning is defined by the PHA as more than 60 percent of housing units surveyed based on information gathered from local property owners/ newspaper ads/ and tele surveying.

The PHA will review the utility allowance schedule at least annually. If the review finds a utility rate has changed by 10 percent or more since the last revision of the utility allowance schedule, the schedule will be revised to reflect the new rate. Revised utility allowances will be applied in a participant family's rent calculation at their next reexamination.

The approved utility allowance schedule is given to families along with their Voucher. Under Section 242 of the 2014 Appropriations Act, the utility allowance for a family shall be the lower of: (1) The utility allowance amount for the family unit size; or (2) the utility allowance amount for the unit size of the unit rented by the family.

However, upon the request of a family that includes a person with disabilities, the PHA must approve a utility allowance higher than the applicable amount if such a higher utility allowance

is needed as a reasonable accommodation in accordance with HUD's regulations in 24 CFR part 8 to make the program accessible to and usable by the family member with a disability.

Where families provide their own range and refrigerator, the PHA will establish an allowance adequate for the family to purchase or rent a range or refrigerator, even if the family already owns either appliance.

Allowances for ranges and refrigerators will be based on the lesser of the cost of leasing or purchasing the appropriate appliance over a 12-month period.

Where the calculation on the HUD 50058 results in a utility reimbursement payment due the family [24 CFR 982.514(b)], the PHA will provide a utility reimbursement payment for the family each month. The payment will be made:

Directly to the tenant

Chapter 7

VERIFICATION PROCEDURES
[24 CFR Part 5, Subparts B, D, E and F; 24 CFR 982.158; 24 CFR 5.617]

INTRODUCTION

HUD regulations require that the factors of eligibility and Total Tenant Payment/Family Share be verified by the PHA. PHA staff will obtain written verification from independent sources whenever possible and will document tenant files whenever third party verifications are not possible as to why third party verification was impossible to obtain.

Applicants and program participants must provide true and complete information to the PHA whenever information is requested. The PHA's verification requirements are designed to maintain program integrity.

This chapter explains the PHA's procedures and standards for verification of preferences, income, assets, allowable deductions, family status, and changes in family composition. The PHA will obtain proper authorization from the family before requesting information from independent sources.

A. METHODS OF VERIFICATION AND TIME ALLOWED [24 CFR 982.516; 24 CFR 982.201]

The PHA will verify information through the six methods of verification acceptable to HUD in the following order:

1. Up-Front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV)
2. Upfront Income Verification (UIV) using non-HUD system
3. Written Third Party Verification
4. Written Third Party Verification Form
5. Oral Third Party Verification
6. Tenant Declaration

The PHA will allow 2 weeks for return of third-party verifications and 2 weeks to obtain a third party oral before going to the next method. The PHA will document the file as to why third party written verification was not used.

For applicants, verifications may not be more than 60 days old at the time of Voucher issuance. For participants, they are valid for 120 days from date of receipt.

Up-Front Income Verification

Up-Front income verification (UIV) refers to the PHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the PHA.

The PHA will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process:

HUD's EIV system (when it is available to the PHA) Work Number (when it is available to the PHA)

There may be legitimate differences between the information provided by the family and UIV-generated information. No adverse action can be taken against a family until the PHA has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of the PHA.

Use of HUD's Enterprise Income Verification (EIV) System

HUD's EIV system contains data showing earned income, unemployment benefits, Social Security and SSI benefits for participant families. HUD requires the PHA to use the EIV system when available. The following policies will apply when the PHA has access to HUD's EIV system. The EIV must be used for each new admission, historical adjustment, annual re-examination and interim re-examination. The EIVs may be used to calculate retroactive rent.

The EIV system contains two main components: tenant income data reports and "exceeds threshold" reports.

Tenant Income Data (TID) reports

The data shown on TID reports is updated quarterly. Data may be between 3 and 6 months old at the time reports are generated.

The PHA will obtain TID reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.

TID reports will be compared to family-provided information as part of the annual reexamination process. TID reports may be used in the calculation of annual income. TID reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between TID reports and family-provided information will be resolved as described in this chapter.

TID reports will be used in interim reexaminations when it is necessary to verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits, and to verify that families claiming zero income are not receiving income from any of these sources.

TID reports will be retained in participant files with the applicable annual or interim reexamination documents.

When the PHA determines through TID reports and third party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Program Integrity Addendum.

EIV Identity Verification

The EIV system verifies tenant identities against SSA records. These records are compared to PIC data for a match on Social Security number, name, and date of birth.

When identity verification for a participant fails, a message will be displayed within the EIV system and no income information will be displayed.

The PHA will identify participants whose identity verification has failed as part of the annual reexamination process.

The PHA will attempt to resolve PIC/SSA discrepancies by reviewing file documents. When the PHA determines that discrepancies exist due to PHA errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.

Upfront Income Verification Using Non-HUD Systems (Optional)

In addition to mandatory use of the EIV system, HUD encourages PHAs to utilize other upfront verification sources.

Written Third Party Verification

Written Third Party Verifications are an original or authentic document generated by a third party source dated either within the 60-day period preceding the re-examination or PHA request date. Such documentation may be in possession of the tenant. The PHA may, at its discretion, reject any tenant- provided documents and follow up directly with the source to obtain necessary verification of information.

Examples would include:

- Pay stubs
- Bank statements
- Printouts from Pharmacies

Written Third Party Verification Form

Third-party verification is used to verify information directly with the source. Written third party verification forms will be sent and returned via first class mail, fax or e-mail. The family will be required to sign an authorization for the information source to release the specified information.

Verifications received electronically directly from the source are considered written third party verification.

Oral Third Party Verification

Oral third party verification will be used when written third-party verification is delayed or not possible. Oral third party verification will include contacting the employer to reconcile disparate wage information on the written third-party verification versus the information/documents provided by the family. Oral third party verifications will be recorded on third party tracking form and will include date and person AMHA employee contacted, with all necessary information documented. If oral third party verification is available, the PHA will compare the information to any documents provided by the family.

Tenant Declaration

The tenant submits an affidavit or notarized statement of reported income and/or expenses to the PHA. When used, the PHA must document in the file why third party verification was not available.

B. RELEASE OF INFORMATION [24 CFR 5.230]

Adult family members will be required to sign the HUD 9886 Release of Information/Privacy Act form.

In addition, family members will be required to sign specific authorization forms when information is needed that is not covered by the HUD form 9886, Authorization for Release of Information/Privacy Act Notice.

Family refusal to cooperate with the HUD prescribed verification system will result in denial of admission or termination of assistance because it is a family obligation to supply any information and to sign consent forms requested by the PHA or HUD.

C. ITEMS TO BE VERIFIED [24 CFR 982.516]

All income not specifically excluded by the regulations.

Full-time student status including High School students who are 18 or over.

Current assets exceeding $5,000.00 including assets disposed of for less than fair market value in preceding two years. The PHA will use third-party documentation for assets as part of the intake process, whenever a family member is added to verify the individual's assets, and at least every three years thereafter.

Childcare expense where it allows an adult family member to be employed, or to actively seek work, or to further his/her education.

Total medical expenses of all family members in households whose head (including co-head) or spouse is elderly or disabled.

Disability assistance expenses to include only those costs associated with attendant care or auxiliary apparatus for a disabled member of the family, which allow an *adult* family member to be employed.

Disability for determination of preferences, allowances or deductions. U.S.

citizenship/eligible immigrant status

Social Security Numbers for all family members who have been issued a social security number.

"Preference" status

Marital status when needed for head or spouse definition.

Verification of Reduction in Benefits for Noncompliance:

> The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced for fraud or noncompliance *before* denying the family's request for rent reduction.

The PHA may at admission and periodically during participation monitor local public records to determine or ascertain that there are no violations to criminal background and/or family obligations.

D. VERIFICATION OF INCOME [24 CFR 982.516]

This section defines the methods the PHA will use to verify various types of income, should EIV or UIV not be available or applicable.

Employment Income

Verification forms request the employer to specify the:

- Dates of employment
  - Amount and frequency of pay
- Likelihood of change of employment status and effective date of any known salary increase during the next 12 months
- Year to date earnings
- Estimated income from overtime, tips, bonus pay expected during next 12 months

Acceptable methods of verification include, in this order:

1. Check stubs or earning statements, which indicate the employee's gross pay, frequency of pay or year to date earnings.
2. Employment verification form completed by the employer.
3. W-2 forms plus income tax return forms.
4. Self-certifications and/or income tax returns signed by the family may be used for verifying self-employment income, or income from tips and other gratuities. Self-Certification is only acceptable if the self-employment has recently started and participant has not yet been required to file an income tax return. Extensions by the government for filing must be documented. In cases where a participant is unable to produce income tax return and/or proof of said extension, the case will be referred for fraud investigation.

Applicants and program participants may be requested to sign an authorization for release of information from the Internal Revenue Service for further verification of income.

In cases where there are questions about the validity of information provided by the family, the PHA will require the most recent Federal income tax statements.

Social Security, Pensions, Supplementary Security Income (SSI), Disability Income
Acceptable methods of verification include, in this order:

1. Award or benefit notification letters prepared and signed by the providing agency.
2. Benefit verification form completed by agency providing the benefits.
3. Computer report electronically obtained or in hard copy.

Unemployment Compensation
Acceptable methods of verification include, in this order:

1. Computer report electronically obtained or in hard copy, from unemployment office stating payment dates and amounts.
2. Verification form completed by the unemployment compensation agency
3. Payment stubs

Welfare Payments or General Assistance
Acceptable methods of verification include, in this order:

1. Written statement from payment provider indicating the amount of grant/payment, start date of payments, and anticipated changes in payment in the next 12 months.
2. PHA verification form completed by payment provider.
3. Computer-generated Notice of Action.

Alimony or Child Support Payments
Acceptable methods of verification include, in this order:

1. 12 month printout from CSEA.
2. Written Third Party Verification Form from CSEA.
3. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.
4. Family's self-certification of amount received and of the likelihood of support payments being received

in the future, or that support payments are not being received.

If payments are irregular, the family must provide:

- A copy of the separation or settlement agreement or a divorce decree stating the amount and type of support and payment schedules.
- A statement from the agency responsible for enforcing payments to show that the family has filed for enforcement.
- A welfare notice of action showing amounts received by the welfare agency for child support.
- A written statement from an attorney certifying that a collection or enforcement action has been filed.
    - 12 month printout from CSEA.

Net Income from a Business

In order to verify the net income from a business, the PHA will view IRS and financial documents from prior years and use this information to anticipate the income for the next 12 months.

Acceptable methods of verification include:

1. IRS Form 1040, including:
   Schedule C (Small Business) Schedule E (Rental Property Income) Schedule F (Farm Income)
   If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.
2. Audited or unaudited financial statement(s) of the business.
3. Documents such as manifests, appointment books, cash books, bank statements, and receipts will be used as a guide for the prior six months (or lesser period if not in business for six months) to project income for the next 12 months. The family will be advised to maintain these documents in the future if they are not available.
4. Family's self-certification as to net income realized from the business during previous year only in cases where the tax return has not yet been filed. (See employment income detailed in beginning of section E.).

Child Care Business

If an applicant/participant is operating a licensed day care business, income will be verified as with any other business.

If the applicant/participant is operating a "cash and carry" operation (which may or may not be licensed), the PHA will require that the applicant/participant complete a form for each customer which indicates: name of person(s) whose child (children) is/are being cared for, phone number, number of hours child is being cared for, method of payment (check/cash), amount paid, and signature of person.

If the family has filed a tax return, the family will be required to provide it.

If childcare services were terminated, third-party verification will be sent to the parent whose child was cared for.

Recurring Gifts

The family must furnish a self-certification, which contains the following information:

- The person who provides the gifts
- The value of the gifts
- The regularity (dates) of the gifts
- The purpose of the gifts

Zero Income Status
All family members 18 and older claiming to have no income will be required to execute verification forms to determine that forms of income such as unemployment benefits, TANF, SSI, etc. are not being received by the household.

The PHA will run a credit report if information is received that indicates the family has an unreported income source.

Full-time Student Status
Only the first $480 of the earned income of full time students 18 years and older, other than head, co- head, or spouse, will be counted towards family income.

Financial aid, scholarships and grants received by full time students are not counted towards family income when the student lives with his or her parents/guardians.

Verification of full time student status includes:

- Written verification from the registrar's office or other school official.
- School records indicating enrollment for sufficient number of credits to be considered a full-time student by the educational institution.

E. INCOME FROM ASSETS [24 CFR 982.516]

Savings Account Interest Income and Dividends Acceptable methods of verification include, in this order:

1. Account statements, passbooks, certificates of deposit, or PHA verification forms completed by the financial institution.
2. Broker's statements showing value of stocks or bonds and the earnings credited the family. Earnings can be obtained from current newspaper quotations or oral broker's verification.
3. IRS Form 1099 from the financial institution, provided that the PHA must adjust the information to project earnings expected for the next 12 months.

Interest Income from Mortgages or Similar Arrangements
Acceptable methods of verification include, in this order:

1. A letter from an accountant, attorney, real estate broker, the buyer, or a financial institution stating interest due for next 12 months. (A copy of the check paid by the buyer to the family is not sufficient unless a breakdown of interest and principal is shown.)
2. Amortization schedule showing interest for the 12 months following the effective date of the reexamination.

Net Rental Income from Property Owned by Family
Acceptable methods of verification include, in this order:

1. IRS Form 1040 with Schedule E (Rental Income).
2. Copies of latest rent receipts, leases, or other documentation of rent amounts.
3. Documentation of allowable operating expenses of the property: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

F. VERIFICATION OF ASSETS Family Assets

The PHA will require the information necessary to determine the current cash value of the family's assets that exceed $5,000.00. At the time of application and reexamination, AMHA will require all adult family members to declare and sign the value of their net assets. If the net assets are less than $5,000.00, AMHA will not verify the assets, and only count the net assets that are declared on the 50058. If the assets exceed $5,000.00, AMHA will verify the assets declared by the tenant to confirm the value and report the net assets on the 50058. At the time of application and at least triennially at the time of reexamination, AMHA will verify all assets declared by the tenant to confirm the value and report the net assets on the 50058.

Acceptable verification may include any of the following:

- Verification forms completed by a financial institution or broker.
- Letters or documents from a financial institution or broker.
- Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- Quotes from a stockbroker or realty agent as to net amount family would receive if they liquidated securities or real estate.
- Real estate tax statements if the approximate current market value can be deduced from assessment.
- Financial statements for business assets.
- Copies of closing documents showing the selling price and the distribution of the sales proceeds.
- Appraisals of personal property held as an investment.

Assets Disposed of for Less than Fair Market Value (FMV) During Two Years Preceding EffectiveDate of Reexamination

For all Reexaminations, the PHA will obtain the Family's certification as to whether any member has disposed of assets for less than fair market value during the two years preceding the effective date of the reexamination.

If the family certifies that they have disposed of assets for less than fair market value, verification is required that shows: (a) all assets disposed of for less than FMV, (b) the date they were disposed of, (c) the amount the family received, and (d) the market value of the assets at the time of disposition. Third party verification will be obtained wherever possible.

G. VERIFICATION OF ALLOWABLE DEDUCTIONS FROM INCOME [24 CFR 982.516]

Child Care Expenses

Written verification from the person who receives the payments is required. If the childcare provider is an individual, s/he must provide a statement of the amount they are charging the family for their services.

Verifications must specify the child care provider's name, address, telephone number, the names of the children cared for, the number of hours the child care occurs, the rate of pay, and the typical yearly amount paid, including school and vacation periods.

Family's certification as to whether any of those payments have been or will be paid or reimbursed by outside sources.

Medical Expenses

Families who claim medical expenses will be required to submit a certification as to whether or not any expense payments have been, or will be, reimbursed by an outside source. All expense claims will be verified by one or more of the methods listed below:

- Written verification completed by a doctor, hospital or clinic personnel, dentist, pharmacist, of (a) the anticipated medical costs to be incurred by the family and regular payments due on medical bills; and (b) extent to which those expenses will be reimbursed by insurance or a government agency.
- Written confirmation by the insurance company or employer of health insurance premiums to be paid by the family.
- Written confirmation from the Social Security Administration of Medicare premiums to be paid by the family over the next 12 months. A computer printout will be accepted.
- For attendant care:
    - A reliable, knowledgeable professional's certification that the assistance of an attendant is necessary as a medical expense and a projection of the number of hours the care is needed for calculation purposes.

- Attendant's written confirmation of hours of care provided and amount and frequency of payments received from the family or agency (or copies of canceled checks the family used to make those payments) or stubs from the agency providing the services. Receipts, canceled checks, or pay stubs that verify medical costs and insurance expenses likely to be incurred in the next 12 months.
- Copies of payment agreements or most recent invoice that verify payments made on outstanding medical bills that will continue over all or part of the next 12 months.
- Receipts or other record of medical expenses incurred during the past 12 months that can be used to anticipate future medical expenses. PHA may use this approach for "general medical expenses" such as non-prescription drugs and regular visits to doctors or dentists, but not for one time, nonrecurring expenses from the previous year. The PHA will use mileage at the IRS rate, or cab, bus fare, or other public transportation cost for verification of the cost of transportation directly related to medical treatment.

Assistance to Persons with Disabilities [24 CFR 5.611(c)] In All Cases:

- Written certification from a reliable, knowledgeable professional that the person with disabilities requires the services of an attendant and/or the use of auxiliary apparatus to permit him/her to be employed or to function sufficiently independently to enable another family member to be employed.
- Family's certification as to whether they receive reimbursement for any of the expenses of disability assistance and the amount of any reimbursement received.

Attendant Care:

- Attendant's written certification of amount received from the family, frequency of receipt, and hours of care provided.
- Certification of family and attendant and/or copies of canceled checks family used to make payments.

Auxiliary Apparatus:

- Receipts for purchases or proof of monthly payments and maintenance expenses for auxiliary apparatus.
- In the case where the person with disabilities is employed, a statement from the employer that the auxiliary apparatus is necessary for employment.

H. VERIFYING NON-FINANCIAL FACTORS

Verification of Legal Identity

In order to prevent program abuse, the PHA will require applicants to furnish verification of legal identity for all family members.

The documents listed below will be considered acceptable verification of legal identity for adults. If a document submitted by a family is illegible or otherwise questionable, more than one of these documents may be required:

- Certificate of Birth, naturalization papers
- Church issued baptismal certificate
- Current, valid Driver's license
- U.S. military discharge (DD 214)
- U.S. passport
- Voter Registration Card
- Company/agency Identification Card
- Department of Motor Vehicles Identification Card
- Birth records
- Any other state, local, national, or international official documents containing a birth date of comparable reliability

Documents considered acceptable for the verification of legal identity for minors may be one or more of the following:

- Certificate of Birth
- Adoption papers
- Custody agreement
- Health and Human Services ID
- School records
- Birth records
- Any other state, local, national, or international official documents containing a birth date of comparable reliability

If none of these documents can be provided, a third party who knows the person may, at the PHA's discretion, provide verification.

Verification of Marital Status

Verification of divorce status will be court documentation. Verification of a separation may be a copy of court-ordered maintenance or other records. Verification of marriage status is a marriage certificate.

Familial Relationships

Certification will normally be considered sufficient verification of family relationships. In cases where reasonable doubt exists, the family may be asked to provide verification.

The following verifications may be required if applicable:

Verification of guardianship is:

- Court-ordered assignment
- Verification from social services agency
- School records

Verification of Permanent Absence of Family Member

If an adult member who was formerly a member of the household is reported permanently absent by the family, the PHA will consider any of the following as verification:

- Husband or wife institutes divorce action.
- Husband or wife institutes legal separation.
- Order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent, driver's license, or lease or rental agreement, if available.
- Statements from other agencies such as social services or a written statement from the landlord or manager that the adult family member is no longer living at that location.
- If the adult family member is incarcerated, a document from the Court or correctional facility should be obtained stating how long they will be incarcerated.

Verification of Change in Family Composition

The PHA may verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Verification of Disability

Verification of disability must be receipt of SSI or SSA disability payments under Section 223 of the Social Security Act or 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7) or verified by appropriate diagnostician such as physician, psychiatrist, psychologist, therapist, rehab specialist, or licensed social worker, using the HUD language as the verification format.

Verification of Citizenship/Eligible Immigrant Status [24 CFR 5.508, 5.510, 5.512, 5.514]

To be eligible for assistance, individuals must be U.S. citizens or eligible immigrants. Individuals who are neither may elect not to contend their status. Eligible immigrants must fall into one of the categories specified by the regulations and must have their status verified by Immigration and Naturalization Service (INS). Each family member must declare their status once. Assistance cannot be delayed, denied, or terminated while verification of status is pending except that assistance to applicants may be delayed while the PHA hearing is pending.

Citizens or Nationals of the United States are required to sign a declaration under penalty of perjury. Eligible Immigrants who were Participants and 62 or over on June 19, 1995, are required to sign a declaration of eligible immigration status and provide proof of age.

Non-citizens with eligible immigration status must sign a declaration of status and verification consent form and provide their original immigration documents which are copied front and back and returned to the family. The PHA verifies the status through the INS SAVE system. If this primary verification fails to verify status, the PHA must request within ten days that the INS conduct a manual search.

Ineligible family members who do not claim to be citizens or eligible immigrants must be listed on a statement of ineligible family members signed by the head of household or spouse.

Non-citizen students on student visas are ineligible members even though they are in the country lawfully. They must provide their student visa but their status will not be verified and they do not sign a declaration but are listed on the statement of ineligible members.

Failure to Provide. If an applicant or participant family member fails to sign required declarations and consent forms or provide documents, as required, they must be listed as an ineligible member. If the entire family fails to provide and sign as required, the family may be denied or terminated for failure to provide required information.

Extensions of Time to Provide Documents
The PHA will grant an extension of 30 days for families to submit evidence of eligible immigrant status.

Acceptable Documents of Eligible Immigration
The regulations stipulate that only the following documents are acceptable unless changes are published in the Federal Register.

- Resident Alien Card (I-551)
- Alien Registration Receipt Card (I-151)
- Arrival-Departure Record (I-94) Temporary Resident Card (I-688)
- Employment Authorization Card (I-688B)
- Receipt issued by the INS for issuance of replacement of any of the above documents that shows individual's entitlement has been verified

A birth certificate is not acceptable verification of status. All documents in connection with U.S. citizenship/eligible immigrant status must be kept five years.

The PHA will verify the eligibility of a family member at any time such eligibility is in question, without regard to the position of the family on the waiting list.

If the PHA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside permanently in the family's unit, the family's assistance will be terminated for 24 months, unless the ineligible individual has already been considered in prorating the family's assistance.

Verification of Social Security Numbers [24 CFR 5.216, 5.218, 5.233]
Social Security Numbers must be provided as a condition of eligibility for all family members. Verification of Social Security Numbers will be done through a Social Security card issued by the Social Security Administration. If a family member cannot produce a Social Security card, only the documents listed below showing his or her Social Security Number may be used for verification. The family is also required to certify in writing that the document(s) submitted in lieu of the Social Security card information provided is/are complete and accurate:

- A driver's license (with SSN displayed)
- Identification card issued by a Federal, State or local agency
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter Court records such as real estate, tax notices, marriage and divorce, judgment or bankruptcy records
- Verification of benefits or Social Security number from Social Security Administration
- Discharge papers from armed forces (DD214)
- An original document issued by a federal or state government agency, which contains the name of the individual and the SSN of the individual, along with other identifying information of the individual

New family members will be required to produce their social security card or provide the substitute documentation described above together with their certification that the substitute information provided is complete and accurate. This information is to be provided at the time the change in family composition is reported to the PHA.

If an applicant or participant is able to disclose the Social Security Number but cannot meet the documentation requirements, the applicant or participant must sign a certification to that effect provided by the PHA. The applicant/participant or family member will have an additional 90 days to provide proof of the Social Security

Number. If they fail to provide this documentation, the family's assistance will be terminated.

For an applicant only, if a child under the age of 6 who was added to the household within the 6-month period prior to the household's date of voucher issuance, the applicant may become a participant so long as they furnish acceptable proof of a Social Security Number for the child within 90 calendar days from the effective date of the Housing Assistance Payment contract. An extension of one additional 90-day period must be granted if the PHA determines, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside of the control of the applicant. Failure to produce verification of the Social Security Number within the required time period is grounds for denial or termination of assistance.

Individuals at least 62 years of age, by January 31, 2010 are exempt from disclosure of their SSN.

If the family member states they have not been issued a number, the family member will be required to sign a certification to this effect.

Medical Need for Larger Unit
A written certification that a larger unit is necessary must be obtained from a reliable, knowledgeable professional.

I. VERIFICATION OF WAITING LIST PREFERENCES [24 CFR 982.207]

Local Preferences
Residency Preference: For families, who live, work or have been hired to work or attend school full time in the jurisdiction of the PHA.

> In order to verify that an applicant is a resident, the PHA will require a minimum of two of the following documents: rent receipts, leases, utility bills, employer or agency records, school records, drivers licenses, voter registration card, credit reports, statement from household with whom the family is residing.

For families who have been hired to work in the jurisdiction of the PHA, a statement from the employer will be required.

Veterans Preference: This preference is provided to families of veterans and persons serving in the active military or naval services of the United States, including families of deceased veterans or deceased persons who were so serving at time of death. See Chapter 4 for full definition.

The PHA will require U.S. government documents, which indicate that the applicant qualifies under the Veterans Preference definition as referenced in Chapter 4.

Summit County Children Services (SCCS) Certified Emancipated Youth and Family Unification Program (FUP) Youth and Families: for youth eighteen years of age to twenty-four years of age, who are working with SCCS to overcome or prevent homelessness or for families working with SCCS for whom the lack of adequate housing is a primary factor in the imminent placement of the family's children in out-of-home care or the delay in the discharge of the children from out-of-home care. To be eligible, youth applicants must have had an episode of custody with SCCS and family applicants must have had a case with SCCS.

All applicants must request SCCS certification of eligibility.

Full Term First Birthday Preference: for applicants referred by the Full Term First Birthday Greater Akron program, which works to promote healthy full-term pregnancies and ensure every child celebrates a first birthday. Certification of eligibility from Full Term First Birthday or one of its partners will be required.

Moving On Preference:
This preference is for current participants in a supportive service housing program (SPC, FUP, CoC-PSH with whom AMHA has executed an MOU) who no longer require case management per the supportive service provider, have demonstrated the ability to live stably and maintain housing, and wish to receive a tenant based voucher. This preference is available when the supportive housing program is fully utilized per the grant agreement or is otherwise approved by the Housing Placement Manager or their designee.

Referral from supportive service provider will be required.

Transitional/Homeless Non-Elderly Disabled Preference: for families that are composed of one of more non-elderly persons aged 18 to 61 with disabilities who are eligible for services through a partner agency with whom AMHA has executed a Memorandum of Understanding (MOU) and are:

- transitioning out of an institutional or other segregated setting,
- at serious risk of institutionalization,
- homeless,
- at risk of becoming homeless, or
- previously experienced homelessness and are currently a client in a permanent supportive housing or rapid rehousing project.

Applicants shall be referred to partner agencies who will then provide a certification of eligibility and written commitment of services for:

- housing search assistance,
- supportive services to help the family's transition from homelessness and/or housing instability to permanent housing, or
- supportive services to help the family comply with Housing Choice Voucher Program rules.

Involuntary Displacement by Government Action Preference: involuntarily displaced by government action.

Documentation from a local government office or a notice of relocation from the PHA will be required.

Rent Burden or Homeless or Substandard Preference: Rent Burden:

The PHA will require a lease or occupancy agreement and utility bills to determine if the family is rent burdened.

Homeless:

Verification will be accepted from healthcare providers, social service providers, homeless service providers, continuum of care, local government offices and community organizations.

Substandard:

Verification will be accepted from local service providers, the PHA, and/or letters from family or friends providing temporary housing.

Insufficient Funding Preference: This preference is for families that were leased in a unit under a HAP contract with AMHA and the HAP contract was terminated by AMHA due to insufficient funding for the HCVP Program.

PHA records will be used for verification.

Canceled Voucher Preference: This preference is for families that were issued a voucher by AMHA, but the voucher was recalled due to insufficient funding for the HCVP Program.

PHA records will be used for verification

Chapter 8

VOUCHER ISSUANCE AND BRIEFINGS [24 CFR 982.301, 982.302]

INTRODUCTION

The PHA's goals and objectives are designed to assure that families selected to participate are equipped with the tools necessary to locate an acceptable housing unit. Families are provided sufficient knowledge and information regarding the program and how to achieve maximum benefit while complying with program requirements. When eligibility has been determined, the PHA will conduct a mandatory briefing to ensure that families know how the program works. The briefing will provide a broad description of owner and family responsibilities, PHA procedures, and how to lease a unit. The family will also receive a briefing packet, which provides more detailed information about the program including the benefits of moving outside areas of poverty and minority concentration. This chapter describes how briefings will be conducted, the information that will be provided to families, and the policies for how changes in the family composition will be handled.

A. ISSUANCE OF VOUCHERS [24 CFR 982.204(d), 982.54(d)(2)]

When funding is available, the PHA will issue vouchers to applicants whose eligibility has been determined. The number of vouchers issued must ensure that the PHA stays as close as possible to 100 percent lease-up. The PHA performs a monthly calculation to determine whether applications can be processed, the number of vouchers that can be issued, and to what extent the PHA can over-issue (issue more vouchers than the budget allows to achieve lease-up).

The PHA may over-issue vouchers only to the extent necessary to meet leasing goals. All vouchers which are over-issued must be honored. If the PHA finds it is over-leased, it must adjust future issuance of vouchers in order not to exceed the ACC budget limitations over the fiscal year.

B. BRIEFING TYPES AND REQUIRED ATTENDANCE [24 CFR 982.301]

Initial Applicant Briefing

A full HUD-required briefing will be conducted for applicant families who are determined to be eligible for assistance. The briefings will be conducted in groups. Families who attend group briefings and still have the need for individual assistance will be referred to a Certification Specialist.

Briefings will be conducted in English. The briefing may be conducted in person or remotely via mail, electronic mail, webcast and/or video call at AMHA’s discretion.

The purpose of the briefing is to explain how the program works and the documents in the voucher holder's packet to families so that they are fully informed about the program. This will enable them to utilize the program to their advantage, and it will prepare them to discuss it with potential owners and property managers.

The PHA will not issue a voucher to a family unless the head of household has attended a briefing and signed the voucher. Applicants who provide prior notice of inability to attend a briefing will automatically be scheduled for the next briefing. Applicants who fail to attend two scheduled briefings, without prior notification and approval of the PHA, may be denied admission based on failure to supply information needed for certification. The PHA will conduct individual briefings for families with disabilities at their home, upon request by the family, if required for reasonable accommodation.

Briefing Packet [24 CFR 982.301(b)]
The documents and information provided in the briefing packet for the voucher program will comply with all HUD requirements.

The family is provided with the following information and materials:

- The term of the voucher, and the PHA policy for requesting extensions or suspensions of the voucher (referred to as tolling), including extensions upon request as an accommodation for persons with disabilities.
- A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family; how the PHA determines total tenant payment for a family and information on the payment standard and utility allowance schedule. How the PHA determines the maximum allowable rent for an assisted unit.
- Information on multiple payment standards if being used by the PHA.
- Where the family may lease a unit. The information must include an explanation of how portability works.
- The HUD required tenancy addendum, which must be included in the lease.
- The form the family must use to request approval of tenancy**,** and a description of the procedure for requesting approval for a tenancy.
- A statement of the PHA policy on providing information about families to prospective owners.
- The PHA Subsidy Standards including when and how exceptions are made and how the voucher size relates to the unit size selected, including exception payment standard accommodations for persons with disabilities.
- The HUD brochure on how to select a unit and/or the HUD brochure "A Good Place to Live" on how to select a unit that complies with Current Approved HUD Inspection Protocol.
- The HUD pamphlet on lead-based paint entitled *Protect Your Family From Lead in Your Home***.**
- Information on Federal, State and local equal opportunity laws and a copy of the housing discrimination complaint form. The PHA will also include the pamphlet "Fair Housing: It's Your Right" and other information about Fair Housing laws and guidelines.
- A list of resources known to the PHA that may assist the family in locating a unit (Examples include: Akron Beacon Journal, Barberton Herald, Cuyahoga Falls New Press, Hub-Times, South Side News Leader, Stow Sentry, Suburbanite, Tallmadge Express, Twinsburg Bulletin, West Side Leader, Craig's List, Zillow) and information on **www.summithousingsearch.org,** which offers a list of landlords or other parties willing to lease to assisted families and customer service support to help in the search and/or known units available for the voucher issued. The listing includes landlords or other parties who are willing to lease units or help families find units outside areas of poverty or minority concentration. Customer service is offered 8:00 a.m. to 8:00 p.m. (1-877-428-8844) to assist voucher holders looking for housing. The hard copy list of units is available upon request, e.g. when a client states they do not have internet access.
- If the family includes a person with disabilities, notice that the PHA will provide assistance in locating accessible units and a list of available accessible units known to the PHA.
- The family obligations under the program.
- The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.
- PHA informal hearing procedures including when the PHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- Information packet including an explanation of how portability works, including a list of neighboring housing agencies with the name, address and telephone number of a portability contact person at each for use by families who move under portability. (required for PHAs in MSAs)
- Notice rights under VAWA.

- A map showing areas representing various income levels of the jurisdiction and surrounding areas for the purpose of expanding housing opportunities for families. (required for PHAs in MSAs)
- Information regarding the PHA's outreach program which assists families who are interested in, or experiencing difficulty in obtaining available housing units in areas outside of minority concentrated locations.
- A list of properties or property management organizations that own or operate housing units outside areas of poverty or minority concentration (required for PHAs in MSAs).
- PHA's sample lease for owners who do not use a lease for their unassisted tenants.
- Choosing a unit carefully and only after due consideration.
- The Family Self Sufficiency program and its advantages.

If the family includes a person with disabilities, the PHA will ensure compliance with CFR 8.6 to ensure effective communication.

Program participants requesting to move or move through portability will receive a Moving Request Packet. The packet will include information to remind the participants of their obligations related to the move and to present the opportunities related to deconcentration. Specifically, information and assistance in locating housing outside high poverty areas will be provided.

C. ENCOURAGING PARTICIPATION IN AREAS WITHOUT LOW INCOME OR MINORITY CONCENTRATION

At the briefing for applicants, or in the briefing packet for current participants, families are encouraged to search for housing in non-impacted areas and the PHA will provide assistance to families who wish to do so.

The PHA has areas of poverty and minority concentration clearly delineated in order to provide families with information and encouragement in seeking housing opportunities outside highly concentrated areas.

The PHA has maps that show various areas and information about facilities and services in neighboring areas such as schools, transportation, and supportive and social services.

The PHA will investigate and analyze when voucher holders are experiencing difficulties locating or obtaining housing units outside areas of concentration.

The assistance provided to such families may include:

- Direct contact with landlords;
- Counseling with the family;
- Providing information about services in various non-impacted areas;
- Formal or informal discussions with landlord groups;
- Formal or informal discussions with social service agencies

D. ASSISTANCE TO FAMILIES WHO CLAIM DISCRIMINATION

The PHA will give participants a copy of HUD Form 903 to file a complaint.

E. SECURITY DEPOSIT REQUIREMENTS [24 CFR 982.313]

The owner is not required to but may collect a security deposit from the tenant. Security deposit charged to families may not exceed one month's contract rent. Security deposits charged by owners may not exceed those charged to unassisted tenants. For lease-in-place families, responsibility for first and last month's rent is not considered a security deposit issue. In these cases, the owner should settle the issue with the tenant prior to the beginning of assistance.

F. TERM OF VOUCHER [24 CFR 982.303, 982.54(d)(2)]

During the briefing session, each household will be issued a voucher which represents a contractual agreement between the PHA and the Family specifying the rights and responsibilities of each party. It does not constitute admission to the program which occurs when the lease and contract become effective.

Expirations

The voucher is valid for a period of 120 calendar days from the date of issuance. The family must submit a Request for Approval of the Tenancy and Lease within the 120 day period. The PHA may allow an extension up to 60 days upon request.

If the voucher has expired, the family will be denied assistance and will be removed from the Housing Choice Voucher waiting list. The family will have to reapply to be considered for the Housing Choice Voucher Program. The family will not be entitled to a review or hearing. If the family is currently assisted, they may remain as a participant in their unit if there is an assisted lease/contract in effect.

If the family needs and requests an extension of the initial voucher term as a reasonable accommodation to make the program accessible to a family member who is a person with disabilities; PHA must allow an extension up to 60 days.

Suspensions

When a Request for Approval of Tenancy is received, the PHA will deduct the number of days required to process the request from the 120 day term of the voucher.

Assistance to Voucher Holders

Families who require additional assistance during their search may call the PHA Office to request assistance. Voucher holders will be notified at their briefing session that the PHA periodically updates the listing of available units and how the updated list may be obtained.

The PHA will assist families with negotiations with owners and provide other assistance related to the families' search for housing.

G. VOUCHER ISSUANCE DETERMINATION FOR SPLIT HOUSEHOLDS[24 CFR 982.315]

In those instances when a family assisted under the HCVP becomes divided into two otherwise eligible families due to divorce, legal separation, or the division of the family, and the new families cannot agree as to which new family unit should continue to receive the assistance, and there is no determination by a court, the HCVP Manager shall consider the following factors to determine which of the families will continue to be assisted:

- The interest of minor children or of ill, elderly, or disabled family members.
- Which family member was the head of household when the voucher was initially issued (listed on the initial application).
- Whether domestic violence, dating violence, sexual assault, or stalking was involved in the breakup. If the

family break-up results from any of these occurrences as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), the PHA must ensure that the victim retains assistance.

- Whether any of the family members are receiving protections as victims of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and whether the abuser is still in the household.
- Which family members remain in the unit.
- Recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties.
If documentation is not provided, the PHA will terminate assistance on the basis of failure to provide information necessary for a reexamination.

If the household spilt is due to domestic violence, dating violence, sexual assault, or stalking and a participant wishes to re-add the perpetrator of the offense, the request must be reviewed by the AMHA's Senior Legal Counsel or their designee.

H. REMAINING MEMBER OF TENANT FAMILY - RETENTION OF VOUCHER [24 CFR 982.315]

To be considered the remaining member of the tenant family, the person must have been previously approved by the PHA to be living in the unit. In cases where the current head of household is voluntarily leaving the tenant family, the new head of household must have been part of the tenant family for at least the prior 12 months. An exception to this requirement due to extreme hardship may be approved by the HCVP Manager or their designee.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the Family.

A reduction in family size may require a reduction in the voucher family unit size.

Chapter 9

REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION [24 CFR 982.302]

INTRODUCTION [24 CFR 982.305(a)]
The PHA's program operations are designed to utilize available resources in a manner that is efficient and provides eligible families timely assistance based on the number of units that have been budgeted. The PHA's objectives include maximizing HUD funds by providing assistance to as many eligible families and for as many eligible units as the budget will allow.

After families are issued a voucher, they may search for a unit anywhere within the jurisdiction of the PHA, or outside of the PHA's jurisdiction if they qualify for portability. The family must find an eligible unit under the program rules with an owner/landlord who is willing to enter into a Housing Assistance Payments Contract with the PHA. This chapter defines the types of eligible housing, the PHA's policies which pertain to initial inspections, lease requirements, owner disapproval, and the processing of Requests for Tenancy Approval (RFTA).

A. REQUEST FOR TENANCY APPROVAL [24 CFR 982.302, 982.305(b)]

The Request for Tenancy Approval (RFTA) and a copy of the proposed lease, including the HUD prescribed tenancy addendum, must be submitted by the family during the term of the voucher. The family must submit the Request for Tenancy Approval in the form and manner required by the PHA.

The Request for Tenancy Approval must be signed by both the owner and voucher holder.

The PHA will not permit the family to submit more than one RFTA at a time.

Once the RFTA is received an initial inspection must be completed within 45 days or the client must choose another unit.

The PHA will review the proposed lease and the Request for Tenancy Approval documents to determine whether or not they are approvable. The request will be approved if:

- The unit is an eligible type of housing.
- The unit meets HUD's Current Approved Inspection Protocol Standards for Vouchers (and any additional criteria as identified in this Administrative Plan).
- The rent is reasonable.
- The security deposit is approvable in accordance with any limitations in this plan.
- The proposed lease complies with HUD and PHA requirements (See "Lease Review" section below).
- HUD regulations prohibit AMHA to conduct business with any person(s) that has a debarment sanction.
- The owner is approvable, and there are no conflicts of interest (See "Owner Disapproval" section below).

In addition to the above, at the time a family initially receives assistance in a unit (new admissions and moves), if the gross rent for the unit exceeds the applicable payment standard for the family, the family share of rent may not

exceed 40 percent of the family monthly adjusted income (See "Owner Rents, Rent Reasonableness and Payment Standards" chapter of this Administrative Plan).

Disapproval of RFTA
If the PHA determines that the request cannot be approved for any reason, the landlord and the family will be notified. The PHA will instruct the owner and family of the steps that are necessary to approve the request.

The owner will be given 10 business days to submit an approvable RFTA from the date of disapproval.

When, for any reason, an RFTA is not approved, the PHA will furnish another RFTA form to the family so that the family can continue to search for eligible housing.

B. ELIGIBLE TYPES OF HOUSING [24 CFR 982.352]

The PHA will approve any of the following types of housing in the voucher program. Some units may only be eligible in cases of a reasonable accommodation. See Chapter 19, Special Housing Types, of this plan for further details.

- All structure types can be utilized.
- Manufactured homes where the tenant leases the mobile home and the pad.
- Congregate housing
- Cooperative housing
- Group homes
- Shared housing
- Units owned (but not subsidized) by the PHA (following HUD-prescribed requirements).

A family can own a rental unit but cannot reside in it while being assisted. A family may lease in and have an interest in a cooperative housing development.

The PHA may not permit a voucher holder to lease a unit which is receiving project-based HCVP assistance or any duplicative rental subsidies.

C. LEASE REVIEW [24 CFR 982.308]

The PHA will review the lease, particularly noting the approvability of optional charges and compliance with regulations and state and local law. The tenant also must have legal capacity to enter a lease under state and local law. Responsibility for utilities, appliances and optional services must correspond to those provided on the Request For Tenancy Approval.

The family and owner must submit a standard form of lease used in the locality by the owner and that is generally used for other unassisted tenants in the premises. The terms and conditions of the lease must be consistent with state and local law.

The lease must specify:

- The names of the owner and tenant, and
- The address of the unit rented (including apartment number, if any), and
- The amount of the monthly rent to owner,
- The utilities and appliances to be supplied by the owner, and
- The utilities and appliances to be supplied by the family.
- Initial lease must be for a year and month to month thereafter.

The HUD prescribed tenancy addendum must be included in the lease word-for-word before the lease is executed.

Effective September 15, 2000, the owner's lease must include the Lead Warning Statement and disclosure information required by 24 CFR 35.92(b).

The lease must provide that drug-related criminal activity engaged in by the tenant, any household member, or any guest on or near the premises, or any person under the tenant's control on the premises is grounds to terminate tenancy.

The lease must also provide that the owner may evict the family when the owner determines that:

- Any household member is illegally using a drug; or
- A pattern of illegal use of drugs by any household member interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.

The lease must provide that the following types of criminal activity by a "covered person" are grounds to terminate tenancy:

- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises);
- Any criminal activity that threatens the health, safety or right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises; or
- Any violent criminal activity on or near the premises by a tenant, household member, or guest; or
- Any violent criminal activity on the premises by any other person under the tenant's control.

The lease must provide that the owner may terminate tenancy if a tenant is:

- Fleeing to avoid prosecution or custody or confinement after conviction for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees (high misdemeanor in NJ); or
- Violating a condition of probation or parole imposed under Federal or State law.

Tenant-Based Leasing Incentive

To encourage the timely utilization of vouchers, new admission tenant-based voucher holders that have a lease move-in date effective within 60 dates of their voucher issuance will receive a one-time lease up incentive. The incentive will be disbursed to the tenant after the HAP contract has been executed.

Actions Before Lease Term

All of the following must always be completed before the beginning of the initial term of the lease for a unit:

- The PHA has inspected the unit and has determined that the unit satisfies the Current Approved HUD Inspection Protocol;
- The PHA has determined that the rent charged by the owner is reasonable;
- The landlord and the tenant have executed the lease, including the HUD-prescribed tenancy addendum;
- The PHA has approved leasing of the unit in accordance with program requirements;
- When the gross rent exceeds the applicable payment standard for the family, the PHA must determine that the family share (total family contribution) will not be more than 40% of the family's monthly adjusted income.

D. SEPARATE AGREEMENTS

Families and owners will be advised of the prohibition of illegal side payments for additional rent, or for items normally included in the rent of unassisted families, or for items not shown on the approved lease. Owners may not demand or accept any rent payment from the family in excess of the rent to the owner as approved by the PHA minus the PHA's housing assistance payment.

The family is not liable under the lease for unpaid charges for items covered by separate agreements and nonpayment of these agreements cannot be cause for eviction.

Separate agreements for reasonable pet deposits will be allowed. No monthly pet rent may be charged. Deposits must be refunded less any damage caused by the pet to the dwelling unit within a reasonable time after the tenant moves or upon removal of the pet from the unit. Owners may not require a pet deposit for assistance animals.

The PHA will not approve separate agreements for modifications to the unit for persons with disabilities. The modifications are usually within the dwelling and are critical to the use of the dwelling.

E. INITIAL INSPECTIONS [24 CFR 982.305(a) & (b)]

See "HUD's Current Approved Inspection Protocol for Vouchers and Inspections" chapter of this Administrative Plan.

F. RENT LIMITATIONS [24 CFR 982.507]

The PHA will make a determination as to the reasonableness of the proposed rent in relation to comparable units available for lease on the private unassisted market, and the rent charged by the owner for a comparable unassisted unit in the building or premises.

By accepting each monthly housing assistance payment from the PHA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner is required to provide the PHA with information requested on rents charged by the owner on the premises or elsewhere.

At all times during the tenancy, the rent to owner may not be more than the most current reasonable rent as determined by the PHA.

G. DISAPPROVAL OF PROPOSED RENT [24 CFR 982.502]

In any of the programs, if the proposed gross rent is not reasonable, at the family's request, the PHA will negotiate with the owner to reduce the rent to a reasonable rent. If the rent is not affordable because the family share would be more than 40% of the family's monthly adjusted income, the PHA will negotiate with the owner to reduce the rent to an affordable rent for the family.

> At the family's request, the PHA will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.

If the rent can be approved after negotiations with the owner, the PHA will continue processing the Request for Tenancy Approval and lease. If the revised rent involves a change in the provision of utilities, staff will confirm the changes with the landlord and will date and initial change.

If the owner does not agree on the rent to owner after the PHA has tried and failed to negotiate a revised rent, the PHA will inform the family and owner that the lease is disapproved.

H. INFORMATION TO OWNERS [24 CFR 982.307(b), 982.54(d)(7)]

In accordance with HUD requirements, the PHA will furnish prospective owners with the family's current address as shown in the PHA's records and, if known to the PHA, the name and address of the landlord at the family's current and prior address upon request only.

The PHA will make an exception to this requirement if the family's whereabouts must be protected due to domestic abuse or witness protection.

The PHA will inform owners that it is the responsibility of the landlord to determine the suitability of prospective tenants. Owners will be encouraged to screen applicants for rent payment history, payment of utility bills, eviction history, respecting the rights of other residents, damage to units, drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

A statement of the PHA's policy on release of information to prospective landlords will be included in the briefing packet which is provided to the family.

Only the HCVP Staff may provide this information. The PHA's policy on providing information to owners is included in the briefing packet and will apply uniformly to all families and owners.

I. OWNER DISAPPROVAL [24 CFR 982.306]

See chapter on "Owner Disapproval and Restriction."

J. CHANGE IN TOTAL TENANT PAYMENT (TTP) PRIOR TO HAP EFFECTIVE DATE

When the family reports changes in factors that will affect the total family share prior to the effective date of the HAP contract at admission, the information will be verified and the total family share will be recalculated. If the family does not report any change, the PHA need not obtain new verifications before signing the HAP contract, even if verifications are more than 60 days old.

K. CONTRACT EXECUTION PROCESS [24 CFR 982.305(c)]

The PHA prepares the Housing Assistance Contract and lease for execution. The family and the owner will execute the lease agreement, and the owner and the PHA will execute the HAP contract. Copies of the documents will be furnished to the parties who signed the respective documents. The PHA will retain a copy of all signed documents.

The PHA makes every effort to execute the HAP contract before the commencement of the lease term. The HAP contract may not be executed more than 60 days after commencement of the lease term and no payments will be made until the contract is executed.

The following PHA representative(s) are authorized to execute a contract on behalf of the PHA:

- Executive Director, Deputy Directors, HCVP Manager or designee.
- Owners must provide the current address of their residence (not a Post Office Box). If Families lease properties owned by relatives, the owner's current address will be compared to the subsidized unit's address.

Owners must provide an employer identification number or Social Security Number**.**

Owners must also submit proof of ownership of the property, if requested by PHA staff, such as a grant deed or

tax bill, and a copy of the management agreement if the property is managed by a management agent.

The owner must provide a home telephone number and business number if applicable.

Unless their lease was effective prior to June 17, 1998, a family may not lease properties owned by a parent (including step-parent), child (including step-child), grandparent, grandchild, sister (including step- sister) or brother (including step-brother) of any family member. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.

L. CHANGE IN OWNERSHIP

See "Owner Disapproval and Restriction" chapter.

Chapter 10

CURRENT APPROVED INSPECTION PROTOCOL FOR VOUCHERS AND INSPECTIONS [24 CFR 982.401]

INTRODUCTION

The Current Approved HUD Inspection Protocol standards are the HUD minimum quality standards for tenant-based programs.

Current Approved HUD Inspection Protocol standards are required both at initial occupancy and during the term of the lease. Current Approved HUD Inspection Protocol standards apply to the building and premises, as well as the unit. Newly leased units must pass the Current Approved HUD Inspection Protocol inspection before the beginning date of the assisted lease and HAP contract.

The PHA will inspect each unit under contract at least biennially. The PHA will also have an Inspection Supervisor perform quality control inspections on the number of files required for file sampling by SEMAP annually to maintain the PHA's required standards and to assure consistency in the PHA's program. This chapter describes the PHA's procedures for performing Current Approved HUD Inspection Protocol inspections and other types of inspections, and PHA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with Current Approved HUD Inspection Protocol requirements for both families and owners.

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

Efforts will be made at all times to encourage owners to provide housing above Current Approved HUD Inspection Protocol minimum standards. The PHA will not promote any additional acceptability criteria which are likely to adversely affect the health or safety of participant families, or severely restrict housing choice.

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the inspector will notify the tenant or owner (whomever is responsible for the utilities according to the RFTA) to have the utilities turned on.

If the tenant is responsible for supplying the stove and/or the refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the unit has passed all other Current Approved HUD Inspection Protocol standards. The family must then certify that the appliances are in the unit and working. The PHA will not conduct a reinspection**.**

There are five types of inspections the PHA will perform:

1. Initial/Move-in: Conducted upon receipt of Request for Tenancy Approval.
2. Annual: Must be conducted within twenty-four months of the last annual inspection.
3. Move-Out/Vacate (for pre 10/2/95 contracts where there could be damage claims)
4. Special/Complaint: At request of owner, family, an agency, or third-party.
5. Quality Control

B. INITIAL INSPECTION [24 CFR 982.401(a), 982.305(b)(2)]

Timely Initial Inspection

The PHA will inspect the unit, determine whether the unit satisfies the Current Approved HUD Inspection Protocol and notify the family and owner of the determination within 15 days unless the PHA determines that it is unable to do so in the stated timeframe, in which case the file will be appropriately documented.

Once the RFTA is received an initial inspection must be completed within 45 days or the client must choose another unit.

The PHA will make every reasonable effort to conduct initial inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

The Initial Inspection will be conducted to:

- Determine if the unit and property meet the Current Approved HUD Inspection Protocol defined in this Plan.
- Document the current condition of the unit as to assist in future evaluations whether the condition of the unit exceeds normal wear and tear.
- Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Current Approved Inspection Protocol for Vouchers inspection, the owner will be advised to notify the PHA once repairs are completed.

On an initial inspection, the owner will be given up to 30 days and no more than 2 re-inspections for repair work to be completed to correct the items noted as Fail, at the inspector's discretion, depending on the amount and complexity of work to be done.

If the time period given by the inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit.

C. ANNUAL/BIENNIAL INSPECTIONS [24 CFR 982.405(a)]

The PHA or an approved alternate conducts an inspection in accordance with the Current Approved Inspection Protocol for Vouchers at least biennially, so that the inspections are conducted at least within 24 months, as required by SEMAP. All inspections will be conducted on an annual basis unless a landlord qualifies as a high performing landlord. The high performing designation will be determined based on number of special inspections and abatements for the landlord's properties. Special inspections may be scheduled between anniversary dates.

Deficiencies which cause a unit to fail must be corrected by the landlord unless it is a fail for which the tenant is responsible.

The family must allow the PHA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.551(d)]

Inspection: The family and owner are notified of the date and time of the inspection appointment by mail. If the family is unable to be present, they must reschedule the appointment so that the inspection is completed within 21 days from the originally scheduled inspection.

If the family has 2 missed inspections, reschedules, or one of each, within the same inspection cycle, the PHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Reinspection: The family and owner are provided a notice of the inspection appointment by mail. If the family is

not at home for the reinspection appointment, a card will be left at the unit. Another re- inspection appointment will be automatically rescheduled if the family has not missed a previous inspection. If the missed re-inspection is the second missed inspection the PHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Time Standards for Repairs
Emergency items which endanger the family's health or safety must be corrected by the owner within 24 hours of notification. (See Emergency Repair Items section.)

For non-emergency items, repairs must be made by the scheduled re-inspection date, which will be scheduled within 30 days.

The PHA, at its discretion, may accept self certification or third party verifications as a form of approving deficiencies in lieu of a physical re-inspection by the scheduled re-inspection date, which will be scheduled within 30 days for non-emergency violations. In the case of project-based vouchers, the PHA is required to conduct follow-up inspections to determine if the deficiency is corrected pursuant to 24 CFR 983.103(e)(2).

For major repairs, the Inspection Supervisor may approve an extension beyond 30 days.

Extensions may be approved when all of the following criteria are met:

Major upgrades or repairs.
Written documentation, dated before the inspection, detailing repairs or upgrades that will be completed and estimated date of completion.
Approval of Inspection Supervisor.

Rent Increases
Rent to owner increases may not be approved if the unit is in a failed condition.

D. MOVE OUT/VACATE

A move out inspection will be performed only at the landlord's request if claim is to be submitted for contracts effective before 10/2/95.

E. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.405(c), (g)]

If at any time the family or owner notifies the PHA that the unit does not meet HUD's Current Approved Inspection Protocol for Vouchers, the PHA will conduct an inspection. If the complaint is for a life- threatening condition which the owner would be required to repair within 24 hours, the PHA must inspect the unit within 24 hours of notification. If the reported condition is not life-threatening, the PHA must inspect the unit within 15 days of notification.

The PHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The PHA will inspect only the items which were reported, but if the inspector notices additional deficiencies that would cause the unit to fail Current Approved HUD Inspection Protocol, the responsible party will be required to make the necessary repairs.

If the annual inspection date is within 120 days of a special inspection, and as long as all items are inspected that are included in an annual inspection, the special inspection will be categorized as annual and all annual procedures will be followed.

F. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections will be performed by the Inspection Supervisor or a Certified Designee on the number of files required by SEMAP. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the Current Approved HUD Inspection Protocol.

The sampling of files will include recently completed inspections (within the prior 3 months), a cross- section of neighborhoods, and a cross-section of inspectors.

G. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO CURRENT APPROVED HUD INSPECTION PROTOCOL [24 CFR 982.401(a)]

The PHA adheres to the acceptability criteria in the program regulations and with the HUD Inspections Booklet. The PHA retains the right to apply any other reasonable standard as long as it does not unduly restrict the housing stock available to participant families.

H. EMERGENCY REPAIR ITEMS [24 CFR 982.404(a)]

The following items are considered of an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector; subject to Current Approved HUD Inspection Protocol demonstration requirements:

Life Threatening:

- Gas (natural or liquid petroleum) leak or fumes
- Electrical problem which could result in shock or fire
- Building lacks an alternate means of exit in case of fire
- Lack of at least one functional smoke detector on each floor level of the unit
- Gas/oil fired water heater/HVAC with missing or misaligned chimney
- Inoperable or missing carbon monoxide detectors
- Deteriorated paint as defined by 24CFR 34.110 in a unit built before 1978 that is to be occupied by a family with a child under 6 years of age: This is a life-threatening condition only for the purpose of a condition that would prevent a family from moving into the unit.
- Fire Extinguishers- where required

Emergency:

- Lack of security
- Utilities not in service (such as Electricity, Gas (LP/Natural), Water, or Oil)
- No running hot water
- A condition exists where the building, or a component of the building, is in imminent danger of potential collapse
- Absence of at least one functioning sink and toilet in unit
- No heat when outside temperature is below 40 degrees Fahrenheit and temperature inside unit is below 60 degrees Fahrenheit.
- Presence of a non-working air conditioner or lack of adequate ventilation when the outside temperature has reached above 90 degrees Fahrenheit, for units that house seniors and/or persons with disabilities
- Major plumbing leaks or flooding, open sewage
- No working refrigerator

- No working stove/oven or other method of heating/preparing foods

For Emergency reasons, the PHA may give a short extension (not more than 3 business days) whenever the responsible party cannot be immediately notified or it is impossible to complete Emergency repairs with-in a 24-hour period.

If the repair(s) can be verified by use of a third party, whether it is tenant or landlord responsibility, the PHA may use that resource in lieu of a physical re-inspection, by the re-inspection date which will be scheduled within 30 days for non-emergency violations and within 24 hours for non-life threatening emergencies. In the case of project-based vouchers, the PHA is required to conduct follow-up inspections to determine if the deficiency is corrected pursuant to 24 CFR 983.103(e)(2).

If the emergency repair item(s) are not corrected in the time period required by the PHA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the PHA, and it is a Current Approved HUD Inspection Protocol breach which is a family obligation, the PHA will terminate the assistance to the family.

I. CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS) [24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet HUD's Current Approved Inspection Protocol for Vouchers, and the owner is responsible for completing the necessary repair(s) in the time period specified by the PHA, the assistance payment to the owner will be abated.

Abatement

Notice of Abatement will be sent to the owner, and the abatement will be effective from the day after the date of the failed inspection. The notice is generally for within 30 days, depending on the nature of the repair(s) needed.

The PHA will inspect abated units within 5 calendar days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

The PHA will advise both the tenant and landlord regarding the reinspection schedule. This notification will be mailed.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with Current Approved HUD Inspection Protocol. The notice of abatement states that the tenant is not responsible for the PHA's portion of rent that is abated. Owners may not evict tenants for abatement of the subsidy due to owner Current Approved HUD Inspection Protocol violations.

Reduction of Payments

The PHA may grant an extension in lieu of abatement in the following cases:

- There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.
- The owner makes a good faith effort to make the repairs.
- The repairs must be delayed due to climate conditions.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the termination may be rescinded by the PHA if the tenant chooses to remain in the unit**.** Only one Current Approved Inspection Protocol for Vouchers inspection will be conducted after the termination notice is issued.

If repairs are completed after the HAP Contract termination date, then the tenant will be required to submit a new Request for Tenancy Approval, and an initial inspection must be conducted in order for the tenant to remain in that unit. Otherwise, the tenant must use the voucher to move out of the unit. Payments will remain in abatement until the unit passes.

AMHA will not grant extensions for life-threatening conditions. For conditions that are not life-threatening, the AMHA may grant an exception for correcting the failed item(s), if the AMHA determines that an extension is appropriate. Extensions will be granted in cases where the AMHA has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis in the case of delays caused by weather conditions or other extreme situations

The PHA may charge for an additional inspection after a final fail inspection. The owner may not pass the cost of a reinspection fee on to the family.

J. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain Current Approved HUD Inspection Protocol deficiencies are considered the responsibility of the family

- The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant, all of which must be maintained and billed in the name of an adult household member (age 18 or older);
- The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
- Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).
- Pets must be contained prior to, and during, the HCVP Inspection of the unit. The HCVP Inspector reserves the right to not enter the unit for the scheduled inspection if pets are not contained. In the event the inspection is not completed for this reason, the situation will be noted by the HCVP

Inspector, and the scheduled inspection will be treated as a missed inspection. This does not apply to assistance animals.

The owner is responsible for all other Current Approved HUD Inspection Protocol violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The PHA may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during the inspection.

K. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If emergency or non-emergency violations of the Current Approved HUD Inspection Protocol are determined to be the responsibility of the family, the PHA will require the family make any repair(s) or corrections within 24-hours for emergency violations and by the scheduled re-inspection date, which will be scheduled within 30 days for non- emergency violations. If the repair(s) or correction(s) are not made in this time period, the PHA will terminate assistance to the family, after providing an opportunity for an informal hearing. Extensions in these cases must be approved by the Inspection Supervisor. The owner's rent will not be abated for items which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.

Chapter 11

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS [24 CFR 982.502, 982.503, 982.504, 982.505, 982.507]]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the HCVP Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the "merger date." These amendments complete the merging of the HCVP Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

All HCVP participant families have been transitioned to the Housing Choice Voucher Program on or before October 1, 2001. Rent calculation methods for the Housing Choice Voucher Program are described at 24 CFR 982.505. The rent calculation formula is specific and is not subject to interpretation.

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(b).

This chapter explains the PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The rent to owner is limited only by rent reasonableness. The PHA must demonstrate that the rent to owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, if the gross rent for the unit exceeds the applicable payment standard for the family, the family share may not exceed 40 percent of the family's monthly adjusted income.

During the initial term of the lease, the owner may not raise the rent to owner.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP contract is executed, the PHA begins processing payments to the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month. Payments are disbursed by the HCVP Department to the owner on or about the first of each month. Adjustments may be disbursed in one mid-month check run at the discretion of the PHA.

Payments to the landlords must either be directly deposited into a bank account or directly deposited onto a debit card. A payee cannot receive both types of payments regardless of the number of properties.

Excess Payments

The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to owner. The owner must immediately return any excess payment to the PHA.

Owners who do not return excess payments will be subject to penalties as outlined in the "Owner or Family Debts to the PHA" chapter of this Administrative Plan.

Late Payments to Owners

The PHA will not be obligated to pay any late payment penalty if HUD determines that late payment is due to factors beyond the PHA's control, such as a delay in the receipt of program funds from HUD. The PHA will use administrative fee income or the administrative fee reserve as the only source for late payment penalty.

The PHA will not use any program funds for the payment of late fee penalties to the owner.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.507]

The PHA will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market. This applies to all programs.

The PHA will not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent. The PHA must redetermine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

The PHA must redetermine rent reasonableness if directed by HUD and based on a need identified by the PHA's auditing system. The PHA may elect to redetermine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or redetermined by the PHA

The owner will be advised that by accepting each monthly housing assistance payment s/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere. The PHA will only request information on the owner's units elsewhere if the PHA has cause to demonstrate that the owner has a tendency to charge higher rents to program participants or if needed for rent reasonableness comparables.

The data for other unassisted units will be gathered from an automated database.

The market areas for rent reasonableness are census tracts within the PHA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- Size (number of bedrooms/square footage)
- Location
- Quality
- Amenities (bathrooms, dishwasher, air conditioning, etc.)
- Housing Services
- Age of unit
- Unit Type
- Maintenance
- Utilities

HUD Notice PIH 2003-12, Subject: Determination of Rent Reasonableness, item 4, Clarification of 24 CFR 982.507(b), states that the PHA need not consider each of these criteria.

Rent Reasonableness Methodology

The PHA maintains an automated database which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than 48 months old.

Tenant based rent for tax credits – a rent comparison is not required for dwelling units receiving low income housing tax credits (LIHTC) if the rent does not exceed the rent for other LIHTC or HOME assisted units in the project that are occupied by families with tenant based assistance. The rent shall be reasonable if it does not exceed the rent for the payment standard established by the PHA.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.503]

The Payment Standard is used to calculate the housing assistance payment for a family. In accordance with HUD regulation, and at the PHA's discretion, the Voucher Payment Standard amount is set by the PHA between 90 percent and 110 percent of the HUD published FMR. This is considered the basic range. The PHA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the PHA will ensure that the Payment Standard is always within the range of 90 percent to 110 percent of the new FMR, unless an exception payment standard has been adopted by the PHA.

The PHA will establish at least one voucher payment standard amount for each FMR area in the PHA jurisdiction. For each FMR area, the PHA will establish payment standard amounts for each "unit size".

The PHA may have a higher payment standard within the PHA's jurisdiction if needed to expand housing opportunities outside areas of minority or poverty concentration.

AMHA is allowed to use the higher HCVP rent for a tax credit unit if the LIHTC rent is less than the amount that would be permitted under HCVP. The maximum rent on a unit shall not be less than the initial rent. [24 CFR 982.507]

The PHA may approve a higher payment standard up to 120 percent of the FMR if required as a reasonable accommodation for a family that includes a person with disabilities. The use of the higher payment standard requires the PHA to perform a rent reasonableness determination in accordance with the regulations and must maintain documentation that the unit has the feature(s) required to meet the needs of the person with disabilities.

In accordance with 24 CFR 982.505 (c), when there is a reduction in payment standards, the PHA must provide notice in writing 12 months before the effective date of the reduced payment standard amount. For participants currently under a HAP contract, the reduced payment standard amount will be applied no sooner than the second reexamination following the effective date of the decrease in payment standard. If the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be applied at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.503]

Payment Standards may be adjusted, within HUD regulatory limitations, to increase Housing Assistance Payments in order to keep families' rents affordable. The PHA will not raise Payment Standards solely to make "high end" units available to Voucher holders. The PHA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families' Rent Burdens

The PHA will review its voucher payment standard amounts at least annually to determine whether more than 40 percent of families in a particular unit size are paying more than 30% of their annual adjusted income for rent.

Quality of Units Selected
The PHA may review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

PHA Decision Point
The PHA will review the average percent of income of families on the program. If more than 40% of families are paying more than 30% of monthly adjusted income, the PHA will determine whether there is a difference by voucher size, whether families are renting units larger than their voucher size, and whether families are renting units which exceed HUD's Current Approved Inspection Protocol and any additional standards added by the PHA in the Administrative Plan.

If families are paying more than 30% of their income for rent due to the selection of larger bedroom size units or luxury units, the PHA may decline to increase the payment standard. If these are not the primary factors for families paying higher rents, the PHA will continue increasing the payment standard.

Rent to Owner Increases
The PHA may review a sample of the units to determine how often owners are increasing rents and the average percent of increase by bedroom size.

Time to Locate Housing
The PHA may consider the average time period for families to lease up under the Voucher program. If more than 50% of Voucher holders are unable to locate suitable housing within the term of the voucher and the PHA determines that this is due to 40% of rents in the jurisdiction being unaffordable for families even with the presence of a voucher the Payment Standard may be adjusted.

Lowering of the Payment Standard
Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD.

Financial Feasibility
Before increasing the Payment Standard, the PHA may review the budget to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the PHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payment Standards.

File Documentation
A file will be retained by the PHA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with regulation at 24 CFR 982.503(c).

G. OWNER PAYMENT IN THE HOUSING CHOICE VOUCHER PROGRAM [(24 CFR 982.308(g)]

The owner is required to notify the PHA, in writing, at least sixty days before any change in the amount of rent to owner is scheduled to go into effect. Any requested change in rent to owner will be subject to rent reasonableness requirements. See 24 CFR 982.503. Rent increases cannot be granted more than once every 12 months.

Chapter 12

REEXAMINATIONS
[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the PHA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments.

The PHA may recertify families at least triennially.

Reexaminations and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulations. It is a HUD requirement that families report all changes in household composition. This chapter defines the PHA's policy for conducting annual reexaminations and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

There are two activities the PHA must conduct on an annual basis.

- Reexamination of income and family composition
- Current Approved HUD Inspection Protocol inspection

The PHA produces a monthly listing of units under contract to ensure that timely reviews of housing quality, and factors related to total tenant payment/family share can be made.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections: See “HUD’s Current Approved Inspection Protocol for Vouchers and Inspections" chapter.

Rent adjustments: See "Owner Rents, Rent Reasonableness and Payment Standards" chapter.

B. ANNUAL REEXAMINATION [24 CFR 982.516]

Families are required to be recertified at least annually.

At each annual reexamination, the PHA must ensure a student that does not reside in a section 8 unit with his or her parents remains eligible to receive section 8 assistance. A student enrolled at an institution of higher education, under the age of 24 who is not a veteran, unmarried, does not have a dependent child and who is currently receiving HCVP assistance, if at reexamination is determined to be ineligible, will have his or her assistance terminated. Student will be deemed eligible for assistance if disabled and was receiving assistance as of November 30, 2005. (See Chapter 2 “Eligibility For Admission” and Chapter 15 “Denial or Termination of Assistance.”)

Reexamination Notice to Fixed Income Families

The PHA will streamline annual reexaminations for families on fixed incomes, which is defined as income from periodic payments at reasonably predictable levels from one or more of the following sources: Social

Security, Supplemental Disability Insurance, and Supplemental Security Income.
The PHA will maintain a reexamination tracking system and the household will be notified by mail at least 30 days in advance of the anniversary date. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format. The PHA will also mail the notice to a third party if the third party notification form is completed. These accommodations will be granted upon verification that they meet the need presented by the disability.

Procedure
The completion of annual reexaminations for fixed income families will be:
Complete the reexamination process through the mail or by scheduled appointment, using cost of living adjustments (COLA) to determine income and rent. If verification of the COLA is not available, the PHA will obtain third-party verification of income amounts and will obtain third-party verification at least every three years.

Reexamination Notice to the Family
The PHA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least 90 days in advance of the anniversary date. The interview may be conducted in person, over the phone, by mail, and/or by electronic submission at the discretion of the PHA or by an approved reasonable accommodation. If requested as an accommodation by a person with a disability, the PHA will provide the notice in an accessible format.

The PHA will also mail the notice to a third party, if the third party notification form is completed. Procedure
The PHA's procedure for conducting annual reexaminations will be:

Schedule the date and time of appointments and mail a notification to the family.

Completion of Annual Reexamination
The PHA will have all reexaminations for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent. The PHA reserves the right to complete the Reexamination process by mail.

Persons with a temporary medical condition preventing them from coming to the Central Office of the PHA may be granted approval for an interview by mail. 'Temporary' in this case means that the need to conduct the re-exam by mail will not continue for more than one review period. Requests for this waiver must be approved by the supervisor of Continued Assistance. *This is for a temporary waiver only.* Refer to the "Persons with Disabilities" section for requests beyond the temporary mail-in period.

Persons with Disabilities
Persons with disabilities who are unable to come to the PHA's office will be granted an accommodation by conducting the interview by mail, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information [24 CFR 982.516(f)]
The PHA has established appropriate reexamination procedures necessary to ensure that the income data provided by families is complete and accurate.

The PHA will allow the family to complete the reexamination form.

Requirements to Attend
The following family members will be required to attend the reexamination interview:

The head of household will be required to attend the annual reexamination interview. However, all documents must be appropriately signed by all adult parties. If all necessary signatures are not present at the interview, then the appointment will be

rescheduled.

Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview. The family may call once to request another appointment date up to the day of the interview.

If the family has 2 missed reexamination appointments, reschedules, or one of each, within the same reexamination cycle, the PHA will consider the family to have violated a family obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Exceptions to these policies may be made by the HCVP Continued Assistance supervisor if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

Documents Required From the Family

In the notification letter to the family, the PHA will include instructions for the family to bring the following:

- Documentation of all assets
- Documentation of any deductions/allowances
- Personal Declaration Form completed by head of household
- Proof of income and benefits for all household members

Verification of Information

The PHA will follow the verification procedures and guidelines described in this Plan. Verifications for reexaminations must be less than 120 days old.

Tenant Rent Increases

If tenant rent increases, a thirty day notice is mailed to the family prior to the scheduled effective date of the annual reexamination.

If less than thirty days are remaining before the scheduled effective date of the annual reexamination, the tenant rent increase will be effective on the first of the month following the thirty day notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the scheduled effective date of the annual reexamination.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the PHA.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the PHA between annual reexaminations in writing. This includes additions due to birth, adoption and court-awarded custody. The family must obtain PHA approval prior to all other additions to the household. If a participant wishes to re-add a previously identified perpetrator of domestic violence, dating violence, sexual assault, or stalking, the request must be reviewed by AMHA's Senior Legal Counsel or their designee.

If any new family member is added, family income must include any income of the new family member. The

PHA will conduct a reexamination to determine such additional income and will make the appropriate adjustments

in the housing assistance payment and family unit size.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular reexamination after moving into the unit.

An interim re-examination does not affect the date of the annual reexamination. Interim

Reexamination Policy
The PHA will not conduct interim reexaminations when families have an increase in income, with the exception of following:

- A participant that is receiving the benefits of the Earned Income Disallowance (EID) and is to go to the 50% phase in period or has completed the EID by either having used all 12 months at 100% and all 12 months at 50% or the 48 month (EIDs beginning prior to 1/1/2017) or 24 month (EIDs beginning 1/1/2017 and after) time frame allotted for the EID benefit has expired.
- Households reporting less than $2000 annually as income, who experience an increase in income will be required to report, in writing, within 10 calendar days and recertify.
- A participants' unemployment benefits end and the participant has started another job.
- The composition of the household changes in any way.
- A participant on layoff, temporary disability, or summer vacation (i.e. school board employee) returns to the same employer or job regardless if the leave is paid or unpaid.
- A FSS participant may request in writing an interim reexamination.
- A family requests an interim determination because of changes in family composition or income.

Decreases in Income
Participants may report a decrease in income and other changes which would reduce the amount of tenant rent, such as an increase in allowances or deductions. The PHA must calculate the change if a decrease in income is reported**.** The PHA will process the rent adjustment unless the PHA confirms that the decrease in income will last less than 30 calendar days.

PHA Errors
If the PHA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable; retroactive to when the decrease for the change would have been effective if calculated correctly.

D. OTHER INTERIM REPORTING ISSUES

Standard for Timely Reporting of Changes
The PHA requires that families report interim changes in writing, to the PHA within 10 days of when the change occurs.

If the change is not reported within the 10 day time period, it will be considered untimely reporting.

Procedures when the change is Reported in a Timely and Untimely Manner
The PHA will notify the family and owner of any change in the Housing Assistance Payment to be

effective according to the following guidelines:

Timely Reporting
Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported.

Untimely Reporting
Unreported changes that would have resulted in the processing of an interim re-examination, which would increase the tenants rent, will result in a retroactive change. The family will be liable for any overpaid HAP/UAP, and may be required to sign a Repayment Agreement and/or make a lump sum payment. If an unreported change would have resulted in a decrease in tenants rent there will be no retroactive adjustment.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS[24 CFR 5.615]

The PHA will not reduce the family share of rent for families whose welfare assistance is reduced due to a "specified welfare benefit reduction", which is a reduction in benefits by the welfare agency specifically because of:

- Fraud in connection with the welfare program; or
- Noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

However, the PHA will reduce the rent if the welfare assistance reduction is a result of:

- The expiration of a lifetime time limit on receiving benefits; or
- A situation where the family has complied with welfare program requirements but cannot or has not obtained employment, or
- A situation where a family member has not complied with other welfare agency requirements.

Definition of Covered Family
A household that receives benefits for welfare or public assistance from a State or public agency program which requires, as a condition of eligibility to receive assistance, the participation of a family member in an economic self-sufficiency program.

Definition of "Imputed Welfare Income"
The amount of annual income, not actually received by a family, as a result of a specified welfare benefit reduction, that is included in the family's income for purposes of determining rent.

The amount of imputed welfare income is determined by the PHA, based on written information supplied to the PHA by the welfare agency, including:

- The amount of the benefit reduction
- The term of the benefit reduction
- The reason for the reduction
- Subsequent changes in the term or amount of the benefit reduction

The family's annual income will include the imputed welfare income, as determined at the family's annual or interim reexamination, during the term of the welfare benefits reduction (as specified by the welfare agency).

The amount of imputed welfare income will be offset by the amount of additional income the family receives that

commences after the sanction was imposed. When additional income from other sources is at least equal to the imputed welfare income, the imputed welfare income will be reduced to zero.

If the family was not an assisted resident when the welfare sanction began, imputed welfare income will not be included in annual income.

If the family claims the amount of imputed welfare income has been calculated incorrectly, the HCVP Continued Assistance Supervisor will review the calculation for accuracy. If the imputed welfare income amount is correct, the PHA will provide a written notice to the family that includes:

- A brief explanation of how the amount of imputed welfare income was determined;
- A statement that the family may request an informal hearing if they do not agree with the PHA determination.

Verification Before Denying a Request to Reduce Rent
The PHA will obtain written verification from the welfare agency stating that the family's benefits have been reduced due to fraud or noncompliance with welfare agency economic self-sufficiency or work activities requirements *before* denying the family's request for rent reduction.

The PHA will rely on the welfare agency's written notice to the PHA regarding welfare sanctions.

Cooperation Agreements [24 CFR 5.613]
The PHA has executed a Cooperation Agreement with the local welfare agency to ensure timely and accurate verification of noncompliance.

Family Dispute of Amount of Imputed Welfare Income
If the family disputes the amount of imputed income and the PHA denies the family's request to modify the amount, the PHA will provide the tenant with a notice of denial, which will include:

- An explanation for the PHA's determination of the amount of imputed welfare income
- A statement that the tenant may request an informal hearing.

F. NOTIFICATION OF RESULTS OF REEXAMINATIONS [HUD Notice PIH 98-6]

The HUD Form 50058 will be completed and transmitted as required by HUD.
The Notice of Rent Change is mailed to the owner and the tenant. Signatures are not required by the PHA. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES [24 CFR 982.516(c)]

(See "Subsidy Standards" chapter 5.)

- The voucher size will be reviewed and changed if necessary at the annual re-examination appointment to be effective the annual anniversary date.

- A larger voucher size will not be issued due to additions of family or non-family members other than by birth, adoption, marriage/domestic partnership or court-awarded custody.

H. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.518]

Under the Noncitizens Rule, "mixed" families are families that include at least one citizen or eligible immigrant

and any number of ineligible members.

The Noncitizens Rule was implemented prior to November 29, 1996, and "mixed" families who were participants as of June 19, 1995, shall continue receiving full assistance if they meet all of the following criteria:

The head of household or spouse is a U.S. citizen or has eligible immigrant status; AND
All members of the family other than the head, the spouse, parents of the head or the spouse, and children of the head or spouse are citizens or eligible immigrants. The family may change the head of household to qualify under this provision.

I. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the PHA may terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum.)

Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY
[24 CFR 982.314, 982.353, 982.355(a),5.2001,5.2007]

INTRODUCTION

HUD regulations permit families to move with continued assistance to another unit within the PHA's jurisdiction, or to a unit outside of the PHA's jurisdiction under portability procedures. The regulations also allow the PHA the discretion to develop policies which define any limitations or restrictions on moves. This chapter defines the procedures for moves, both within and outside of, the PHA's jurisdiction, and the policies for restriction and limitations on moves.

A. ALLOWABLE MOVES

A family may move to a new unit with continued assistance if:

- The assisted lease for the old unit has terminated because the PHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.
- The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).
- The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to owner).
- The move is approved in accordance with AMHA's VAWA Emergency Transfer Plan.

B. RESTRICTIONS ON MOVES [24 CFR 982.314, 982.552(a)]

Families will not be permitted to move within the PHA's jurisdiction during the initial year of assisted occupancy.

Families will not be permitted to move outside the PHA's jurisdiction under portability procedures during the initial year of assisted occupancy.

Families will not be issued a voucher or will not be permitted to move within a 12 month period unless the lease was terminated by mutual agreement of the Owner and family or the assisted lease for the unit was terminated because the PHA terminated the HAP contract for Owner breach.

The above restrictions do not apply when the family or member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, or any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move.

The PHA may deny permission to voluntarily move, including outgoing portability, if there is insufficient funding for continued assistance in accordance with applicable regulations. Participants will be informed of the PHA's policy for denying moves due to insufficient funding via the Request to Move form or electronic notification. A request to move will be open for consideration for 30 calendar days during times of insufficient funding. If funding becomes available while a request to move is still open, the request will be processed following the regular transfer voucher issuance procedure.

The PHA will deny permission to move if:

- The family has violated a family obligation.
- The family owes the PHA money and is not current with any payment agreement.
- The family and owner or agent has failed to complete and submit the Request to Move form.

The Director of Operations may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

C. PROCEDURE FOR MOVES [24 CFR 982.314]

Issuance of Voucher

Subject to the restrictions on moves, if the family has not been recertified within the last 365 days, the PHA will issue the voucher to move after conducting the reexamination.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits. Notice

Requirements

The family must give the owner the required number of days written notice of intent to vacate specified in the lease and must give a copy to the PHA simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

D. PORTABILITY [24 CFR 982.353]

Portability applies to families moving out of or into the PHA's jurisdiction within the United States and its territories.

E. OUTGOING PORTABILITY [24 CFR 982.353, 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the PHA's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of the PHA's jurisdiction, the request must specify the area to which the family wants to move.

For Mainstream Program vouchers, if the receiving PHA administers the voucher, then it remains a Mainstream Program voucher. If the receiving PHA absorbs the voucher, it becomes a regular voucher at the receiving PHA and the Mainstream Program voucher is freed up for another family at the initial PHA.

Restrictions on Portability

Applicants

If neither the head nor spouse had a domicile (legal residence) in the PHA's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher, unless the PHA approves such move or it is a VASH voucher. [NOTE: legal domicile is defined by local government.]

The above residency restriction does not apply when the family is emancipated youth in the custody of Summit County Children Services (SCCS), or a member of the family.

The above residency restriction does not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), and the move is needed to protect the health or safety of the family or family members, or any family member who has been the victim of sexual assault that occurred on the premises during the 90-calendar- day period preceding the family's request to move.

For a portable family that was not already receiving assistance in the PHA's based program, the PHA must determine whether the family is eligible for admission under the receiving PHA's program.

Participants

After an applicant has leased-up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances.

- The receiving and initial PHA agree to allow the move. The PHA

will not permit families to exercise portability:

- If the family is in violation of a family obligation.
- If the family owes money to the PHA.
- If the family has moved out of its assisted unit in violation of the lease.
- If family has not completed their annual reexamination that is effective prior to or within 30 days after the expiration of the voucher.

Receiving PHA's will be required to submit hearing determinations to the PHA within 15 days. Violence

Against Women Act (VAWA) provides that a family may receive a voucher and move in violation of a lease under the portability procedure, if the family has complied with all other obligations of the voucher program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonable believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit. If a Participant requests a voucher due to these reasons, the PHA will provide the victim with appropriate paperwork and require the victim to certify, with the forms returned to the PHA within 10 business days. If forms are not returned within 10 business days the PHA has the right to pursue termination of subsidy for violations of family obligations. Any requests for an extension of the VAWA document submittal deadline will be reviewed by the Director's Office or their designee.

F. INCOMING PORTABILITY [24 CFR 982.353, 982.355, 982.552]

Absorption or Administration

The PHA will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher. If administering, the family will be issued a "portable" voucher by the PHA. The term of the voucher will not expire before the expiration date of any initial PHA voucher. The family must submit a request for approval of tenancy for an eligible unit to the receiving PHA during the term of the receiving PHA voucher. The receiving PHA may grant extensions in accordance with this Administrative Plan. However, if the family decides not to lease-up in the PHA's jurisdiction, they must contact the initial PHA to request an extension. If money is owed from a previous tenancy with AMHA the family will be required to sign a repayment agreement. (See Chapter 17, "Owner Or Family Debts To The PHA.")

The PHA may absorb vouchers if such absorption does not exceed 10% of households assisted, and only once the HAP contract is executed on behalf of the family by the receiving PHA assuming it has funding available to do so and such a decision will not result in over-leasing.

When the PHA does not absorb the incoming voucher, it will administer the initial PHA's voucher and the receiving PHA's policies will prevail.

For admission to the program a family must be income eligible in the area where the family initially leases a unit with assistance under the program.

The receiving PHA does not redetermine eligibility for a portable family that was already receiving assistance in the initial PHA HCVP tenant-based program. The receiving PHA will conduct a background check. The receiving PHA may deny or terminate assistance for a family action or inaction. Refer to Chapter 2 "Eligibility For Admission and Chapter 15 "Denial Or Termination Of Assistance."

The PHA will issue a "portability voucher" according to its own Subsidy Standards. If the family has a change in family composition which would change the voucher size, the PHA will change to the proper size based on its own Subsidy Standards. The term of the receiving PHA's voucher cannot expire before 30 calendar days from the expiration date of the initial PHA's voucher.

Income and Total Tenant Payment of Incoming Portables [982.353(d)]

As receiving PHA, the PHA will conduct a reexamination interview but only verify the information provided if the documents are missing or are over 60 days old, whichever is applicable, or there has been a change in the family's circumstances.

If the PHA conducts a reexamination of the family it will not cause a delay in the issuance of a voucher. If the

family's income is such that a $0 subsidy amount is determined prior to lease-up in the PHA's jurisdiction, the PHA will refuse to enter into a contract on behalf of the family at $0 assistance.

Requests for Tenancy Approval

A briefing will be mandatory for all portability families.

When the family submits a Request for Tenancy Approval, it will be processed using the PHA's policies.

If the family does not submit a Request for Tenancy Approval or does not execute a lease, the initial PHA will be notified within 15 days by the PHA.

If the family leases up successfully, the PHA will notify the initial PHA within 15 days, and the billing process will commence.

The PHA will notify the initial PHA if the family fails to submit a request for approval of tenancy for an eligible unit within the term of the voucher.

If the PHA denies assistance to the family, the PHA will notify the initial PHA within 15 days and the family will be offered a review or hearing.

The PHA will notify the family of its responsibility to contact the initial PHA if the family wishes to move outside the PHA's jurisdiction under continued portability.

Regular Program Functions
The PHA will perform all program functions applicable to the tenant-based assistance program, such as:

- Annual reexaminations of family income and composition, in accordance with streamlined reexaminations where applicable;
- At least biennial inspection of the unit; and
- Interim examinations when requested or deemed necessary by the PHA

Terminations
The PHA will notify the initial PHA in writing of any termination of assistance within 30 days of the termination. If an informal hearing is required and requested by the family, the hearing will be conducted by the PHA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the initial PHA.

The initial PHA will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial PHA notifies the PHA that the family is in arrears or the family has refused to sign a payment agreement, the PHA will terminate assistance to the family.

Required Documents
As receiving PHA, the PHA will require the documents listed on the HUD Portability Billing Form from the initial PHA.

Billing Procedures
As receiving PHA, the PHA will bill the initial PHA monthly for housing assistance payments. The billing cycle for other amounts, including administrative fees and special claims will be monthly unless requested otherwise by the initial PHA.

The PHA will bill 100% of the housing assistance payment and 100% of special claims for each "portability" voucher leased as of the first day of the month. The PHA will also bill the lesser of 80% of the initial PHA's administrative fee or 100% of its administrative fee unless a different administrative fee has been negotiated.

The PHA will notify the initial PHA of changes in subsidy amounts and will expect the initial PHA to notify the PHA of changes in the administrative fee amount to be billed.

Chapter 14

CONTRACT TERMINATIONS
[24 CFR 982.311, 982.314]

INTRODUCTION

The Housing Assistance Payments (HAP) contract is the contract between the owner and the PHA which defines the responsibilities of both parties. This chapter describes the circumstances under which the contract can be terminated by the PHA and the owner, and the policies and procedures for such terminations.

A. CONTRACT TERMINATION [24 CFR 982.311]

The term of the HAP contract is the same as the term of the lease. The contract between the owner and the PHA may be terminated by the PHA, or by the owner or tenant terminating the lease.

No future subsidy payments on behalf of the family will be made by the PHA to the owner after the month in which the contract is terminated. The owner must reimburse the PHA for any subsidies paid by the PHA for any period after the contract termination date.

If the family continues to occupy the unit after the HCVP contract is terminated, the family is responsible for the total amount of rent due to the owner. The owner will have no right to claim compensation from the PHA for vacancy loss under the provisions of certificate HAP contracts effective before October 2, 1995.

After a contract termination, if the family meets the criteria for a move with continued assistance, the family may lease-up in another unit. The contract for the new unit may begin during the month in which the family moved from the old unit.

B. TERMINATION BY THE FAMILY: MOVES [24 CFR 982.314(c)(2)]

Family termination of the lease must be in accordance with the terms of the lease.

C. TERMINATION OF TENANCY BY THE OWNER: EVICTIONS [24 CFR 982.310, 982.455]

If the owner wishes to terminate the lease, the owner must provide proper notice as stated in the lease. During the term of the lease, the owner may not terminate the tenancy except for the grounds stated in the HUD regulations.

During the term of the lease the owner may only evict for:

- Serious or repeated violations of the lease, including but not limited to failure to pay rent or other amounts due under the lease, or repeated violation of the terms and conditions of the lease;
- Violations of Federal, state or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or criminal activity by the tenant, any member of the household, a guest or another person under the tenant's control that threatens the health, safety or right to peaceful enjoyment of the premises by the other residents, or persons residing in the immediate vicinity of the premises or any drug-related criminal activity on or near the premises.
- Other good cause.

During the initial term of the lease, the owner may not terminate the tenancy for other good cause unless the owner is terminating the tenancy because of something the family did or failed to do (see 982.310).

Evidence of Criminal Activity
The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines they have engaged in the criminal activity:

- Regardless of arrest or conviction
- Without satisfying the standard of proof used for a criminal conviction

Termination of Tenancy Decisions
If the law and regulation permit the owner to take an action but don't require action to be taken, the owner can decide whether to take the action. Relevant circumstances for consideration include:

- The seriousness of the offense
- The effect on the community
- The extent of participation by household members
- The effect on uninvolved household members
- The demand for assisted housing by families who will adhere to responsibilities
- The extent to which leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action
- The effect on the integrity of the program

Exclusion of culpable household member
The owner may require a tenant to exclude a household member in order to continue to reside in the assisted unit.

Consideration of Rehabilitation
When determining whether to terminate the tenancy for illegal drug use or alcohol abuse, the owner may consider whether the member:

- Is no longer participating
- Has successfully completed a supervised drug or alcohol rehab program
- Has otherwise been successfully rehabilitated

The owner may require the tenant to submit evidence of any of the three (above).

Actions of termination by the owner must be consistent with the fair housing and equal opportunities as stated in 24 CFR 5.105.

The owner must provide the tenant a written notice specifying the grounds for termination of tenancy, at or before the commencement of the eviction action. The notice may be included in, or may be combined with, any owner eviction notice to the tenant.

The owner eviction notice means a copy of the eviction complaint filed in court.

The PHA requires that the owner specify the section of the lease that has been violated and cite some or all of the ways in which the tenant has violated that section as documentation for the PHA's decision regarding termination of assistance.

Housing assistance payments are paid to the owner under the terms of the HAP contract. If the owner has begun eviction and the family continues to reside in the unit, the PHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. By endorsing the monthly check from the PHA, the owner certifies that the tenant is still in the unit, the rent is reasonable, and the owner is in compliance with the contract.

The PHA will continue housing assistance payments until the family moves or is evicted from the unit. If the

action is finalized in court, the owner must provide the PHA with the documentation, including notice of the

lock-out date.

The PHA must continue making housing assistance payments to the owner in accordance with the contract as long as the tenant continues to occupy the unit and the contract is not violated. By endorsing the monthly check from the PHA, the owner certifies that the tenant is still in the unit, the rent is reasonable and s/he is in compliance with the contract.

If an eviction is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new voucher so that the family can move with continued assistance, if the family has provided AMHA with a copy of the owner eviction notice within ten (10) days of issuance by the owner.

D. TERMINATION OF THE CONTRACT BY PHA [24 CFR 982.404(a), 982.453, 982.454, 982.552(a)(3)]

The term of the HAP contract terminates when the lease terminates, when the PHA terminates program assistance for the family, or when the owner has breached the HAP contract. (See "Owner Disapproval and Restriction" chapter)

Termination Due to Insufficient Funding (24 CFR 982.454)

AMHA shall review current and projected funding levels for the Housing Choice Voucher Program on an ongoing basis. If AMHA determines there is a projected or actual shortage of Housing Assistance Payment (HAP) funding to support HAP costs for current program participants, AMHA shall first determine if any other reasonable and feasible actions can be taken to reduce program costs. If, after undertaking any such actions to reduce program costs, AMHA determines that there is insufficient funding to support HAP costs for current participants, AMHA shall terminate the minimum number of HAP contracts necessary to reduce HAP costs to within the available budget. AMHA shall inform the local HUD office prior to terminating any HAP contracts for this purpose.

In identifying the HAP contracts to be terminated as a result of insufficient funding, AMHA shall use the following order for determining HAP contracts to be terminated:

1. Non-elderly, non-disabled families. AMHA shall utilize a last in, first out methodology whereby HAP contracts are terminated based on the date of the family's initial participation in the HCV program with the most recent participant(s) terminated first, then

2. Elderly and disabled families. AMHA shall utilize a last in, first out methodology whereby HAP contracts are terminated based on the date of the family's initial participation in the HCV program with the most recent participant(s) terminated first, then

3. Families comprising the required number of project-based and special purpose vouchers (e.g. NED, VASH, FUP) shall be the last to be terminated.

Upon AMHA's determination that sufficient funding is available to issue vouchers to some or all eligible families whose HAP contracts have previously been terminated due to insufficient funding, AMHA shall use the following criteria:

1. Families will be given the Insufficient Funding Preference and shall be issued vouchers in chronological order based on the family's initial date of participation in the HCV program (prior to termination of the HAP contract), starting with the oldest date of initial participation. No action will be required by the family for the initial preference designation, but the family will still be required to respond to requests for information
2. The voucher issuance is contingent upon the family's continued eligibility for and compliance with the HCVP program.

The PHA may also terminate the contract if:

- The PHA terminates assistance to the family.
- The family is required to move from a unit when the unit does not meet the current approved HUD Inspection Protocol space standards because of an increase in family size or a change in family composition.
- Funding is no longer available under the ACC.

The contract will terminate automatically if 180 days have passed since the last housing assistance payment to the owner.

Notice of Termination

When the PHA terminates the HAP contract under the violation of current approved HUD Inspection Protocol space standards or due to insufficient funding, the PHA will provide the owner and family written notice of termination of the contract. The HAP contract then terminates at the end of the calendar month that follows the calendar month in which the PHA gives such notice to the owner.

Chapter 15

DENIAL OR TERMINATION OF ASSISTANCE
[24 CFR 5.902, 5.903, 5.905, 982.4, 982.54, 982.552, 982.553]

INTRODUCTION

The PHA may deny or terminate assistance for a family because of the family's action or failure to act. The PHA will provide families with a written description of the family obligations under the program, the grounds under which the PHA can deny or terminate assistance, and the PHA's informal hearing procedures. This chapter describes when the PHA is required to deny or terminate assistance, and the PHA's policies for the denial of a new commitment of assistance and the grounds for termination of assistance under an outstanding HAP contract.

A. GROUNDS FOR DENIAL/TERMINATION [24 CFR 982.54, 982.552, 982.553, Notice: PIH 2006-42]

If denial or termination is based upon behavior resulting from a disability, the PHA will delay the denial or termination in order to determine if there is an accommodation that would negate the behavior resulting from the disability.

Form of Denial/Termination

Denial of assistance for an applicant may include any or all of the following:

- Denial for placement on the PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a tenancy
- Refusing to process or provide assistance under portability procedures

Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a tenancy
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures
- A student under the age of 24 who is not a veteran, unmarried, does not have a dependent child, if at reexamination is determined to be ineligible, will have his or her assistance terminated
- Student will be deemed eligible for assistance if disabled and was receiving assistance as of November 30, 2005

Termination of assistance for a participant or applicant may not include:

- 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 other person under the tenants control, shall not be cause for termination of assistance, tenancy or occupancy rights, if the tenant or an affiliated individual of the tenant’s family is the victim or threatened victim of that domestic violence, dating violence, sexual assault or stalking.

- The PHA may terminate the assistance to remove an occupant or tenant who engages in criminal acts or threatened acts of violence or stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

- The PHA may honor court orders regarding the rights of access or control of the property, including Temporary Protection Orders, Civil Protection Orders, and other orders issued to protect the victim and issued to address the distribution or possession or property among household members where the family "breaks up."
- There is no limitation on the ability of the PHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.
- There is no prohibition on the PHA terminating assistance if it "can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the property if the tenant's (victim's) assistance is not terminated."
- Any protections provided by law which give greater protection to the victim are not superseded by these provisions.
- Domestic violence incidents will be evaluated on a case by case basis. The PHA may require certification by the individual of their victim status. When appropriate, the PHA may accept medical and/or police records in lieu of certification. When required, certification shall be submitted on PHA and/or HUD approved forms. The individual shall provide such certification within 10 business days after the PHA requests such certification. If the certification is not received within the 10 business-day deadline, assistance may be terminated. The 10business-day deadline may be extended at the discretion of the PHA.

Mandatory Denial and Termination [24 CFR 982.54 (d), 982.552(b), 982.553(a), 982.553(b)]
The PHA must terminate assistance for participants if 180 days have elapsed since the PHA's last housing assistance payment was made except for a reasonable accommodation or if approved by the Deputy Director or their designee.

The PHA must permanently deny assistance to applicants, and terminate the assistance of persons convicted of manufacturing or producing methamphetamine on the premises of Federally assisted housing.

The PHA must deny admission to the program for applicants, and terminate assistance for program participants if the PHA determines that any household member is currently engaging in illegal use of a drug. See Section B of this chapter for the PHA's established standards.

The PHA must deny admission to the program for applicants, and terminate assistance for program participants if the PHA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. See Section B of this chapter for the PHA's established standards.

The PHA must deny admission to an applicant or terminate the assistance to a participant if the PHA determines that any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. See Section B of this chapter for the PHA's established standards regarding criminal background investigation and determining whether a member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

The PHA must deny admission to the program for an applicant or terminate program assistance for a participant if any member of the family fails to sign and submit consent forms for obtaining information in accordance with Part 5, subparts B and F.

The PHA must deny admission or terminate assistance when required under the regulations to establish citizenship or eligible immigration status.

Grounds for Denial or Termination of Assistance [24 CFR 982.552(c)]
The PHA will deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following reasons:

- If any family member violates any family obligation under the program as listed in 24 CFR 982.551.
- If any family member has violated the family obligation under 24 CFR 982.551 not to engage in any drug-related criminal activity.
- If any family member has violated the family obligation under 24 CFR 982.551 not to engage in any violent criminal activity.
- Any member of the family has been evicted from Federally assisted housing in the last three years.
- If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- If the family fails to fulfill its obligation under the HCVP welfare-to-work voucher program.
- The family has engaged in or threatened abusive or violent behavior toward PHA employees or agents.
- Actual physical abuse or violence will always be cause for termination.
- If any member of the family engages in, or has engaged in drug or alcohol abuse that interferes with the health, safety or peaceful enjoyment of other residents. See section B of this chapter.
- If any family member is subject to lifetime sex offender registration.
- If any member of the family commits drug-related criminal activity, or violent criminal activity. (See Section B of this chapter and 982.553 of the regulations)
- If any family member has been convicted of manufacturing or producing methamphetamine.

Refer to Chapter 2, "Eligibility for Admission", "Other Criteria for Admission" section for further information.

B. SCREENING AND TERMINATION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

Purpose
All Federally assisted housing is intended to provide a place to live and raise families, not a place to commit crime, to use or sell drugs or terrorize neighbors. It is the intention of The Akron Metropolitan Housing Authority to fully endorse and implement a policy designed to:

- Help create and maintain a safe and drug-free community
- Keep our program participants free from threats to their personal and family safety
- Support parental efforts to instill values of personal responsibility and hard work
- Help maintain an environment where children can live safely, learn and grow up to be productive citizens
- Assist families in their vocational/educational goals in the pursuit of self-sufficiency

Administration
All screening and termination of assistance procedures shall be administered fairly and in such a way as not to

violate rights to privacy or discriminate on the basis of race, color, sex, religion, national origin, age, familial status, disability, military status, ancestry, sexual orientation, marital status and gender identity or other legally protected groups under state or local law.

To the maximum extent possible, the PHA will involve other community and governmental entities in the promotion and enforcement of this policy.

This policy will be posted on the PHA's bulletin board and copies made readily available to applicants and participants upon request.

Screening of Applicants

In an effort to prevent future drug related and other criminal activity, as well as other patterns of behavior that pose a threat to the health, safety or right to peaceful enjoyment of the premises by other residents, and as required by 24 CFR 982, Subpart L and CFR Part 5, Subpart J, the PHA will endeavor to screen applicants as thoroughly and fairly as possible for drug-related and violent criminal behavior.

Such screening will apply to any member of the household who is 18 years of age or older. HUD

Definitions

Covered person, for purposes of 24 CFR Part 982 and this chapter, means a tenant, any member of the tenant's household, a guest or another person under the tenant's control.

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Guest, for purposes of this chapter and 24 CFR part 5, subpart A and 24 CFR Part 982, means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. The requirements of part 982 apply to a guest as so defined.

Household, for the purposes of 24 CFR Part 982 and this chapter, means the family and PHA-approved live-in aide.

Other person under the tenant's control, for the purposes of the definition of *covered person* and for 24 CFR Parts 5 and 982 and for this chapter, means that the person, although not staying as a guest (as defined in this chapter) in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not *under the tenant's control.*

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Standard for Violation

The PHA will deny participation in the program to applicants that are currently listed on the AMHA Criminal

Trespass List.

The PHA will deny participation in the program to applicants and terminate assistance to participants in cases where the PHA determines there is reasonable cause to believe that a household member is illegally using a drug or if the person abuses alcohol in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents, including cases where the PHA determines that there is a pattern of illegal use of a drug or a pattern of alcohol abuse.

The PHA will consider the use of a controlled substance or alcohol to be a pattern if there is more than one incident during the previous 3 months.

'Engaged in or engaging in' violent criminal activity means any act within the past 3 years by an applicant or participant or household member which involved criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, bodily injury or property damage.

The activity is being engaged in by any family member.

In evaluating evidence of negative past behavior, the PHA will give fair consideration to the seriousness of the activity with respect to how it would affect other residents, and/or likelihood of favorable conduct in the future which could be supported by evidence of rehabilitation.

Drug Related and Violent Criminal Activity: Ineligibility for Admission

Persons evicted from Federally assisted housing because of drug-related criminal activity or violent criminal behavior are ineligible for admission to the HCVP program for a three-year period beginning on the date of such eviction.

- If an applicant has been arrested, the applicant will be required to provide a disposition of record.
- If an applicant has been convicted, applicant will be ineligible for admission for 3 years after the most recent release date that can be determined from either 1) sentence or 2) probation or 3) parole.

However, the household may be admitted if, after considering the individual circumstances of the household, the PHA determines that:

- The evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA.
- The circumstances leading to eviction no longer exist because: The criminal household member has died.
  The criminal household member is imprisoned.

Denial of Assistance for Sex Offenders

The PHA will deny admission if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. In screening applicants, the PHA will perform criminal history background checks and use the Dru Sjodin National Sex Offender Website to determine whether any household member is subject to a lifetime sex offender registration requirement.

Termination of Assistance for Participants

Termination of Assistance for Drug-related Criminal Activity or Violent Criminal Activity:

Under the family obligations listed at 24 CFR 982.551, the members of the household must not engage in drug-related criminal activity, violent criminal activity or other criminal activity that threatens the health, safety or right

to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. HUD regulations at 24 CFR 982.553(b) requires the PHA to establish standards for termination of assistance when this family obligation is violated. The Akron Metropolitan Housing Authority has established the following standards for termination of assistance for the family when a household member has violated the family obligation to refrain from participating in drug-related or violent criminal activity.

Assistance will be terminated for participants who have been:

Determined to have engaged in prohibited criminal activity based on a preponderance of evidence during participation in the program, and within the last three years prior to the date of the notice to terminate assistance. Assistance will also be terminated for participants who have been evicted and/or have had their subsidy terminated from Public Housing, Indian Housing Section 23 or any other Section 8 program.

If any member of the household violated the family obligations by engaging in drug-related criminal activity, violent criminal activity, other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises, or is subject to lifetime sex offender registration, the PHA will terminate assistance.

In appropriate cases, the PHA may permit the family to continue receiving assistance provided that family members determined to have engaged in the proscribed activities will not reside in the unit.

The PHA may consider individual circumstances with the advice of Juvenile Court officials, social service providers, or government agencies.

Terminating Assistance for Alcohol Abuse by Household Members

Under the family obligations listed at 24 CFR 982.551, the members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. Assistance will be terminated due to violation of a family obligation if the PHA determines that a member of the household has demonstrated a pattern of alcohol abuse that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

Notice of Termination of Assistance

In any case where the PHA decides to terminate assistance to the family, the PHA must give the family written notice which states:

- The reason(s) for the proposed termination,
- The effective date of the proposed termination,
- The family's right, if they disagree, to request an Informal Hearing to be held before termination of assistance.
- The date by which a request for an informal hearing must be received by the PHA.

If the PHA proposes to terminate assistance for criminal activity as shown by a criminal record, the PHA will, upon request, provide the subject of the record and the tenant with a copy of the criminal record.

The PHA will simultaneously provide written notice of the contract termination to the owner so that it will coincide with the Termination of Assistance.

Required Evidence

Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence

which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Credible evidence may be obtained from police and/or court records. Testimony from neighbors, when combined with other factual evidence can be considered credible evidence. Other credible evidence includes documentation of drug raids or arrest warrants.

The PHA will terminate assistance for criminal activity by a household member, as described in this chapter, if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

The PHA will pursue fact-finding efforts as needed to obtain credible evidence.

Confidentiality of Criminal Records

The PHA will ensure that any criminal record received is maintained confidentially, not misused or improperly disseminated, and destroyed once the purpose for which it was requested is accomplished.

All criminal reports, while needed, will be housed in a locked file with access limited to individuals responsible for screening and determining eligibility for initial and continued assistance and to upper level HCVP management.

Terminations due to domestic violence in accordance with VAWA

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 other person under the tenant's control, shall not be cause for termination of assistance, tenancy or occupancy rights, if the tenant or an affiliated individual of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, sexual assault or stalking.

The PHA may terminate the assistance to remove a lawful occupancy or tenant who engages in criminal acts or threatened acts of violence of stalking to family members or others without terminating the assistance or evicting victimized lawful occupants.

In certain circumstances, the PHA will allow a qualified VAWA victim to be absent from the subsidized unit greater than 30 days without prior notification to AMHA if they are leaving because a member of the family is the victim of a VAWA crime and the absence is needed to protect the health and safety of a family member, or a family member was a victim of sexual assault that occurred on the premises during the 90-calendar-day period before the family request to move. In such case, the VAWA covered family will have to notify AMHA as soon as possible after they leave the unit.

The PHA may honor court orders regarding the rights of access or control of the property, including Emergency Protection Orders (EPO), Domestic Violence Orders (DVO), and other orders issued to protest the victim and issued to address the distribution or possession or property among household members where the family "breaks up".

There is no limitation on the ability of the PHA to terminate assistance for other good cause unrelated to the incident or incidents of domestic violence, dating violence, sexual assault, or stalking, other than the victim may not be subject to a "more demanding standard" than non-victims.

There is no prohibition on PHA terminating assistance if it "can demonstrate an actual and imminent threat to

other tenants or those employed at or providing service to the property if that tenant's (victim's) assistance is not terminated".

Any protections provided by law which give greater protection to the victim are not superseded by these provisions.

Domestic violence incidents will be evaluated on a case by case basis. The PHA may require certification by the individual of their victim status. When appropriate, the PHA may accept medical and/or police records in lieu of certification. When required, certification shall be submitted on PHA and/or HUD approved forms. The individual shall provide such certification within 10 business days after the PHA requests such certification. If the certification is received within the 10 business -day deadline, assistance may be terminated. The 10 business-day deadline may be extended at the discretion of the PHA.

C. FAMILY OBLIGATIONS [24 CFR 982.551]

- The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR Part 5). 'Information' includes any requested certification, release or other documentation.

- The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

- The family must disclose and verify Social Security Numbers (as provided by Part 5, subpart B of this Title) and must sign and submit consent forms for obtaining information in accordance with 24 CFR 5.230.

- All information supplied by the family must be true and complete.

- The family is responsible for the current approved HUD inspection breach caused by the family as described in 982.404(b).

    a. Failure to pay for any utilities for which family is responsible per the lease signed by the owner and the family. Utility services must be maintained and billed in the name of an adult household member (age 18 or older).
    b. Failure to maintain appliances for which the family is responsible per the lease signed by the owner and the family.
    c. Failure to correct/have corrected/rectify tenant caused damages beyond "normal wear and tear."

- The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

- The family may not commit any serious or repeated violations of the lease. Under 24 CFR 5.2005(c), an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated lease violation by the victim, or threatened victim, of the domestic violence, dating violence, sexual assault, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.

- The family must notify the owner and, at the same time, notify the PHA before the family moves

out of the unit or terminates the lease upon notice to the owner.

- The family must promptly give the PHA a copy of any owner eviction notice.

- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

- The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request in writing PHA approval to add any other family member as an occupant of the unit.

- The family must promptly notify the PHA if any family member no longer resides in the unit.

- If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or live-in aid, and defining when PHA consent may be given or denied.

- Members of the household may engage in legal profit-making activities in the unit, but only if such activities are incidental to primary use of the unit as a residence by members of the family.

- The family must not sublease or let the unit.

- The family must not assign the lease or transfer the unit.

- The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with the PHA for this purpose.

- The family must promptly notify the PHA in writing of absence from the unit.

- The family must not own or have any interest in the unit.

- The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.

- The household members may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

- The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

- An assisted family, or members of the family, may not receive HCVP tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) Federal, State or local housing assistance program.

- Any adult not included on the 50058 who has been in the unit more than fifteen (15) consecutive days, or a total of sixty (60) days in a 12-month period, will be considered to be living in the unit as an unauthorized household member.

- Program participants must report all changes in income to the PHA between annual re- exams. Household members reporting zero income who subsequently obtain income will be required to report the change in income within 10 calendar days and complete the interim certification process

Housing Authority Discretion [24 CFR 982.552(c)]
In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The PHA will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The PHA may also review the family's more recent history and record of compliance and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

The PHA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in, or were culpable for the action or failure to act, will not reside in the unit. The PHA may permit the other members of a family to continue in the program.

Explanations and Terms
The term 'promptly' when used with the family obligations always means 'within 10 days.' Denial or termination of assistance is always optional except where this Plan or the regulations state otherwise.

Current Approved HUD Inspection Breach
The inspector will determine if a current approved HUD inspection breach as identified in 24 CFR 982.404 (b) is the responsibility of the family. Families may be given extensions to cure breaches by the Inspection Supervisor.

Lease Violations
The following criteria will be used to decide if a serious or repeated violation of the lease will result in termination of assistance:

- If the owner terminates tenancy through court action for serious or repeated violation of the lease, or
- If the owner notifies the family of termination of tenancy assistance for serious or repeated lease violations, and the family moves from the unit prior to the completion of court action, and the PHA determines that the cause is a serious or repeated violation of the lease based on available evidence; or
- If there are police reports, neighborhood complaints or other third party information, that has been verified by the PHA.

Notification of Eviction
If the family requests assistance to move and they did not provide a copy to the PHA of an owner eviction notice within 10 days of receiving the Notice, the move will be denied.

Proposed Additions to the Family
The PHA will deny a family's request to add additional family members who are:

- Persons who have been evicted from public housing within the last three years (consistent with

Chapter 2),

- Persons who have previously violated a family obligation listed in 24 CFR 982.551 of the HUD regulations within the last three years (consistent with Chapter 2),
- Persons who have been part of a family whose assistance has been terminated under the Certificate or Voucher program within the last three years (consistent with Chapter 2),
- Persons who have been convicted of drug-related criminal activity or violent criminal activity are suitable for housing three (3) years after the most recent release date that can be determined from either 1) sentence or 2) probation or 3) parole.
- Persons who have been convicted of manufacturing or producing methamphetamine.
- Persons who do not meet the PHA's definition of family,
- Persons who commit fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program,
- Persons who currently owe rent or other amounts to the PHA or to another PHA in connection with HCVP or public housing assistance under the 1937 Act,
- Persons who have engaged in or threatened abusive or violent behavior toward PHA employees or agents,
- Persons who are subject to lifetime sex offender registration, or
- Persons who meet any criteria under the Mandatory Denial and Termination section in this chapter.

Family Member Moves Out

Families are required to timely notify the PHA if any family member leaves the assisted household. When the family notifies the PHA, they must furnish the following information:

- The date the family member moved out.
- The new address, if known, of the family member.

Limitation on Profit-Making Activity in Unit

If the business activity area results in the inability of the family to use any of the critical living areas, such as a bedroom utilized for a business which is not available for sleeping, it will be considered a violation.

If the PHA determines that the use of the unit as a business is not incidental to its use as a dwelling unit, it will be considered a program violation.

If the PHA determines the business is not legal, it will be considered a program violation. Interest

in Unit

The owner may not reside in the assisted unit regardless of whether (s)he is a member of the assisted family.

Fraud

In each case, the PHA will consider which family members were involved, the circumstances, and any hardship that might be caused to innocent members.

D. PROCEDURES FOR NON-CITIZENS [24 CFR 5.514, 5.516, 5.518]

Denial or Termination due to Ineligible Immigrant Status

Applicant or participant families in which all members are neither U.S. citizens nor eligible immigrants are not eligible for assistance and must have their assistance terminated. The PHA must offer the family an opportunity for a hearing. (See Chapter 2, “Eligibility for Admission”, section on Citizenship/Eligible Immigration Status.)

Assistance may not be terminated while verification of the participant family's eligible immigration status is pending.

False or Incomplete Information

When the PHA has clear, concrete, or substantial documentation (such as a permanent resident card or information from another agency) that contradicts the declaration of citizenship made by an applicant or participant, an investigation will be conducted and the individual will be given an opportunity to present relevant information.

If the individual is unable to verify their citizenship, the PHA will not give him/her an opportunity to provide a new declaration as an eligible immigrant or an opportunity to elect not to contend their status.

The PHA will then verify eligible status, deny, terminate, or prorate as applicable.

The PHA will deny or terminate assistance based on the submission of false information or misrepresentation.

Procedure for Denial or Termination

If the family (or any member) claimed eligible immigrant status and the INS primary and secondary verifications failed to document the status, the family may make an appeal to the INS and request a hearing with the PHA either after the INS appeal or in lieu of the INS appeal.

After the PHA has made a determination of ineligibility, the family will be notified of the determination and the reasons and informed of the option for prorated assistance (if applicable).

E. ZERO ($0) ASSISTANCE TENANCIES HAP Contracts On or After 10/2/95 [24 CFR 982.455 (a)]

The family may remain in the unit at $0 assistance for up to 180 days after the last HAP payment. If the family is still in the unit after 180 days, the assistance will be terminated. If, within the 180 day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the PHA will resume assistance payments for the family.

In order for a family to move to another unit during the 180 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

F. OPTION NOT TO TERMINATE [24 CFR 982.551, 24 CFR 982.552(c)]

If the family fails to timely, fully, and accurately provide any facts that caused the PHA to overpay assistance, the PHA may terminate assistance or may offer to continue assistance provided that the family:

- Executes a Restitution Agreement, makes payments in accordance with the Restitution Agreement, and is not already under a Restitution Agreement (unless approved by the Director of Operations or designee), or
- Reimburses the PHA in full within 30 days.

If AMHA extends an offer to participant to sign a Restitution Agreement in lieu of termination of assistance and the participant fails to sign the Agreement, AMHA will proceed with termination of assistance.

G. MISREPRESENTATION IN COLLUSION WITH OWNER [24 CFR 982.551, 982.552 (c)]

If the family intentionally, willingly, and knowingly commits fraud or is involved in any other illegal scheme with the owner, the PHA will deny or terminate assistance.

In making this determination, the PHA will carefully consider the possibility of overt or implied intimidation of the family by the owner and the family's understanding of the events.

H. MISSED APPOINTMENTS AND DEADLINES [24 CFR 982.551, 982.552 (c)]

It is a Family Obligation to supply information, documentation, and certification as needed for the PHA to fulfill its responsibilities. The PHA schedules appointments and sets deadlines in order to obtain the required information. The Obligations also require that the family allow the PHA to inspect the unit, and appointments are made for this purpose.

An applicant or participant who fails to keep an appointment, or to supply information required by a deadline without notifying the PHA, may be sent a Notice of Denial or Termination of Assistance for failure to provide required information, or for failure to allow the PHA to inspect the unit.

The family will be given information about the requirement to keep appointments and the number of times appointments will be rescheduled, as specified in this Plan.

Appointments will be scheduled and time requirements will be imposed for the following events and circumstances:

- Eligibility for Admissions
- Verification Procedures
- Certificate/Voucher Issuance and Briefings
- Current Approved Inspection Protocol for Vouchers and Inspections
- Reexaminations
- Appeals

Acceptable reasons for missing appointments or failing to provide information by deadlines are:

- Medical emergency
- Incarceration
- Family emergency

Procedure when Appointments are Missed or Information not Provided

For most purposes in this Plan, the family will be given 2 opportunities before being issued a notice of termination or denial for breach of a family obligation.

I. VASH GRADUATES

As a condition of HCV rental assistance, a HUD-VASH eligible family must receive the case management services noted above from the VAMC. Therefore, a HUD-VASH participant family's HCV assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC. However, a VAMC determination that the participant family no longer requires case management is not grounds for terminating assistance. In such case, AMHA will offer the family continued HCV assistance through one of the next available vouchers, to free up the HUD-VASH voucher for another eligible family referred by the VAMC.

J. MOVING ON STRATEGY

Many participants, over time, may find that they no longer need the level of supportive services that are provided while in the Shelter Plus Care (SPC) program, Family Unification Program (FUP), or Continuum of Care Permanent Supportive Housing (CoC-PSH) program (a program with an active Memorandum of Understanding between AMHA and the CoC-PSH program). When people have the opportunity to move from supportive housing into another stable housing opportunity, such turnover creates availability in existing supportive housing vouchers that can be used to serve other eligible households.

In such cases where the supportive service housing programs are fully utilized per the grant agreements or are otherwise approved by the Housing Placement Manager or their designee, eligible SPC, FUP, and CoC-PSH participants who wish to obtain a tenant based voucher may receive a Moving On preference, see Chapters 4 and 7. For FUP families only (excluding FUP youth), they may be transferred to the regular HCV program when there are no longer children in the household (e.g., children turn 18 or are permanently removed from the home) and do not have to reapply to the HCV waitlist. Once the participant has moved on to a tenant based voucher, this frees up the SPC, FUP, or CoC-PSH housing for another eligible family.

Chapter 16

OWNER DISAPPROVAL AND RESTRICTION
[24 CFR 982.54, 982.306, 982.453]

INTRODUCTION

It is the policy of the PHA to recruit owners to participate in the Voucher program. The PHA will provide owners with prompt and professional service in order to maintain an adequate supply of available housing throughout the jurisdiction of the PHA. The regulations define when the PHA must disallow an owner participation in the program, and they provide the PHA discretion to disapprove or otherwise restrict the participation of owners in certain categories. This Chapter describes the criteria for owner disapproval, and the various penalties for owner violations.

A. DISAPPROVAL OF OWNER [24 CFR 982.306, 982.54(d)(8)]

The owner does not have a right to participate in the program. For purposes of this section, "owner" includes a principal or other interested party.

The PHA may disapprove the owner for the following reasons:

- HUD has informed the PHA that the owner has been disbarred, suspended, or subject to a limited denial of participation under 24 CFR part 24.
- HUD has informed the PHA that the Federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other Federal equal opportunity requirements and such action is pending.
- HUD has informed the PHA that a court or administrative agency has determined that the owner has violated the Fair Housing Act or other Federal equal opportunity requirements.
- Unless their lease was effective prior to June 17, 1998, the owner may not be a parent (including step-parent), child (including step-child), grandparent, grandchild, sister (including step-sister) or brother (including step-brother) of any family member. The PHA will waive this restriction as a reasonable accommodation for a family member who is a person with a disability.
- In cases where the owner and tenant bear the same last name, the PHA may, at its discretion, require the family and or owner to certify whether they are related to each other in any way.
- The PHA may deny the owner if the owner has not paid state or local real estate taxes, fines or assessments.
- The owner has violated obligations under a housing assistance payments contract under HCVP of the 1937 Act (42 U.S.C. 1437f).
- The owner has committed fraud, bribery or any other corrupt act in connection with any Federal housing program.
- The owner has engaged in drug-related criminal activity or any violent criminal activity.
- The owner has a history or practice of non-compliance with the current approved HUD inspection standards for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based HCVP assistance or leased under any other Federal housing program.
- The owner has a history or practice of renting units that fail to meet State or local housing codes.

- The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under HCVP or any other Federally-assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
  - Threatens the right to peaceful enjoyment of the premises by other residents;
  - Threatens the health or safety of other residents, of employees of the PHA, or of other employees or other persons engaged of the management of the housing;
  - Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
  - Is involved in drug-related criminal activity or violent criminal activity.
- The owner/agent has a history or practice of acting or speaking in an abusive or threatening manner toward tenants or the Housing Authority's staff.

B. OWNER RESTRICTIONS AND PENALTIES [24 CFR 982.453]

If an owner has committed fraud or abuse or is guilty of frequent or serious contract violations, the PHA will restrict the owner from future participation in the program for a period of time commensurate with the seriousness of the offense. The PHA may also terminate some or all contracts with the owner.

Before imposing any penalty against an owner the PHA will review all relevant factors pertaining to the case, and will consider such factors as the owner's record of compliance and the number of violations.

See Program Integrity Addendum for guidance as to how owner fraud will be handled.

C. CHANGE IN OWNERSHIP/ASSIGNMENT OF THE HAP CONTRACT[HUD-52641]

The HAP contract cannot be assigned to a new owner without the prior written consent of the PHA.

An owner under a HAP contract must notify the PHA in writing prior to a change in the legal ownership of the unit. The owner must supply all information as requested by the PHA.

Prior to approval of assignment to a new owner, the new owner must agree to be bound by and comply with the HAP contract under the Protecting Tenants at Foreclosure Act. The owner may terminate the tenancy effective on the date of the transfer to the owner only if the owner will occupy the unit and has provided the tenant with a notice to vacate at least 90 days before the effective date of such notice. The agreement between the new owner and the former owner must be in writing and in a form that the PHA finds acceptable. The new owner must provide the PHA with a copy of the executed agreement. If the tenant's lease ends in less than 90 days or the tenant is in a month-to-month tenancy, the new owner may evict, provided that he or she gives the tenant a minimum of 90 days written notice.

Assignment of the HAP contract will be approved only if the new owner does not meet the test for disapproval under Chapter 16 Section A.

The new owner must provide a written certification to the PHA that includes:

- A copy of the escrow statement or other document showing the transfer of title and recorded deed;
- A copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;
- The effective date of the HAP contract assignment;

- A written agreement to comply with the terms of the HAP contract;
- Confirmation that the new owner is not a prohibited relative; and
- Direct Deposit Form.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, the PHA will terminate the HAP contract with the old owner. If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, the PHA will process the leasing in accordance with the policies in Chapter 9.

Chapter 17

OWNER OR FAMILY DEBTS TO THE PHA [24 CFR 982.552]

INTRODUCTION

This chapter describes the PHA's policies for the recovery of monies which have been overpaid for families, and to owners. It describes the methods that will be utilized for collection of monies and the guidelines for different types of debts. It is the PHA's policy to meet the informational needs of owners and families, and to communicate the program rules in order to avoid owner and family debts. Before a debt is assessed against a family or owner, the file must contain documentation to support the PHA's claim that the debt is owed. The file must further contain written documentation of the method of calculation, in a clear format for review by the owner, the family or other interested parties.

When families or owners owe money to the PHA, the PHA will make every effort to collect it. The PHA will use a variety of collection tools to recover debts including, but not limited to:

- Requests for lump sum payments
- Civil suits
- Payment agreements
- Abatements
- Reductions in HAP to owner
- Collection agencies
- Credit bureaus

A. PAYMENT AGREEMENT FOR FAMILIES [24 CFR 982.552 (c)(v-vii)]

A Payment Agreement as used in this Plan is a document entered into between the PHA and a person who owes a debt to the PHA. It is similar to a promissory note, but contains more details regarding the nature of the debt, the terms of payment, any special provisions of the agreement, and the remedies available to the PHA upon default of the agreement.

The PHA will prescribe the terms of the payment agreement, including determining whether to enter into a payment agreement with the family based on the circumstances surrounding the debt to the PHA.

There are some circumstances in which the PHA will not enter into a payment agreement. They are:

- If the family already has a Payment Agreement in place.
- If the PHA determines that the family committed program fraud that exceeds $7,500 net impact.

B. DEBTS OWED FOR CLAIMS [24 CFR 792.103, 982.552 (c)(v-vii)]

If a family owes money to the PHA for claims paid to an owner:

- The PHA will enter into a Payment Agreement.

Late Payments

A payment will be considered to be in arrears if:

The payment has not been received by the close of the business day on which the payment was due. If the due date is on a weekend or holiday, the due date will be at the close of the next business day.

If the family's payment agreement is in arrears, and the family has not made arrangements with the PHA, the PHA will:

- Require the family to pay the balance in full
- Pursue civil collection of the balance due
- Terminate the housing assistance

If the family requests a move to another unit and has a payment agreement in place for the payment of an owner claim, and the payment agreement is not in arrears:

The family will be permitted to move.

If the family requests a move to another unit and is in arrears on a payment agreement for the payment of an owner claim, and the family has not made arrangements with the PHA, the family will be required to pay the balance in full or be terminated from the program.

C. DEBTS DUE TO MISREPRESENTATIONS/NON-REPORTING OF INFORMATION [24 CFR 982.163]

HUD's definition of program fraud and abuse is a single act or pattern of actions that:

Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of HCVP program funds in violation of HCVP program requirements.

Families who owe money to the PHA cannot transfer the voucher to a family member. Family

Error/Late Reporting

Families who owe money to the PHA due to the family's failure to report increases in income will be required to repay in accordance with the payment procedures for program fraud, below.

Program Fraud

Families who owe money to the PHA due to program fraud will be required to pay in accordance with the payment procedures for program fraud, below.

If a family owes an amount which equals or exceeds $ 50,000.00 as a result of program fraud, the case will be referred to the Inspector General. Where appropriate, the PHA will refer the case for criminal prosecution.

Payment Procedures for Program Fraud

Families who commit program fraud or untimely reporting of increases in income will be subject to the following procedures:

The amount of the monthly payment will be determined in accordance with the family's current income.

D. GUIDELINES FOR PAYMENT AGREEMENTS [24 CFR 982.552(c)(v-vii)]

Monthly payment agreements will be executed between the PHA and the head of household/co-head only. A

monthly payment agreement will be considered to be in default when it is in arrears for 5 days.

Monthly payments may only be made by money order or cashiers check.

Monthly payments may be decreased in cases of family hardship and if requested with reasonable notice from the family, verification of the hardship, and the approval of the HCVP Manager/Deputy Director.

Additional Monies Owed: If the family already has a monthly payment agreement in place and incurs an additional debt to the PHA:

The PHA will not enter into more than one monthly payment agreement with the family.

If a debt is determined to be owed to the PHA after participation has ended, the PHA will send written notification of the debt to the last known address provided by the participant. If the resident wishes to dispute the charges they must submit a request, in writing, within 10 business days from the date of the letter.

E. OWNER DEBTS TO THE PHA [24 CFR 982.453(b)]

If the PHA determines that the owner has retained housing assistance or claim payments the owner is not entitled to, the PHA may reclaim the amounts from future housing assistance or claim payments owed the owner for any units under contract.

If future housing assistance or claim payments are insufficient to reclaim the amounts owed, the PHA may:

- Require the owner to pay the amount in full within 180 days.
- Enter into a payment agreement for the amount owed.
- Pursue collections through the local court system.

F. WRITING OFF DEBTS

Debts will be written off if:

- The debtor's whereabouts are unknown and the debt is more than 6 years old.
- A determination is made that the debtor is judgment proof.
- The debtor is deceased.
- The debtor is confined to an institution indefinitely or for more than 2 years.

However, this will not eliminate the duty to pay the debt if the family seeks assistance after the debt is written off.

Chapter 18

COMPLAINTS AND APPEALS

INTRODUCTION

The informal hearing requirements defined in HUD regulation are applicable to participating families who disagree with an action, decision, or inaction of the PHA. This chapter describes the policies, procedures and standards to be used when families disagree with a PHA decision. The procedures and requirements are explained for preference denial meetings, informal reviews and hearings. It is the policy of the PHA to ensure that all families have the benefit of all protections due to them under the law.

Informal reviews and hearings may, at the discretion of the PHA, be held in person or may be conducted remotely. All parties will be notified of the method to be used in advance of the scheduled review/hearing.

A. COMPLAINTS TO THE PHA

The PHA will respond promptly to complaints from families, owners, employees, and members of the public. All complaints will be documented. The PHA may require that complaints other than current approved HUD inspection violations be put in writing. Complaints may be reported by telephone.

The PHA hearing procedures will be provided to families in the briefing packet.

Complaints may be referred to the related HCVP Supervisor, HCVP Manager or to investigations, if necessary.

Categories of Complaints

Complaints from families: If a family disagrees with an action or inaction of the PHA or owner.

Complaints from owners: If an owner disagrees with an action or inaction of the PHA or a family.

Complaints from staff: If a staff person reports an owner or family either violating or not complying with program rules, the complaint will be referred to Investigations.

Complaints from the general public: Complaints or referrals from persons in the community in regard to the PHA, a family or an owner.

B. PREFERENCE DENIALS

When the PHA denies a preference to an applicant, the family will be notified in writing of the specific reason for the denial and offered the opportunity for a meeting with PHA staff to discuss the reasons for the denial and to dispute the PHA's decision.

The person who conducts the meeting will be:

> Any officer or employee of the PHA except the person who made or approved the decision or a subordinate of those persons.

C. INFORMAL REVIEW PROCEDURES FOR APPLICANTS [24 CFR 982.54(d)(12), 982.554]

Reviews are provided for applicants who are denied assistance before the effective date of the HAP contract. The

exception is that when an applicant is denied assistance for citizenship or eligible immigrant status, the applicant is entitled to an informal hearing.

When the PHA determines that an applicant is ineligible for the program, the family must be notified of their ineligibility in writing. The notice must contain:

- The reason(s) they are ineligible,
- The procedure for requesting a review if the applicant does not agree with the decision and
- The time limit for requesting a review.

When denying admission for criminal activity as shown by a criminal record, the PHA will, upon request, provide the subject of the record and the applicant with a copy of the criminal record upon which the decision to deny was based.

The PHA must provide applicants with the opportunity for an informal review of decisions denying:

- Listing on the PHA's waiting list
- Issuance of a voucher
- Participation in the program
- Assistance under portability procedures

Informal reviews are not required for established policies and procedures and PHA determinations such as:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- A determination of the family unit size under the PHA subsidy standards
- Refusal to extend or suspend a voucher
- A PHA determination not to grant approval of the tenancy
- Determination that unit is not in compliance with current approved HUD inspections standards
- Determination that unit is not in accordance with current approved HUD inspection standards due to family size or composition

Procedure for Review

A request for an informal review must be received in writing by the close of the business day, no later than 10 days from the date of the PHA's notification of denial of assistance. The informal review will be scheduled within 30 days from the date the request is received.

The informal review may not be conducted by the person who made or approved the decision under review, nor a subordinate of such person.

The review may be conducted by:

- A staff person who is at the supervisory level or above
- An individual from outside the PHA

The applicant will be given the option of presenting oral or written objections to the decision. Both the PHA and the family may present evidence and witnesses. The family may use an attorney or other representative to assist them at their own expense.

A notice of the review findings will be provided in writing to the applicant within 10 days after the review. It

shall include the decision of the review officer, and an explanation of the reasons for the decision.

All requests for a review, supporting documentation, and a copy of the final decision will be retained in the family's file.

Mitigating Circumstances for Applicants with Disabilities [24 CFR 982.204, 24 CFR 982.522(c)]

When applicants are denied placement on the waiting list, or the PHA is terminating assistance, the family will be informed that presence of a disability may be considered as an mitigating circumstance during the informal review process.

The grievance procedures for HCVP participants do not apply to PHA determinations that affect applicants

D. INFORMAL HEARING PROCEDURES [24 CFR 982.555(a-f), 982.54(d)(13)]

When the PHA makes a decision regarding the eligibility and/or the amount of assistance, the participant family must be notified in writing. The PHA will give the family prompt notice of such determinations which will include:

- The proposed action or decision of the PHA, including a brief statement of the reason for the decision,
- The date the proposed action or decision will take place,
- The family's right to an explanation of the basis for the PHA's decision,
- The family's right to request an informal hearing if they do not agree with AMHA's decision, and
- The deadline for the family to request an informal hearing..

When Hearing is Required

The PHA must provide participants with the opportunity for an informal hearing for decisions related to any of the following PHA determinations:

- Determination of the family's annual or adjusted income and the computation of the housing assistance payment
- Appropriate utility allowance used from schedule
- Family unit size determination under PHA subsidy standards
- Determination to terminate assistance for any reason.
- Determination to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account.

The PHA must always provide the opportunity for an informal hearing before termination of assistance. Informal hearings are not required for established policies and procedures and PHA determinations such as:

- PHA determination not to approve a unit or lease
- A PHA determination that an assisted unit is not in compliance with current approved HUD inspection standards, PHA must provide a hearing for family breach of standard because that is a family obligation determination
- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension or suspension of a voucher term

- A PHA determination that the unit is not in accordance with current approved HUD inspection standard because of the family size
- A PHA determination to exercise or not exercise any right or remedy against the owner under a HAP contract

Notification of Hearing

It is the PHA's objective to resolve disputes at the lowest level possible, and to make every effort to avoid the most severe remedies. However, if this is not possible, the PHA will ensure that applicants and participants will receive all of the protections and rights afforded by the law and the regulations.

When the PHA receives a request for an informal hearing, a hearing shall be scheduled within 30 days. The notification of hearing will contain:

- The date and time of the hearing
- The location where the hearing will be held
- The family's right to bring evidence, witnesses, legal or other representation at the family's expense
- The right to view any documents or evidence in the possession of the PHA upon which the PHA based the proposed action and, at the family's expense, to obtain a copy of such documents prior to the hearing. Requests for such documents or evidence must be received no later than 3 days before the hearing date.
- A notice to the family that the PHA will request a copy of any documents or evidence the family will use at the hearing. Requests for such documents or evidence must be received no later than 3 days before the hearing date.

The PHA's Hearing Procedures

- After a hearing date is scheduled, the family may request a continuance only upon showing "good cause," which is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the assisted family.
- If the family does not appear for the scheduled hearing, the hearing will proceed in the family's absence.
- If a family did not appear at the scheduled hearing, but experienced an unavoidable conflict which seriously affects the health, safety or welfare of the assisted family that prevented the family from appearing at the schedule hearing; the family must contact AMHA's Legal Department within 24 hours, excluding weekends and holidays, and provide documentation of the unavoidable conflict. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear. In these cases, the Hearing Officer will be directed not to issue a decision in the hearing held.
- In the case where a family is prevented from contacting AMHA within 24 hours of the missed hearing due to the unavoidable conflict, AMHA may disregard a Hearing Officer decision and reschedule the hearing at its discretion.

Families have the right to:

- Examine the documents in the file which are the basis for the PHA's action, and all documents submitted to the Hearing Officer;
- Copy any relevant documents at their expense;
- Present any information, evidence or witnesses pertinent to the issue of the hearing;
- Request that PHA staff be available or present at the hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

In addition to other rights contained in this Chapter, the PHA has a right to:

- Present evidence and any information pertinent to the issue of the hearing;
- Be notified if the family intends to be represented by legal counsel, advocate, or another party;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The informal hearing shall be conducted by the Hearing Officer appointed by the PHA who is neither the person who made or approved the decision, nor a subordinate of that person. The hearing may be conducted by:

Any AMHA staff member, other than those excluded above, and/or any third-party appointed by AMHA.

The hearing shall concern only the issues for which the family has received the opportunity for hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

No documents may be presented which have not been timely provided to the other party before the hearing if requested by the other party. "Documents" includes records and regulations.

The Hearing Officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.

The Hearing Officer will determine whether the action, inaction or decision of the PHA is legal in accordance with HUD regulations and this Administrative Plan based upon the evidence and testimony provided at the hearing. Factual determinations relating to the individual circumstances of the family will be based on a preponderance of the evidence presented at the hearing.

A notice of the hearing findings shall be provided in writing to the PHA within 10 work days and shall include:

- A clear summary of the decision and reasons for the decision; and
- If the decision involves money owed, the amount owed and documentation of the calculation of monies owed.

AMHA will mail a copy of the hearing officer’s decision to the family, along with a cover letter specifying the implications of the decision on the family’s subsidy.

The PHA is not bound by hearing decisions:

- Which concern matters in which the PHA is not required to provide an opportunity for a hearing
- Which conflict with or contradict HUD regulations or requirements;
- Which conflict with or contradict Federal, State or local laws; or
- Which exceed the authority of the person conducting the hearing.

The PHA shall send a letter to the participant if it determines the PHA is not bound by the Hearing Officer's determination within 10 days. The letter shall include the PHA's reasons for the decision.

All requests for a hearing, supporting documentation, and a copy of the final decision will be retained in the family's file.

E. HEARING AND APPEAL PROVISIONS FOR "RESTRICTIONS ON ASSISTANCE TO NON-CITIZENS" [24 CFR Part 5, Subpart E]

Assistance to the family may not be delayed, denied or terminated on the basis of immigration status at any time prior to the receipt of the decision on the INS appeal.

Assistance to a family may not be terminated or denied while the PHA hearing is pending but assistance to an applicant may be delayed pending the PHA hearing.

INS Determination of Ineligibility

If a family member claims to be an eligible immigrant and the INS SAVE system and manual search do not verify the claim, the PHA notifies the applicant or participant within ten days of their right to appeal to the INS within thirty days or to request an informal hearing with the PHA either in lieu of or subsequent to the INS appeal.

If the family appeals to the INS, they must give the PHA a copy of the appeal and proof of mailing or the PHA may proceed to deny or terminate. The time period to request an appeal may be extended by the PHA for good cause.

The request for a PHA hearing must be made within fourteen days of receipt of the notice offering the hearing or, if an appeal was made to the INS, within fourteen days of receipt of that notice.

After receipt of a request for an informal hearing, the hearing is conducted as described in this chapter for both applicants and participants. If the hearing officer decides that the individual is not eligible, and there are no other eligible family members the PHA will:

- Deny the applicant family,
- Defer termination if the family is a participant and qualifies for deferral, or
- Terminate the participant if the family does not qualify for deferral.

If there are eligible members in the family, the PHA will offer to prorate assistance or give the family the option to remove the ineligible members.

All other complaints related to eligible citizen/immigrant status:

- If any family member fails to provide documentation or certification as required by the regulation, that member is treated as ineligible. If all family members fail to provide, the family will be denied or terminated for failure to provide.
- Participants whose termination is carried out after temporary deferral may not request a hearing since they had an opportunity for a hearing prior to the termination.
- Participants whose assistance is pro-rated (either based on their statement that some members are ineligible or due to failure to verify eligible immigration status for some members after exercising their appeal and hearing rights described above) are entitled to a hearing based on the right to a hearing regarding determinations of tenant rent and Total Tenant Payment.
- Families denied or terminated for fraud in connection with the non-citizens rule are entitled to a review or hearing in the same way as terminations for any other type of fraud.

Chapter 19

SPECIAL HOUSING TYPES [24 CFR 982.601]

INTRODUCTION

The PHA will not set aside any program funding for special housing types, or for a special housing type. Families may choose to utilize the following special housing types: shared housing, single room occupancy units, and manufactured homes where the family leases both the manufactured home and the space. The PHA will not provide assistance for other special housing types unless approved through a reasonable accommodation. The PHA has suspended the homeownership voucher option effective January 1, 2016. Homeownership assistance payments will continue to be provided to qualified families with executed homeownership vouchers prior to January 1, 2016.

A. CONGREGATE HOUSING [24 CFR 982.606]

An elderly person or a person with disabilities may reside in a congregate housing unit.

The PHA may approve a family member or live-in aide to reside with the elderly person or person with disabilities.

The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Congregate Housing Lease and HAP Contract [24 CFR 982.607]

For congregate housing there will be a separate lease and HAP contract for each assisted family.

Unless there is a live-in aide, the payment standard for a family that resides in a congregate housing unit is the zero-bedroom payment standard on the PHA payment standard schedule.

However, if there are two or more rooms in the unit (not including kitchen or sanitary facilities), the payment standard for a family that resides in a congregate housing unit is the one bedroom payment standard amount.

If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

Current Approved Inspection Protocol for Vouchers

The PHA will ensure that all congregate housing units approved for the program are in compliance with all of the Current Approved Inspection Protocol for Vouchers for congregate housing as regulated in 24 CFR 982.609.

B. GROUP HOMES [24 CFR 982.610, 982.612]

A group home must be licensed, certified, or otherwise approved in writing by the State, or the State's licensing department.

An elderly person or a person with disabilities may reside in a State-approved group home. If approved by the PHA, a live-in aide may reside with a person with disabilities.

The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. Except for a live-in aide, all residents of a group home must

be elderly persons or persons with disabilities.

The PHA will not approve assistance for a person to live in a group home if file documentation indicates that the person is in need of continual medical or nursing care.

No more than twelve persons may reside in a group home. This limit covers all persons who reside in the unit, including assisted and unassisted residents and any live-in aide.

Group Home Lease and HAP Contract [24 CFR 982.611]
There will be a separate HAP contract and lease for each assisted person living in a group home. For a group home the term "pro-rata portion" means that which is derived by dividing the number of persons in the assisted household by the total number of residents (assisted and unassisted) residing in the group home. The number of persons in the assisted household equals one assisted person plus any PHA- approved live-in Aide.

Group Home Rent and HAP Contract [24 CFR 982.613]

The rent to owner for an assisted person may not exceed the pro-rata portion of the reasonable rent for the group home.

The reasonable rent for a group home is determined in accordance with 982.503. In determining reasonable rent the PHA will consider whether sanitary facilities, and facilities for food preparation and service, are common facilities or private.

Maximum Subsidy
Unless there is a live-in aide, the family unit size is one bedroom. If there is a live-in aide, the live-in aide will be counted in determining the family unit size.

The payment standard for a person who resides in a group home is the lower of the payment standard for the family unit size; or the pro-rata portion of the payment standard amount on the PHA payment standard schedule for the group home size.

Utility Allowance
The utility allowance for each assisted person residing in a group home is the pro-rata portion of the utility allowance for the group home unit size.

Current Approved Inspection Protocolfor Vouchers
The PHA will ensure that all group home units approved for the program are in compliance with all of the Current Approved Inspection Protocolfor Vouchers for group homes as regulated in 24 CFR 982.614.

C. SHARED HOUSING [24 CFR 982.615]

Occupancy
An assisted family may reside in shared housing. In shared housing, an assisted family may share a unit with another resident or residents of a unit. The unit may be a house or an apartment.

The PHA may approve a live-in aide to reside with a family in order to care for a person with a disability.

The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Other persons who are assisted or not assisted under the tenant-based program may reside in a shared housing unit. The owner of a shared housing unit may reside in the unit.

A resident owner may enter into a HAP contract with the PHA. However, housing assistance may not be paid on behalf of an owner. The PHA will not approve assistance for a person or family that is related by blood or marriage to a resident owner.

There will be a separate housing assistance payment contract and lease for each assisted family residing in a shared housing unit.

Rent and HAP Contract

For shared housing, the term "pro-rata portion" means the ratio derived by dividing the number of bedrooms in the private space available for occupancy by a family by the total number of bedrooms in the unit. For example, for a family entitled to occupy three bedrooms in a five bedroom unit, the ratio would be 3/5.

The rent to owner for the family may not exceed the pro-rata portion of the reasonable rent for the shared housing dwelling unit. The reasonable rent must be in accordance with the guidelines set in the "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

Maximum Subsidy

For a family that resides in a shared housing unit the payment standard is the lower of the payment standard amount on the PHA payment standard schedule for the family unit size or the pro-rata portion of the payment standard amount on the PHA payment standard for the shared housing unit size.

If the PHA approves a live-in aide, the live-in aide will be counted in determining the family unit size. Utility

Allowance

The utility allowance for an assisted family living in shared housing is the pro-rata portion of the utility allowance for the shared housing unit.

Current Approved Inspection Protocolfor Vouchers

The PHA will ensure that all shared housing units approved for the program are in compliance with all of the Current Approved Inspection Protocolfor Vouchers for shared housing as regulated in 24 CFR 982.618.

D. COOPERATIVE HOUSING [24 CFR 982.619]

The PHA will approve a family living in cooperative housing if it is determined that assistance under the program will help maintain affordability of the cooperative unit for low-income families. The PHA will not approve assistance for a family in cooperative housing until the PHA has also determined that the cooperative has adopted requirements to maintain continued affordability for low-income families after transfer of a cooperative member's interest in a cooperative unit (such as a sale of the resident's share in a cooperative corporation).

The reasonable rent in cooperative housing is determined in accordance with "Owner Rents, Rent Reasonableness, and Payment Standards" chapter. For cooperative housing, the rent to owner is the monthly carrying charge under the occupancy agreement/lease between the member and the cooperative. The carrying charge consists of the amount assessed to the member by the cooperative for occupancy of the housing. It includes the member's share of the cooperatives debt service, operating expenses, and necessary payments to cooperative reserve funds. However, the carrying charge does not include down- payments or other payments to purchase the cooperative unit, or to amortize a loan to the family for this purpose. Gross rent is the carrying charge plus any utility.

For a cooperative, rent adjustments are applied to the carrying charge as determined in "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

The lease and other appropriate documents will stipulate that the monthly carrying charge is subject to HCVP limitations on rent to owner. The housing assistance payment will be determined in accordance with the guidelines in "Owner Rents, Rent Reasonableness, and Payment Standards" chapter.

The PHA may approve a live-in aide to reside with the family to care for a person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide will be counted when determining the family unit size.

Cooperative housing and elevator building – PHAs are allowed to enter into HAP contracts for units in cooperative housing and high-rise elevator buildings without HUD review and approval.

Current Approved Inspection Protocolfor Vouchers
The PHA will ensure that all cooperative housing units approved for the program are in compliance with all of the Current Approved Inspection Protocolfor Vouchers outlined in the
"Current Approved Inspection Protocol for Vouchers and Inspections" chapter, and regulated by 24 CFR 982.401.

E. MANUFACTURED HOMES [24 CFR 982.620, 982.601 (b)(2)]

The PHA will permit a family to lease a manufactured home and space with assistance under the program.

The following types of rental units may be leased in the Housing Choice Voucher Program, unless designated otherwise:

- Manufactured homes where the tenant leases the mobile home and the pad
- Manufactured homes where the tenant owns the mobile home and lease the pad

The PHA may approve a live-in aide to reside with a family to care for a person with disabilities. The PHA will approve a live-in aide if needed as a reasonable accommodation so that the program is accessible to and usable by persons with disabilities. If the PHA approves a live-in aide, the live-in aide must be counted when determining the family unit size.

Current Approved Inspection Protocol for Vouchers [24 CFR 982.621]
A manufactured home must meet all the current approved HUD inspection requirements outlined in the Current Approved Inspection Protocol for Vouchers and Inspections" chapter and regulated by 24 CFR 982.401. In addition the manufactured home also must meet the following requirements:

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage.

A manufactured home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

Manufactured Home Space Rental [24 CFR 982.622]
Rent to owner for a manufactured home space will include payment for maintenance services that the owner must provide to the tenant under the lease for the space.

Rent to owner does not include the cost of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

Reasonable Rent

During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined by the PHA.

The PHA will not approve a lease for a manufactured home space until the PHA has determined that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the PHA will re-determine that the rent is reasonable.

The PHA will determine whether the rent to owner for a manufactured home space is a reasonable rent in comparison to rents for other comparable manufactured home spaces. The PHA will consider the size and location of the space and any services and maintenance provided by the owner in accordance with the lease.

By accepting each monthly housing assistance payment from the PHA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. If requested by the PHA, the owner must provide the PHA information on rents for other manufactured home space.

Housing Assistance Payments for Manufactured Home Space [24 CFR 982.623]

HAP for the Regular Tenancy Program

During the term of a certificate tenancy, entered prior to the merger date, the amount of the monthly housing assistance payment equals the lesser of:

The manufactured home space cost minus the:

- The Total Tenant Payment; OR
- The rent to owner for the manufactured home space.

"Manufactured home space rent" means the sum of: monthly payments made by the family to amortize the cost of purchasing the manufactured home (including any required insurance and property taxes included in the monthly loan payment), the utility allowance, the rent to owner for the manufactured home space, and the owner maintenance and management charges for the space.

The amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan and any required insurance and property taxes that are part of the family's monthly loan payment to the lender. The family must promptly report to the PHA any change in the monthly loan payment or if the family stops making the monthly loan payment. Failure to do so may result in termination of assistance.

Any increase in debt service due to refinancing after purchase of the manufactured home must not be included in the amortization cost of the monthly loan payment.

The PHA will not approve as part of the monthly amortization payment, set-charges to be included in the debt service incurred by a family that relocates its home.

The PHA will not include as part of the monthly amortization payment, set-charges incurred before the family became an assisted family, if monthly payments are still being made to amortize such charges.

HAP for the Voucher Tenancy

In accordance with PIH Notice 2017-18, the payment standard used by the PHA to calculate the HAP for a manufactured home owner family is the same payment standard that would be used for an ordinary rental unit of the same bedroom size under the HCV program, based on the HUD published FMR for the area. The payment standard is the lower of the payment standard amount for the family unit size or the payment standard amount for the actual size of the family's manufactured home.

Subsidy Calculation for the Voucher Program

During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family will equal the lesser of:

- The payment standard minus the total tenant payment; or
- The rent paid for rental of the real property on which the manufactured home owned by the family is located (the space rent) minus the total tenant payment.

The space rent is the sum of the following as determined by the PHA:

- Rent to owner for the manufactured home space;
- Owner maintenance and management charges for the space;
- The utility allowance for tenant paid utilities.
- Monthly payments made by the family to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes included in the monthly loan payment.

Utility Allowance Schedule for Manufactured Home Space Rental [24 CFR 982.624]

The PHA will establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances will include a reasonable amount for utility hook-up charges payable by the family, if the family actually incurs the expenses because of a move.

Allowances for utility hook-up charges do not apply to a family that leases a manufactured home space in place.

Utility allowances for manufactured home space will not be applied to cover the costs of digging a well or installation of a septic system.

F. SINGLE ROOM OCCUPANCY (SRO) [24 CFR 982.602-605]

Occupancy

A single person may reside in an SRO unit.

Lease and HAP Contract

For SRO housing, there is a separate lease and HAP contract for each assisted person.

HAP Payment

For a person residing in SRO housing, the payment standard is 75% of the zero-bedroom payment standard amount. For a person residing in SRO housing in an exception area, the payment standard is 75% of the HUD-approved zero-bedroom exception payment standard.

The utility allowance for an assisted person residing in SRO housing is 75% of the zero bedroom utility allowance.

Inspection Protocol

The current approved inspection protocol in 24 CFR 982.401 apply to SRO housing. However, the standards in 24 CFR 982.605 apply in place of 982.401(b) (sanitary facilities), 982.401(c) (food preparation and refuse disposal), and 982.401(d) (space and security). Since the SRO units will not house children, the standards in 982.401(j), concerning lead-based paint, do not apply to SRO housing.

Sanitary facilities, and space and security characteristics must meet local code standards for SRO housing. In the absence of applicable local code standards for SRO housing, the following standards apply:

- Sanitary facilities:
    - At least one flush toilet that can be used in privacy, lavatory basin, and bathtub or shower, in proper operating condition, must be supplied for each six persons or fewer residing in the SRO housing.
    - If SRO units are leased only to males, flush urinals may be substituted for not more than one-half the required number of flush toilets. However, there must be at least one flush toilet in the building.
    - Every lavatory basin and bathtub or shower must be supplied at all times with an adequate quantity of hot and cold running water.
    - All of these facilities must be in proper working condition, and must be adequate for personal cleanliness and the disposal of human waste. The facilities must utilize an approvable public or private disposal system.
    - Sanitary facilities must be reasonably accessible from a common hall or passageway to all persons sharing them. These facilities may not be located more than one floor above or below the SRO unit. Sanitary facilities may not be located below grade unless the SRO units are located on that level.
- Space and security:
    - No more than one person may reside in an SRO unit.
    - An SRO unit must contain at least 110 square feet of floor space.
    - An SRO unit must contain at least 4 square feet of closet space for each resident (with an unobstructed height of at least 5 feet). If there is less closet space, space equal to the amount of the deficiency must be subtracted from the area of the habitable room space when determining the amount of floor space in the SRO unit. The SRO unit must contain at least 110 square feet of remaining floor space after subtracting the amount of the deficiency in minimum closet space.
    - Exterior doors and windows accessible from outside an SRO unit must be lockable.

Access doors to an SRO unit must have locks for privacy in proper operating condition. An SRO unit must have immediate access to two or more approved means of exit, appropriately marked, leading to safe and open space at ground level, and any means of exit required by State and local law. The participant must be able to access an SRO unit without passing through any other unit.

A sprinkler system that protects all major spaces, hard wired smoke detectors, and such other fire and safety improvements as State or local law may require must be installed in each building. The term “major spaces” means hallways, large common areas, and other areas specified in local fire, building, or safety codes.

G.. HOMEOWNERSHIP [24 CFR 982.625]

GENERAL

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family.

The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

The PHA may make homeownership available to all who qualify, or restrict homeownership to families or purposes defined by the PHA. The PHA may also limit the number of families assisted with homeownership.

The PHA suspended the homeownership voucher option effective January 1, 2016. The homeownership assistance payments will continue to be provided to qualified families with executed homeownership vouchers according to policies contained in this chapter and in accordance with 24 CFR 982.643.

Eligible Units [24 CFR 982.628]
The unit must meet all of the following requirements:

The unit must meet HUD's "Eligible Housing" requirements. The unit may not be any of the following:

- A unit receiving HCVP project-based assistance;
- A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
- A college or other school dormitory;
- On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.

Eligible units include an existing unit or a unit not yet under construction in which the family has entered into a contract of sale. However, the PHA shall not commence homeownership assistance for the family for a unit under construction until:

- The responsible entity has completed the environmental review procedures required by 24 CFR part 58 and HUD has approved the environmental certification and request for the release of funds prior to commencement of construction; or
- HUD performed an environmental review under 24 CFR part 50 and notified the PHA in writing of environmental approval of the site prior to commencement of construction;
- Construction of the unit has been completed; and the unit has passed the required Current Approved Inspection Protocol for Vouchers inspection and independent inspection.

If the unit is not yet under construction, the contract of sale must indicate:

- The purchaser is not obligated to purchase the unit unless an environmental review has been performed and the site has received environmental approval prior to commencement of construction in accordance with 24 CFR 982.628.
- Construction will not commence until the required environmental review has been completed and the seller has received written notice from the PHA that the environmental approval has been obtained.
- The unit is a one-unit property or a single dwelling unit in a cooperative or condominium.
- The unit has been inspected by the PHA and by an independent inspector designated by the family.
- The unit meets HUD Current Approved Inspection Protocol for Vouchers.
- The unit may be a home where the family will not own fee title to the real property (such as a manufactured home), if the home has a permanent foundation and the family has the right to occupy the site for at least 40 years.

The PHA must not approve the seller of the unit if the PHA has been informed that the seller is debarred, suspended, or subject to a limited denial of participation. The PHA may disapprove the seller for any reason provided for disapproval of an owner in the voucher program.

Continued Assistance [24 CFR 982.633]

Homeownership assistance may only be paid while the family is residing in the home. The family or lender is not required to refund homeownership assistance for the month when the family moves out. The family must comply with the following obligations:

- The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt
- The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to CFR 982.551 (h) and (i)
- The family must supply information to the PHA or HUD as specified in CFR 982.551 (b). The family must further supply any information required by the PHA or HUD concerning mortgage financing, refinancing, sale or transfer of any interest in the home, or homeownership expenses
- The family must notify the PHA before moving out of the home
- The family must notify the PHA if the family defaults on the mortgage used to purchase the home
- No family member may have any ownership interest in any other residential property
- The family must enroll, attend and satisfactorily complete a post purchase counseling and education program per CFR 982.637 (see Family Eligibility page 19-8)

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

Maximum Term of Homeownership Assistance [24 CFR 982.634] Except in the case of elderly or disabled families, the maximum term of homeownership assistance is:

- 15 years, if the initial mortgage term is 20 years or longer, or
- 10 years in all other cases. The elderly exception only applies if the family qualified as elderly at the start of homeownership assistance. The disabled exception applies if, at any time during receipt of homeownership assistance, the family qualifies as disabled.

If the family ceases to qualify as elderly or disabled during the course of homeownership assistance, the maximum term becomes applicable from the date assistance commenced. However, such a family must be afforded at least 6 months of homeownership assistance after the maximum term becomes applicable.

If the family receives homeownership assistance for different homes, or from different PHA's, the total is subject to the maximum term limitations.

Portability [24 CFR 982.636, 982.353(b) and (c), 982.552, 982.553]

Subject to the restrictions on portability included in HUD regulations and in Chapter 13 of this plan, the family may exercise portability if the receiving PHA is administering a voucher homeownership program and accepting new homeownership families.

The receiving PHA may absorb the family into its voucher program, or bill the initial PHA. The receiving PHA arranges for housing counseling and the receiving PHA's homeownership policies apply.

Moving With Continued Assistance [24 CFR 982.637]

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. The PHA may not commence continued tenant-based assistance for occupancy of the new unit so long as any family member owns any title or other interest in the prior home. A family that has received homeownership assistance may move to a new unit with continued homeownership assistance, provided they meet the PHA's initial eligibility requirements (with the exception of the first-time homeowner requirement).

The PHA prohibits more than one move by the family during any one year period.

The PHA will deny permission to move with continued rental or homeownership assistance if the PHA determines that it does not have sufficient funding to provide continued assistance.

The PHA may require the family to complete additional homeownership counseling prior to moving to a new unit with continued assistance under the homeownership option**.**

Inspection and Contract [24 CFR 982.631]

The unit must meet HUD's Current Approved Inspection Protocol for Vouchers and must also be inspected by an independent professional inspector selected and paid by the family.

The independent inspection must cover major building systems and components. The inspector must be qualified to identify physical defects and report on property conditions, including major building systems and components. These systems and components include, but are not limited to:

- Foundation and structure;
- Housing interior and exterior;
- Roofing;
- Plumbing, electrical and heating systems

The independent inspector must not be a PHA employee or contractor. The PHA will not require the family to use an independent inspector selected by the PHA, but the PHA has established the following standards for qualification of inspectors selected by the family:

- Company/inspector must have been in business full-time for at least two years
- Company/inspector must be able to provide the buyer with proof of liability insurance
- Company/inspector must be able to provide buyer with a written copy of the inspection report in a timely fashion
- The company/inspector must be a member of the ASHI (American Society of Home Inspectors), NACHI (National Association of Certified Home Inspectors), NAHI (National Association of Home Inspectors), NARI (National Association of the Remodeling Industry) or NAHB (National Association of Home Builders)

Copies of the independent inspection report will be provided to the family and the PHA. Based on the information in this report, the family and the PHA will determine whether any pre-purchase repairs are necessary.

The PHA may disapprove the unit for homeownership assistance because of information in the report.

The family must enter into a contract of sale with the seller of the unit. A copy of the contract must be given to the PHA. The contract of sale must specify the price and terms of sale, and provide that the purchaser will arrange for a pre-purchase independent inspection of the home. The contract must also:

- Provide that the purchaser is not obligated to buy the unit unless the inspection is satisfactory;
- Provide that the purchaser is not obligated to pay for necessary repairs; and
- Contain the seller's certification that he or she has not been debarred, suspended or subject to limited denial of participation

Financing [24 CFR 982.632]

The family is responsible for securing financing. The PHA has established financing requirements, listed below, and may disapprove proposed financing if the PHA determines that the debt is unaffordable.

The family is responsible for securing financing from a lending institution that meets the following guidelines and qualifications:

- Has an office or a State of Ohio authorized affiliate located in Summit County
- Completed the closing in Summit County or a title company located in Summit County
- Be able to provide written pre-approval after the buyer submits loan application
- Must agree to grant AMHA an opportunity to review their Good Faith Estimate of closing costs
- Must agree to make the buyer's HUD 1 Settlement Statement available for AMHA review before closing
- Must provide a fixed rate loan for up to thirty (30) years
- Must offer a product with no pre-payment penalty
- Escrowing of taxes and insurance is preferred
- Must consent to the increase or decrease of AMHA's monthly Housing Assistance Payment (HAP) and the other HUD regulations on an annual basis, when considering buyer's income, family composition to finance credit insurance of any sort directly or indirectly (i.e. credit life, credit disability, credit unemployment, or any other life or health insurance products). Mortgage insurance premium (MIP) for FHA loans is permitted
    - Must agree that the fees paid either directly or indirectly, either to a mortgage lender or to a mortgage broker for services rendered, as a part of the transaction, will not appear to be excessive according to normal costs within industry standard. These fees include: Origination fees
    - Loan discount points
    - Commitment fees
    - Underwriting fees
    - Processing fees
    - Mortgage broker fees
    - Yield-spread premiums
    - Servicing retainer fee or other compensation
- Must accept three percent (3%) of the purchase price, with one percent (1%) coming from the participant family's personal resources. The remaining two percent (2%) of the purchase price can be a gift or can be granted to the family by a down payment assistance program.
- Must agree to seller's contribution to closing costs per the lender requirement pertaining to the mortgage product.
- Must agree that financing will be provided, insured, or guaranteed by state or Federal government, complies with secondary mortgage market underwriting requirements, or complies with generally accepted private sector underwriting standards.
- Homeowners will provide the PHA with all financing (including seller financing and refinancing)

for review before the family enters into any type of agreement (including refinancing agreement), or secures additional financing on the home.

Predatory Lending Safeguards

AMHA is unambiguous in its purpose to guard its Homeownership Program participants from predatory lenders. Predatory lending is making unaffordable loans based on the assets of the borrower rather than on the borrower's ability to repay an obligation.
Whether undertaken by creditors, brokers or home improvement contractors, the practice involves engaging in deception or fraud manipulating the borrower through aggressive sales tactics, or taking unfair advantage of a borrower's lack of understanding about loan terms. These practices are often combined with loan terms that, alone or in combination, are abusive or make the borrower more vulnerable to abusive practices.

Low and moderate income borrowers with no or non-traditional credit histories and atypical employment histories or income patterns tend to fall victim to subprime lender practices, therefore, leading to delinquency, default and subsequent foreclosure. AMHA will examine the lending products offered to its homeownership program participants, to prevent predatory lending practices.

Homeownership not only supplies families with shelter, it also provides a way to build wealth and economic security. A post ownership educational component that delineates predatory lending characteristics and practices, as well as how to avoid jeopardizing family assets has been made mandatory for continued homeownership assistance.

Denial or Termination of Assistance [24 CFR 982.638]

Termination of homeownership assistance is governed by the policies for the Housing Choice Voucher program contained in chapter 15 of the Administrative Plan. However, the provisions of CFR 982.551 (c) through (j) are not applicable to homeownership.

The PHA will terminate homeownership assistance if the family is dispossessed from the home due to a judgment or order of foreclosure.

AMHA may deny or terminate homeownership assistance for the following reasons:

- Family Obligations Violation – A family's home ownership assistance may be terminated if the family fails to comply with its obligations under the HCVP Homeownership policies, or
- Mortgage Default – If the family defaults on the mortgage – if required, the family must attend and complete ongoing home ownership and housing classes.
- Homeownership assistance for a family terminates automatically 180 calendar days after the last housing assistance payment

Chapter 20

PROJECT-BASED VOUCHER (PBV) PROGRAM [24 CFR 983]

On October 13, 2005, HUD published final regulations for the Project-Based Voucher (PBV) program; superseding regulations at 24 CFR part 983 (see 70 FR 59892). Project-based vouchers are a component of the Akron Metropolitan Housing Authority's (AMHA) Housing Choice Voucher Program. Under the PBV program AMHA may attach up to 20% of its voucher assistance to specific housing units for which a housing assistance payment contract has been executed. This Addendum provides AMHA's policies and procedures for its PBV program in accord with the new regulations.

AMHA's PBV program is subject to the regulations at 24 CFR part 983, which includes regulations governing policies and procedures that are not specified in this Administrative Plan. At the end of each section below, a reference to the relevant portion of Part 983 is given. This citation has been included for the convenience of readers and is not intended as an authoritative or comprehensive citation.

In addition to the policies and procedures stated below, and other PBV regulations stated at 24 CFR part 983, AMHA's PBV program is subject to most of the requirements of the Housing Choice Voucher Program, as specified in this Administrative Plan, in 24 CFR 983, and in other HUD regulations.

A. JURISDICTION

The jurisdiction for AMHA's PBV program is as set out in Chapter 1 of this Administrative Plan.

B. AMHA's PBV COMMITMENTS AND PRIORITIES

AMHA'S PBV program is designed to ensure that PBV assistance is used to support goals that could not be equally achieved through the use of tenant-based voucher assistance. AMHA's PBV program has committed to the following priorities:

1. Expand the supply of affordable housing and increase the affordable housing choices of residents within the jurisdiction.

2. Support projects which further revitalize neighborhoods, promote the de-concentration of poverty and generally provide increased housing and economic opportunities.

3. Work with the community to identify and serve populations with particular housing needs, including, but not limited to, the provision of supportive services to promote self-sufficiency, supportive housing for families with disabilities and supportive services that are geared towards aiding the homeless or those at risk of being homeless.

C. PROPOSAL SUBMISSION AND SELECTION

Request for Proposals Process

AMHA will select PBV proposals through a public Request for Proposals (RFP) process.

AMHA's PBV RFP will be advertised in a manner to provide broad public notice of the opportunity to offer PBV

proposals for consideration by AMHA. The public notice procedures will include publication of the general notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

The public notice of the PBV RFP will specify the submission deadline. The public notice will inform owners or developers seeking project-based assistance of the availability of the full RFP document at AMHA's main offices at 100 West Cedar Street, Akron, Ohio.

The full RFP document will provide detailed information about proposal submission and selection procedures and will be available upon request of interested parties at AMHA's main offices.

Property owners may submit PBV proposals in accord with the proposal submission guidelines stated in the full RFP document. Proposals will be selected according to explicit criteria specified in the full RFP document, following the selection criteria stated below. Under no circumstances will AMHA's RFP selection criteria limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.

Alternative Competitive Processes

In lieu of the above RFP process, HUD regulations permit AMHA to select a PBV proposal for housing assisted under a federal, state, or local government housing assistance, community development, or supportive services program that requires competitive selection of proposals, where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance.

Proposals for PBV assistance which have been independently selected for housing assistance as described above may be submitted to AMHA on a rolling basis. AMHA's selection of proposals under the alternative competitive processes may be contingent upon the owner providing additional information required according to AMHA's selection requirements and HUD and AMHA requirements for PBV assistance. AMHA will inform owners of any additional requirements at the time their proposals are submitted.

Selection Criteria

Proposals will be selected according to the following selection criteria:

- The housing must promote one of AMHA's priorities for its PBV program;
- The proposal must comply with all HUD program regulations and requirements;
- The property must be eligible housing as determined under 24 CFR 983.52 – 983.54;
- The proposal must comply with the applicable HUD limitations on the number of PBV units per building;
- The housing site must meet the site selection standards detailed at 24 CFR 983.57;
- Proposals for new construction or rehabilitation projects must demonstrate capacity, experience, and successful outcomes in prior projects that indicate their ability to complete the construction work effectively and within the proposed schedule;
- Proposals for all housing must demonstrate capacity, experience, and successful outcomes in property management, particularly management of housing targeted to low income persons and families;
- Proposals for supportive housing must demonstrate the capacity, experience, and successful outcomes of the supportive services provider that indicate its ability to effectively provide sufficient supportive services. More detailed information about minimum supportive services guidelines is provided later in this addendum.
- Proposals must provide evidence of sufficient financing commitments (for construction, operations, and supportive services if applicable) to demonstrate the project's long-term viability.
- Proposals that include additional units to a proposed or current PBV project may be approved if the

addition supports AMHA's PBV commitments and priorities as listed in this chapter. Additional PBV contract units are subject to all PBV requirements, except that a new PBV proposal competition is not required. The units may be added at any time during the term of the HAP contract. The anniversary and expiration dates of the HAP contract for the additional units must be the same as the anniversary and expiration dates of the HAP contract term for the PBV units originally placed under HAP contract.

Public Notice and Review of AMHA Proposal Selection

AMHA will provide public notice of PBV proposal selections, including publication of public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

AMHA will make documentation available for public inspection regarding the basis for AMHA's selection of a PBV proposal.

Relevant Regulation: 24 CFR 983.51

D. SITE SELECTION STANDARDS

AMHA will only select proposals which demonstrate consideration of and compliance with the below site selection standards, which ensure that selected proposals will meet the above program goals of de-concentrating poverty, expanding housing and economic opportunities, and otherwise providing needed housing support:

General Site Selection Standards

- De-concentrating poverty and expanding housing and economic opportunities;
- Civil rights laws and regulations;
- Providing equal housing opportunity and minimizing minority concentration;
- The site and housing units comply with Section 504 of the Rehabilitation Act and other fair housing and civil rights laws and requirements for effectively serving persons with disabilities.
- The site meets the current approved HUD inspection standards at 24 CFR 982.401(*l*).
- The site is adequate in size, exposure and contour to accommodate the number and type of units proposed; adequate utilities and streets must be available to service the site.
- The site promotes greater choice of housing opportunities and avoids undue concentration of assisted persons in areas containing a high proportion of low-income persons.
- The site is accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted standard housing of similar market rents.
- The site is located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower income workers is not excessive. While it is important that housing for the elderly not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for elderly housing.

In addition, the following site requirements are applicable to all new construction projects:

- The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesired conditions.
- The site must not be located in an area of minority concentration.

In addition, the following site requirements are applicable to all existing housing projects:

- An existing housing application may be selected if it substantially complies (i.e., the housing does not have any life threatening and safety violations) with the current

approved HUD inspection standards at the time of selection.

- The project must then fully comply with the current approved HUD inspection standards prior to HAP execution.

Deconcentrating Poverty and Expanding Opportunities

Beyond the basic site selection standards above, AMHA will assess each proposal for its likelihood to deconcentrate poverty and expand housing and economic opportunities based on the following HUD-mandated factors:

- HUD Designated Zone—whether the census tract in which the proposed development will be located is in a HUD-designated Enterprise Zone, Economic Community or Renewal Community
- Public Housing Demolition—whether the proposed development will be located in a census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition
- Revitalization—whether the proposed development will be located in a census tract undergoing significant revitalization
- Public Investment—whether state, local, or federal dollars have been invested in the area that has assisted in the achievement of the statutory requirement
- Market Rate Development—whether new market rate units are being developed in the same census tract where the proposed development will be located and the likelihood that such market rate units will positively impact the poverty rate in the area
- Poverty Rate—if the poverty rate in the area where the proposed development will be located is greater than 20%, then AMHA will consider whether there has been a decline in the overall poverty rate in the past 5 years
- Educational and Economic Opportunities—whether there are meaningful opportunities for educational and economic advancement in the census tract where the proposed development will be located

Site Standards Related to Minority Concentration

Proposed sites for project-based assistance must not be located in an area of minority concentration or in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area unless:

- Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside of areas of minority concentration; or
- The project is necessary to meet overriding housing needs that cannot be met in that housing market.

Each exception is detailed more fully below.

<u>Sufficient, Comparable Opportunities (24 CFR 983.57(e)(3)(iii)-(v)).</u>

The requirement of "sufficient" comparable opportunities does not require that, in every locality, there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this "sufficient" standard should produce a reasonable distribution of assisted units each year that, over a period of several years, will approach an appropriate balance of housing choices within and outside of areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality's population.

Units may be considered "comparable opportunities" if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require roughly the same tenant contribution toward rent; serve the same income group; are located in the same housing market; and are in standard condition.

Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:

- A significant number of assisted housing units are available outside areas of minority concentration.
- There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
- There are racially integrated neighborhoods in the locality.
- Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration, and comparable housing opportunities have been made available outside areas of minority concentration through other programs.
- Minority families have benefited from local activities (e.g., acquisition and write downs of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.
- A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs.

Overriding Housing Needs.

Application of the "overriding housing needs" criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a "revitalizing area").

However, an "overriding housing need" may not serve as the basis for determining that a site is acceptable if the only reason that the housing need cannot otherwise be feasibly met, in other areas, is that discrimination on the basis of protected categories, including race, renders sites outside areas of minority concentration unavailable, or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

Relevant Regulation: 24 CFR 983.57

E. SUPPORTIVE SERVICES GUIDELINES, EXCEPTED UNITS AND REQUIREMENTS

Pursuant to HUD regulations, project-based assistance will ordinarily be limited to the greater of 25 units or 25% of the units contained within the proposed project. Units that are in a census tract with a poverty rate of 20 percent or less are subject to a higher cap: the greater of 25 units or 40% of the project units.

"Excepted units" shall not apply towards the project cap. "Excepted units" include:

- Units exclusively serving elderly families. The entire project is not required to exclusively serve elderly families.
- Units occupied by a household eligible for one or more supportive services available to all families receiving PBV assistance in the project.

Qualifying Supportive Services
Qualifying Supportive Services include:

- Educational services or counseling
- Employment or vocational training, counseling or referrals
- Life skills training or counseling
- Credit counseling
- Personal Finance training and counseling
- Healthcare prevention and/or Community Outreach
- Supportive housing for persons with developmental disabilities or mental illness
- Supportive housing for persons with legal custody of grandchildren
- Referrals to or provision of day care, after school programs or other youth services
- Counseling
- Case management services with extended day hours availability and on-call availability

It is not necessary that the above services be provided by or at the project, but the services must be reasonably available to the families receiving PBV assistance in the project and designed to help the families in the project achieve self-sufficiency or live in the community as independently as possible. Proposals that include supportive services should identify the particular services that will be provided and the service provider(s). AMHA will evaluate proposals including supportive housing units on the basis of the specific services provided, the intensity of the services and the target population to be served. AMHA will also evaluate supportive housing proposals based on the history and track record of the proposed service providers and the need for the supportive housing at the proposed site.

In order for the supportive services exception to apply to a unit, the project must make supportive services available to all assisted families in the project and the family must have at least one member eligible for one or more of the services. The family may, but is not required to, participate in the services. A PHA may not require participation in supportive services as a condition of living in an excepted unit, which means that a PHA may not rely solely on a supportive services program that would require the family to engage in the services once enrolled, such as the Family Self-Sufficiency (FSS) program, for the unit to qualify for the supportive services exception.

Excepted Unit Status

For supportive services "excepted units," the unit is eligible for status as an "excepted unit" so long as at the time of the occupying family's initial tenancy at least one member of the family is eligible for a qualifying supportive service. In the case of a family that chooses to participate in the supportive services and successfully completes the supportive services objective, the unit will continue to be an excepted unit under this category for as long as the family resides in the unit.

In the case of an "excepted unit" that exclusively serves elderly families, the PHA may allow a family that initially qualified for occupancy of an excepted unit based on elderly family status to continue to reside in a unit, where through circumstances beyond the control of the family (e.g., death of the elderly family member or long term or permanent hospitalization or nursing care), the elderly family member no longer resides in the unit. In this case, the unit may continue to count as an excepted unit for as long as the family resides in that unit. Once the family vacates the unit, in order to continue as an excepted unit under the HAP contact, the unit must be made available to and occupied by a qualifying family.

Owners under HAP contracts in effect prior to April 18, 2017, remain obligated by the terms of those HAP contracts with respect to the requirements that apply to the number and type of excepted units in a project. That is, the owner must continue to designate the same number of contract units and assist the same number and type of excepted units as provided under the HAP contract during the remaining term of the HAP contract, unless the

owner and the PHA mutually agree to change those requirements.

Relevant Regulations: 24 CFR 983.56, 24 CFR 983.262, PIH Notice 2017-21

F. WAITING LISTS

The PBV program waiting list will be maintained separately from the tenant-based waiting list. AMHA may establish individual site-based waiting lists for each PBV project selected

AMHA will offer to place applicants who are listed on the waiting list for tenant-based assistance on the waiting list(s) for PBV assistance.

AMHA will open and close the site-based waiting lists pursuant to the procedures outlined in the Administrative Plan.

Relevant Regulation: 24 CFR 983.251(c)

G. PREFERENCES

AMHA may establish separate preferences for each PBV project. These preferences may include those for elderly or disabled families, or preferences related to supportive housing programs. Preferences may include those outlined in the Administrative Plan.

Any preferences that would be necessary to the operation of the project, or required by a funding source must be disclosed in the proposal.

Local Preference System

Subject to the Supportive Services Preference below, the following preference system will apply to any PHA-wide PBV waiting list and, unless otherwise specified in the proposal or other project documents, shall apply to site-based waiting lists.

- Date and time of receipt of a completed application.
- Residency preference for families who live, work, or have been hired to work or who are attending school full time in the jurisdiction.
- Veteran preference: to families of veterans and persons serving in the active military or naval service of the United States, including families of deceased veterans or deceased persons who were so serving at the time of death.
- As used in this section:
    - "Veteran" means either of the following:
        - A person who has served in the active military or naval service of the United States, and who has discharged or released there from under conditions other than dishonorable.
        - A person who served as a member of the United States Merchant Marine and to whom either of the following applies:
            - The person has an honorable report of separation from active duty military service, form DD214 or DD215.
            - The person served in the United States Merchant Marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.
    - "United States Merchant Marine" includes the United States army transport service and the United

States naval transport service.

- Summit County Children Services (SCCS) Certified Emancipated Youth and Family Unification Program (FUP) Youth and Families: for youth eighteen years of age to twenty-four years of age, who are working with SCCS to overcome or prevent homelessness or families working with SCCS for whom the lack of adequate housing is a primary factor in the imminent placement of the family's children in out-of-home care or the delay in the discharge of the children from out-of-home care. To be eligible, youth applicant must have had an episode of custody with SCCS and family applicants must have had a case with SCCS. All applicants must request SCCS certification of eligibility. Due to the limited number of available preferences, an applicant that qualifies for this preference cannot simultaneously qualify for the Full Term First Birthday preference. (This will be capped at 50 participants across all programs unless FUP vouchers are available).
- Full Term First Birthday Preference: for applicants referred by the Full Term First Birthday Greater Akron program, which works to promote healthy full-term pregnancies and ensure every child celebrates a first birthday. Due to the limited number of available preferences, an applicant that qualifies for this preference cannot simultaneously qualify for the Emancipated Youth and FUP preference. (This preference will be capped at 30 participants across all programs).
- Transitional/Homeless Non-Elderly Disabled Preference: for families that are composed of one of more non-elderly persons aged 18 to 61 with disabilities who are eligible for services through a partner agency with whom AMHA has executed a Memorandum of Understanding (MOU) and are:
    - transitioning out of an institutional or other segregated setting,
    - at serious risk of institutionalization,
    - homeless,
    - at risk of becoming homeless, or
    - previously experienced homelessness and are currently a client in a permanent supportive housing or rapid rehousing project.
- Elderly families as defined in 5 CFR 24 5.403b. This preference is only applicable for any developments that are designated elderly.
- Applicants involuntarily displaced by government action and are not living in standard, permanent replacement housing, or will be involuntarily displaced within no more than 6 months from the date of verification by the PHA. Families are considered to be involuntarily displaced if they are required to vacate housing as a result of the following situations: Federal, State or local government action related to code enforcement, public improvement, development, PHA relocation due to demolition, capital improvements, modernization, or rehabilitation, or deemed uninhabitable. If the owner of the property is an immediate family relative and there is no previous rental agreement and the applicant has been part of the owner's family immediately prior to application, the applicant will not be considered involuntarily displaced.
- Rent Burden, Homeless/Substandard Preference:
  A. Rent Burden: for families paying more than 30% of their income for rent and utilities, commencing before they were selected from the waiting list and continuing through the verification of preference, see page 7-16 (Reference Admissions and Continued Occupancy Policy).

    a. For purposes of this preference, "Family Income" is Gross Monthly Income as defined in the regulations.

    b. "Rent" is defined as the actual amount due under a lease or occupancy agreement calculated on a monthly basis without regard to the amount actually paid, plus the monthly amount of tenant supplied utilities which can be either:

        i. The PHA's reasonable estimate of the cost of such utilities, using the Housing Choice Voucher Program Utility Allowance Schedule; or

        ii. The average monthly payments the family actually made for these utilities in the most recent 12-month period, or if information is not obtainable for the entire period, the average of at least the past three months.

c. An applicant family may choose which method to use to calculate utility expenses. Any amounts paid to or on behalf of a family under any energy assistance program must be subtracted from the total rent burden if included in Family Income.

i. To qualify for the Rent Burden preference, the applicant must pay rent directly to the landlord or agent.

ii. If the applicant pays their share of rent to a cohabitant and is not named on the lease, the PHA will require both verification from the landlord that the applicant resides in the unit, and verification from the cohabitant of the amount of rent paid by the applicant.

iii. If the applicant is subletting, the lessor must have the legal right to sublet.

d. Members of a cooperative are "renters" for the purposes of qualifying for the preference. In this case, "rent" would mean the charges under the occupancy agreement.

B. Homeless: An applicant will be considered homeless if the household meets the criteria listed below:

a. An individual or family who lacks a fixed, regular and adequate nighttime residence, meaning:

i. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; or

ii. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements

(including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals); or

iii. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

b. An individual or family who:

i. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence; and ii. Has no other residence; and

iii. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

C. Substandard: An applicant will be considered living in substandard housing if the household meets the criteria listed below:

a. Resides with friends or relatives on a temporary basis, or

b. Will lose their primary night-time residence within 60 days of verification of preference, or

c. Contains a Head or Co-Head, ages 18 to 25 years, who is aging out of the Foster Care system.

d. Have received notice from the PHA that they must relocate due to demolition, capital improvements, modernization, or rehabilitation of a PHA owned property.

- Insufficient Funding Preference: for families that were leased in a unit under a HAP contract with AMHA and the HAP contract was terminated by AMHA due to insufficient funding for the HCVP Program. If this preference is utilized, no other preferences will be given.
- Canceled Voucher Preference: for families that were issued a voucher by AMHA, but the voucher was recalled due to insufficient funding for the HCVP Program. If this preference is utilized, no other

preferences will be given.

Supportive Housing Related Preferences
If PBV units include special accessibility features for persons with disabilities, AMHA will first refer families who require such accessibility features to the owner. For other units that are designated to receive supportive services, AMHA may give preference to disabled families who need services offered at a particular project. Project owners may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible persons with disabilities who may benefit from services provided in the project.

Only families that meet the following limits will be eligible for any supportive housing preference:

- Families (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain themselves in housing
- Families that without appropriate supportive services will not be able to obtain or maintain themselves in housing
- Families for whom such services cannot be provided in a nonsegregated setting.
- Families with referrals by Community Support Services (CSS), specifically for vacancies at Madaline Park and Stoney Pointe Commons.
- Families who are currently residing in a federally-assisted housing program unit who have a family member who has experienced a substantial and permanent change to physical condition which renders the current residence unsuitable for continued occupancy.

This preference is only available to those families who can certify medical necessity to move from the current unit to a type of unit that is not available with their current/landlord/owner.

The family must provide certification from the current landlord/owner that they do not own a unit that would meet the family's need.

The family member who has experienced the substantial and permanent change in physical condition must have been an existing, approved household member prior to the change in physical condition. Families who add a member to the household who has a pre-existing physical condition that does not permit them to fully enjoy the current unit may not be eligible for this preference.

This preference is not available to participants in the Housing Choice Voucher Program (HCVP) as the nature of that program enables voucher holders to select and move among housing appropriate for the needs of their approved household.

Disabled residents shall not be required to accept the particular services offered at the project.

AMHA is prohibited from granting preferences to persons with specific disabilities (see 24 CFR 982.207(b)(3), but may grant preferences in accordance with the criteria set forth above.

Relevant Regulation: 24 CFR 983.251(d)

H. APPLYING FOR ADMISSION

The process for applying for admission to the PBV program is not different than the process for applying for admission to the tenant-based program, which is provided in AMHA's Administrative Plan.

At the time of the application, AMHA will provide applicants with the opportunity to be placed on the tenant-based waiting list if open, or any open site-based or other PBV waiting lists.

Relevant Regulation: 24 CFR 983.251

I. TENANT SELECTION

When notified of a vacancy in a PBV unit, AMHA will refer tenants according to the following procedures:

First-come, first-served among applicants on the specific PBV waiting list.

For PBV waiting lists that include preferences, AMHA will select applicants from the waiting list on a first-come, first-based basis who:

- Qualified for preference at the time of application; and
- Continue to qualify for preference at the time of admission.

For PBV waiting list that include the local preferences outlined in Section G, local preferences will be aggregated using the below system. Each preference will receive an allocation of points based on the below table. The more preference points an applicant has, the higher the applicant's place on the waiting list.

Preferences	Point Value
Residency Preference	1 point
Veteran Preference	2 points
Emancipated Youth/FUP Youth & Families	2 points
Full Term First Birthday Preference	2 points
Transitional/Homeless Non-Elderly Disabled Preference	2 points
Involuntary Displacement by Government Action Preference	3 points
Rent Burden or Homeless/Substandard Preference	7 points
Insufficient Funding Preference	30 points
Canceled Voucher Preference	20 points
Elderly Preference	0 points – The elderly preference will not receive a point allocation but elderly eligible families will be designated on the waitlist. Referrals to elderly designated developments will be based on the family's waitlist rank and the elderly designation
CSS referral	**15 points (Permanent Supportive Housing Project Based Vouchers Only)**

Relevant Regulation: 24 CFR 983.251

J. TENANT SCREENING

AMHA's procedures for tenant screening for the PBV program are not different than procedures for screening tenant-based applicants, which are provided in AMHA's Administrative Plan, with the exception of the supportive housing projects known as New Frontier Homes, Summit County Liberty Homes, Arlington Veterans Housing, Madaline Park, and Stoney Pointe Commons. The owners of these projects will be responsible for their own tenant screening and will notify applicants of approval or denial. The PHA will continue to prohibit admission in accordance with the mandatory denials and terminations as listed in the "Denial or Termination of Assistance" chapter.

AMHA's policy for providing information to owners about families referred to PBV units is not different than AMHA's policies for tenant-based applicants, which are provided in AMHA's Administrative Plan.

Relevant Regulation: 24 CFR 983.255

K. PROCEDURES FOR FAMILIES OCCUPYING A UNIT OF THE WRONG SIZE OR AN ACCESSIBLE UNIT WHOSE ACCESSIBILITY FEATURES ARE NOT REQUIRED BY THE FAMILY

If a family is determined by AMHA to occupy a wrong-sized unit, or a unit with accessibility features that the family does not require (and such unit is needed by a family that requires the accessibility features) then AMHA must promptly notify the family and the project owner of this determination and must offer continued assistance in another appropriately sized or accessible unit.

Continued assistance after unit, which may include, but is not limited to the following options:

- PBV assistance in an appropriate-sized unit (in the same building or in another building);
- Other project-based housing assistance (including occupancy of a public housing unit

For families who have been notified that they occupy a wrong-size unit, and offered continued assistance:

- If the PHA offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the PHA must terminate the HAP payments for a wrong- sized unit at expiration of the term of the family's voucher (including any extensions granted by the PHA).
- If the PHA offers the family the opportunity for another form of continued housing assistance (as provided above), and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the PHA, or both, the PHA must terminate the HAP payments for the wrong-sized unit, at the expiration of a reasonable period as determined by the PHA.

Relevant Regulation: 24 CFR 983.259

L. FAMILY'S RIGHT TO MOVE

A family residing in a PBV unit may terminate the assisted lease any time after the first year of occupancy and request comparable tenant-based assistance from AMHA. Any family interested in transferring to the tenant-based program may submit a written request to the Contracting and Leasing Supervisor after the initial lease term has expired.

Should a family terminate its PBV lease and request alternate assistance, AMHA shall offer the family the opportunity for continued tenant-based rental assistance, or if such assistance is not immediately available upon termination of the lease, AMHA will give the family priority to receive the next available opportunity for continued rental assistance.

If the family terminates the assisted lease before the end of one year of occupancy, the family will not be entitled to

continued tenant-based assistance or priority for such assistance under this section. However, the family may reapply for tenant-based assistance or other project based assistance pursuant to the policies outlined in Section H above and in AMHA's Administrative Plan.

Families will not be required to notify AMHA before they leave a PBV unit if they are leaving because a member of the family is the victim of a VAWA crime and the move is needed to protect the health and safety of a family member, or a family member was a victim of sexual assault that occurred on the premises during the 90-calendar-day period before the family requests to move. In such a case, the VAWA covered family will have to notify AMHA as soon as possible after they leave the unit, and AMHA will offer the family assistance to a different unit.

At the PHA's discretion, the PBV HAP contract may provide for vacancy payments to the owner as defined under 24 CFR 983.352.

Relevant Regulation: 24 CFR 983.260

M. HOUSING AUTHORITY DISCRETION

In deciding whether to deny or terminate assistance because of action or failure to act by members of the family, the PHA has discretion to consider all of the circumstances in each case, including the seriousness of the case. The PHA will use its discretion in reviewing the extent of participation or culpability of individual family members and the length of time since the violation occurred. The PHA may also review the family's more recent history and record of compliance and the effects that denial or termination of assistance may have on other family members who were not involved in the action or failure to act.

AMHA will take into consideration, the plan for case management for each individual residing at Madaline Park Stoney Pointe Commons New Frontier Homes, or Summit County Liberty Homes, who is proposed for termination and work with the Community Support Service provider in determining the outcome of the violation.

Relevant Regulation: 24 CFR 982.552(c)

Chapter 21

PHA Code of Conduct [982.161]

The Akron Metropolitan Housing Authority (AMHA) has established a policy outlining the Core Values and Ethical Standards for Conducting Business. The PHA has established this Code of Conduct in order to emphasize to employees that the PHA, its employees or related parties are not to benefit from any relationship related to contracts, subcontracts or agents of the PHA. As such, the following is the code of conduct of AMHA and any employee violating the code may be terminated immediately.

1) The PHA shall not, nor shall any of its contractors or subcontractors, enter in to any contract or arrangement in connection with the tenant-based programs in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:
   - Any present or former member or officer of the PHA (except a participant commissioner);
   - Any employee of the PHA or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to programs;
   - Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or
   - Any member of the Congress of the United States.

2) Any member of the classes described in paragraph (1) of this section must disclose their interest or prospective interest or prospective interest to the PHA and HUD.

3) The conflict of interest prohibition under this section may be waived by the HUD field office for good cause.

4) Any member of the following classes must not accept any gift or gratuity. This class includes any officer, employee of the PHA, or any contractor, subcontractor or agent of the PHA. The Executive Office releases clarification on the issue at certain points during the normal business cycle.

Questions concerning the Code of Conduct should be directed to the Director's Office.

Chapter 22

RESIDENT SERVICES AND FAMILY SELF SUFFICIENCY PROGRAMS

AMHA Resident Services, Family Self Sufficiency, and Targeted Funding Programs

Akron Metropolitan Housing Authority's (AMHA) Resident Services Department (RS) administers programs that promote self sufficiency as well as programs that work with residents at risk of losing housing. RS staff assists by helping families secure the help they need to overcome obstacles.

AMHA also administers Targeted Funding programs. When HUD awards special funding for certain family types, families who qualify are placed on the regular waiting list. The waiting list is searched for the first available family meeting the targeted funding criteria. The AMHA receives funding or has applied for the following Targeted Funding programs: Shelter Plus Care, Family Unification Program, Welfare to Work, Money Follows The Person, and Veterans Affairs Supportive Housing.

AMHA will ensure that all Targeted Funding participants are appropriately placed on the AMHA waiting list and ensure that the youth, in the instance of the Family Unification Program participation, maintain their original position on the waiting list after certification. See "specific steps" below indicating that applicants will be informed of how to file a fair housing complaint and appropriate toll free numbers. Participants in certain Targeted Funding Programs may be required to sign annual consent(s) for data tracking mandatory for program reporting.

Housing Choice Voucher Program (HCVP) residents have the opportunity to participate in the Family Self Sufficiency (FSS) Program. Residents who participate in FSS enter into a five year contract with AMHA. Service Coordinators and participants work together to achieve the goals that they decided upon. As a participant's earned income increases, deposits are made by AMHA into an escrow (savings) account based on this increase.

When FSS contract obligations have been met the escrow (savings) account is awarded to the participant. This escrow account can be used for things such as purchasing a vehicle, paying school tuition/loans, or home purchase.

To learn more about the programs above or other available RS programs and services, please visit www.akronhousing.org or call 330-376-9699.

How does AMHA promote Furthering Fair Housing in our housing and Resident Services programs? Under the Section 808(e)(5) of the Fair Housing Act, HUD is obligated to affirmatively further fair housing. Akron Metropolitan Housing Authority (AMHA) will continue to affirm our fair housing practices and oblige any new requirements by HUD to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. AMHA will keep records of those program participants that we assist with Fair Housing issues. Our records will include race, color, national origin, religion, sex, disability, familial status, and ancestry.

Listed below are some of the specific steps to promote Affirmatively Furthering Fair Housing:

1. AMHA will advertise widely in the community for Family Self Sufficiency staff if/when positions become available.

2. AMHA will continue to market the Family Self Sufficiency (FSS) program to all eligible persons, including persons with disabilities and persons with limited English proficiency by

posting FSS flyers in the HCVP department and at voucher briefings. The FSS program is promoted through information phone lines available to callers. Applications are mailed to interested HCVP participants.

AMHA utilizes organizations which provide assistance for hearing- and sight-impaired persons when needed. The AMHA will refer families who have persons with disabilities upon their request to agencies in the community that offer services to persons with disabilities.

See HCVP Administrative Plan:

Chapter 1, H. Reasonable Accommodations Policy (24 CFR 100.202); Chapter 1, I.

Translation of Documents;

Chapter 1, M. Family Outreach

3. AMHA adheres to making our buildings and communications accessible to persons with disabilities. Posters and housing information are displayed in locations throughout the AMHA office in such a manner as to be easily readable from a wheelchair.

4. Fair Housing policies and informing participants of how to file a Fair Housing complaint is provided at voucher briefings. Fair Housing policy is addressed in the HCVP Administrative Plan: See Chapter 1, G. Fair Housing Policy (24 CFR 982.54(d)(6) . FSS staff ensures that each participant receives training and information on rights and remedies available under the federal, state and local fair housing and civil rights laws and how to complete a housing discrimination complaint form.

5. The FSS staff ensures that each FSS participant is informed how to file a fair housing complaint and given the toll-free number for the Housing Discrimination Hotline; 1-800-669-9777, contact local Fair Housing Assistance Agencies or the Federal Relay Service; 1-800-877-8339. Participants may call the Fair Housing Discrimination Hot Line or contact the agencies below:

   Fair Housing Contact Service 330-376-6191 www.fairhousingakron.org

   Fair Housing Advocates Association 330-253-2450 www.fairhousingadvocates.com

   FSS staff encourages participants to become knowledgeable of their rights and how to confidently address issues whether it is accessing services, achieving employment, or addressing fair housing issues. The FSS staff meets regularly to discuss the program and client service coordination. The FSS staff ensures that the services included in the participants' contracts of participation are provided on a regular, ongoing and satisfactory basis; that participants are fulfilling their responsibilities under the contracts; and that FSS escrow accounts are established and properly maintained for eligible families. All of these tasks should be accomplished through service coordination. FSS coordinators may also perform job development functions for the FSS program, and monitor the progress of participants and evaluate the overall success of the program. When the FSS staff is made aware of potential fair housing discrimination against FSS participants, the FSS staff will

   encourage the participant in the reporting of the same, providing support and direction throughout the process, as needed.

6. The FSS program promotes self sufficiency and housing mobility by establishing goals to overcome the

obstacles participants encounter. If the family is currently living in a high poverty census tract in the Akron Metropolitan Housing Authority's jurisdiction, FSS staff ensures that the family is provided with an explanation of the advantages of moving to an area that does not have a high concentration of low and very low income people. Information about housing areas with greater opportunities for employment, job training, highly ranked schools and varied cultural amenities, and how to access such opportunities through support organizations in the area is made available to all participants. Fair housing training that will assist the coordinator fulfill fair housing responsibilities is sought out. Fair housing training may be available through the local Fair Housing Initiatives Program (FHIP) agency or the Fair Housing Assistance Program (FHAP) agency. A listing of FHIPs and FHAPs can be found at www.hud.gov/offices/fheo/partners/FHIP/fhip.cfm (FHIP) and for FHAP, www.hud.gov/offices/fheo/partners/FHAP/agencies.cfm.

The FSS program supports the goal of expanding homeownership opportunities for income eligible participants, increasing minority homeownership, and helping HUD assisted renters become homeowners. FSS staff provide support and resources to all inquiries for participants interested in homeownership. The FSS staff works with local lenders in assisting residents to become homeowners.

The FSS program works with the Program Coordinating Committee (PCC) and with local service providers to ensure that FSS program participants are linked to the supportive services they need to achieve self-sufficiency including services for participants with limited English proficiency.

In addition, record keeping reflecting the data for the FSS participants including, but not limited to, the race, ethnicity, familial status, and disability status of program participants will be maintained.

The Akron Metropolitan Housing Authority will adhere to our mission of developing people, property, and community by providing quality housing options and investing in partnerships to enhance opportunities for eligible individuals and families and will affirm our fair housing practices and actively address fair housing issues.

Temporary Policy Supplement

EMERGENCY HOUSING VOUCHERS (EHVs)

INTRODUCTION

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated $5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHVs; EHVs are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHVs. The policies outlined in this chapter are organized into seven sections, as follows:

Part I: Funding

Part II: Partnering Agencies

Part III: Waiting List Management

Part IV: Family Eligibility

Part V: Housing Search and Leasing

Part VI: Use of Funds, Reporting, and Financial Records

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.

PART I: FUNDING

TPS-I.A. FUNDING OVERVIEW

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

Housing Assistance Payments (HAP) Funding

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the PHA for the EHVs on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on the PHA's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHVs are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

Administrative Fee and Funding

The following four types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
    - \$400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.
    - This fee may be used for any eligible administrative expenses related to EHVs.
    - The fee may also be used to pay for any eligible activities under EHV service fees (TPS-I.B).
- **Placement fees/expedited issuance reporting fees** will support initial lease-up costs and the added cost and effort required to expedite leasing of EHVs:
    - \$100 for each EHV initially leased, if the PHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 10 business days of voucher issuance or the date the system becomes available for reporting.
    - Placement fees:
        - o \$500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
        - o \$250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
        - o HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
    - Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.
- **Ongoing administrative fees,** which are calculated in the same way as the standard HCV program:
    - PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.

- Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.

- **Services fees,** which are a one-time fee to support PHAs' efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):

  - The fee is allocated once the PHA's CACC is amended to reflect EHV funding.

  - The amount allocated is $3,500 for each EHV allocated.

TPS-I.B. SERVICES FEES

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The PHA must establish the eligible uses and the parameters and requirements for service fees in the PHA's administrative plan.

PHA Policy

The eligible uses for service fees may include at the discretion of AMHA:

Housing search assistance, which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for the family.

Application fees/non-refundable administrative or processing fees/refundable application deposit assistance. The PHA may choose to assist the family with some or all these expenses.

Holding fees are fees an owner requests that are rolled into the security deposit after an application is accepted but before a lease is signed. The PHA may cover part or all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. The PHA and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.

Security deposit assistance. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The PHA may pay the security deposit assistance directly to the owner or may pay the assistance to the family. If paid to the family, the PHA will require

documentation that the family paid the security deposit.

Utility deposit assistance/utility arrears. The PHA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The PHA may pay the utility deposit assistance directly to the utility company or may pay the assistance to the family. If paid to the family, the PHA will require documentation the family paid the utility deposit. In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The PHA may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to the PHA will be used for either services fee eligible uses or other EHV administrative costs, as required by HUD.

Owner recruitment and outreach for EHVs. The PHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHVs. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

Owner incentive and/or retention payments. The PHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family.

Payments will be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). Owner incentive and retentions payments are not housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.

Moving expenses (including move-in fees and deposits). The PHA may provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. The PHA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., the PHA is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking.

Tenant-readiness services. The PHA may use fees to help create a customized plan to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.

Essential household items. The PHA may use services fee funding to assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries.

Renter's insurance if required by the lease. The PHA may choose to assist the family with some or all this cost.

Any services fee assistance that is returned to the PHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the PHA's EHV program ends must be remitted to HUD.

PART II: PARTNERING AGENCIES

TPS-II.A. CONTINUUM OF CARE (CoC)

PHAs that accept an allocation of EHVs are required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of EHVs.

PHA Policy

The PHA has entered into an MOU with Summit County Continuum of Care (SCCoC) and Battered Women's Shelter. See Exhibit TPS-1 for a copy of the MOU.

TPS-II.B. REFERRALS

CoC and Partnering Agency Referrals

The primary responsibility of the CoC under the MOU with the PHA is to make direct referrals of qualifying individuals and families to the PHA. The PHA must generally refer a family that is seeking EHV assistance directly from the PHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHVs. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

PHA Policy

The CoC or partnering agency must establish and implement a system to identify EHV-eligible individuals and families within the agency's caseload and make referrals to the PHA. The CoC or other partnering agency must certify that the EHV applicants they refer to the PHA meet at least one of the four EHV eligibility criteria. The PHA will maintain a copy of the referral or certification from the CoC or other partnering agency in the participant's file along with other eligibility paperwork. Homeless service providers may, but are not required to, use the certification form found in Exhibit TPS-2 of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit TPS-3 of this chapter when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, the PHA and CoC or other partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

The PHA liaison responsible for acceptance of referrals will contact the CoC or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five business days from the date the CoC or partnering agency receives this notification, the CoC or partnering agency liaison will provide the PHA with a list of eligible referrals including the name, address, and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

Offers of Assistance with CoC Referral

The PHA may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the PHA's Emergency Transfer Plan (ETP) in Chapter 13.

The PHA must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

PART III: WAITING LIST MANAGEMENT

TPS-III. A. HCV WAITING LIST

The regulation that requires the PHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 3 does not apply to PHAs operating the EHV program. Direct referrals are not added to the PHA's HCV waiting list.

The PHA must inform families on the HCV waiting list of the availability of EHVs by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

PHA Policy

The PHA will post information about the EHV program for families on the PHA's HCV waiting list on their website. The notice will:

Describe the eligible populations to which EHVs are limited

Clearly state that the availability of these EHVs is managed through a direct referral process

Advise the family to contact the CoC (or any other PHA referral partner, if applicable) if the family believes they may be eligible for EHV assistance

The PHA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 1. The PHA will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 1.

TPS-III.B. EHV WAITING LIST

The HCV regulations requiring the PHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHVs available, the PHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to PHA policies in Chapter 4 regarding opening and closing the HCV waiting list. The PHA will work directly with its CoC and other referral agency partners to manage the number of

referrals and the size of the EHV waiting list.

TPS-III.C. PREFERENCES

HCV Waiting List Preferences

If local preferences are established by the PHA for HCV, they do not apply to EHVs. However, if the PHA has a homeless preference or a VAWA preference for the HCV waiting list, the PHA must adopt additional policies related to EHVs in accordance with Notice PIH 2021-15.

PHA Policy

Since the PHA does offer homeless and VAWA preferences for the HCV waiting list, the PHA will refer applicants on the waiting list that indicated they qualified for those preferences to the CoC.

EHV Waiting List Preferences

With the exception of a residency preference, the PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHVs. The PHA may, however, choose to not establish any local preferences for the EHV waiting list.

PHA Policy

No local preferences have been established for the EHV waiting list.

PART IV: FAMILY ELIGIBLTY

TPS-IV.A. OVERVIEW

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the PHA. The PHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

TPS-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBLITY

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The PHA must retain this documentation as part of the family's file.

TPS-IV.C. PHA SCREENING

Overview

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in Chapter 2 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 2 in doing so.

Mandatory Denials

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The PHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

PHA Policy

While the PHA will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, the PHA will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed to the family.

Permissive Denial

Notice PIH 2021-15 lists permissive prohibitions for which the PHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If the PHA intends to establish permissive prohibition policies for EHV applicants, the PHA must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration.

PHA Policy

In consultation with the CoC, the PHA is not adding permissive prohibitions.

In compliance with PIH 2021-15, the PHA **will not** deny an EHV applicant admission regardless of whether:

Any member of the family has been evicted from federally assisted housing in the last five years;

A PHA has ever terminated assistance under the program for any member of the family;

The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;

The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;

The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with 24 CFR 982.553(a)(3);

The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

TPS-IV.D. INCOME VERIFICATION AT ADMISSION

Self-Certification at Admission

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, PHAs may consider self- certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Chapter 7 do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

PHA Policy

Any documents used for verification must be the original or a legible photocopy and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified.

The PHA will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 7. The PHA will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. The PHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 17. If the family fails to repay the excess subsidy, the PHA will terminate the family's assistance in accordance with the policies in Chapter 15.

Recently Conducted Income Determinations

PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and

- The family certifies there has been no change in income or family composition in the interim.

PHA Policy

The PHA will accept income calculations and verifications from third-party providers provided they meet the criteria outlined above.

The family certification must be made in a format acceptable to the PHA and must be signed by all adult family members whose information or status is being verified.

At the time of the family's annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 12.

EIV Income Validation

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;

- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and

- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 2.

If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program in accordance with Chapter 15.

TPS-IV.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION

For the EHV program, the PHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

PHA Policy

The PHA will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. The PHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 15.

TPS-IV.F. AGE AND DISABILITY VERIFICATION

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

PHA Policy

The PHA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, the PHA will verify the information in EIV or through other third-party verification if the information is not available in EIV. The PHA will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 15.

TPS-IV.G. INCOME TARGETING

The PHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and PHA policy in Chapter 4; however, income targeting requirements do not apply for EHV families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

PHA Policy

The PHA will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

PART V: HOUSING SEARCH AND LEASING

TPS-V.A. INITIAL VOUCHER TERM

Unlike the standard HCV program, which requires an initial voucher term of at least 60 days, EHV vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Chapter 8 will apply.

PHA Policy

All EHVs will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension.

TPS-V.B. HOUSING SEARCH ASSISTANCE

The PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the family

PHA Policy

As identified in the MOU between the PHA and CoC, the following housing search assistance will be provided to each EHV family:

The PHA will:

Conduct owner outreach in accordance with policies in Chapter 11

Provide directions to potential units as part of the EHV briefing packet

Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter

At least every 30 days, conduct proactive check-ins via email and telephone with families who are searching with an EHV and remind them of their voucher expiration date

Assign a dedicated landlord liaison for EHV voucher families

The CoC will:

Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods

Provide transportation assistance to potential units

Assist the family with the completion of rental applications and PHA forms

TPS-V.C. CURRENT APPROVED HUD PRE-INSPECTIONS

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

PHA Policy

To expedite the leasing process, the PHA may pre-inspect available units that EHV families may be interested in leasing to maintain a pool of eligible units. If an EHV family selects a unit that passed a current approved HUD pre-inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval, the unit may be approved provided that it meets all other conditions under 24
CFR 982.305.

The family will be free to select his or her unit.

When a pre-inspected unit is not selected, the PHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required reinspections.

TPS-V.D. INITIAL LEASE TERM

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the PHA policy in Chapter 9, Request for Tenancy Approval.

TPS-V.E. PORTABILITY

The normal HCV portability procedures and requirements outlined in Chapter 13 generally apply to EHVs. Exceptions are addressed below.

Nonresident Applicants

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Chapter 13.

Billing and Absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHVs under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHVs under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
  - If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.

- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.

- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

Family Briefing

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

PHA Policy

In addition to following PHA policy on briefings in Chapter 8, as part of the briefing packet for EHV families, the PHA will include a written notice that the PHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, the PHA will provide interpretation services in accordance with the PHA's LEP plan (See Chapter 1).

Coordination of Services

If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

PHA Policy

For EHV families who are exercising portability, when the PHA contacts the receiving PHA in accordance with Chapter 13

Preapproval Contact with Receiving PHA, the PHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

Services Fee

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families. For

service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or $1,750, unless the initial PHA and receiving PHA mutually agree to change the $1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.

- If the receiving PHA administers EHVs, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.

- If the receiving PHA does not administer EHVs, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

Placement Fee/Issuance Reporting Fee

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

TPS-V.F. PAYMENT STANDARDS

Payment Standard Schedule

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, the PHA may, but is not required to, establish separate higher payment standards for EHVs. Lower EHV payment standards are not permitted. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the PHA chooses to establish higher payments standards for EHVs, HUD has provided other regulatory waivers:

- Defining the "basic range" for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).

- Allowing a PHA that is not in a designated Small Area FMR (SAFMR) area or has not opted to voluntarily implement SAFMRs to establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published SAFMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.

  - The PHA must notify HUD if it establishes an EHV exception payment standard based on the SAFMR.

    PHA

    Policy

    The PHA will not establish a higher payment standard amount for EHVs. The PHA will use the same payment standards for HCV and EHV.

Rent Reasonableness

All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

Increases in Payment Standards

The requirement that the PHA apply increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to EHV. The PHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

PHA Policy

The PHA will not establish an alternative policy for increases in the payment standard. PHA policy in Chapter 11 governing increases in payment standards will apply to EHV.

TPS-V.G. TERMINATION OF VOUCHERS

After September 30, 2023, a PHA may not reissue EHVs when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

All EHVs under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHVs that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHVs to cease leasing any unleased EHVs if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS

EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHVs are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHVs and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The PHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and

the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHVs in accordance with the HCV program requirements at 24 CFR 982.158.

Attachment 2 of Notice PIH 2021-15 - Sample MOU Template

Memorandum of Understanding

[** ***This sample document demonstrates the Memorandum of Understanding requirements for the administration Emergency Housing Voucher. Unless otherwise noted, all elements are required.*** **]

This Memorandum of Understanding (MOU) has been created and entered into on
[** ***Insert execution date.*** **].

[PHA Name and Address]

[CoC Name and Address]

I. Introduction and Goals (the following elements, listed in a. – c., are required elements of the MOU):

Temporary Policy Supplement

EMERGENCY HOUSING VOUCHERS

(EHVs) INTRODUCTION

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated $5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHVs; EHVs are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHVs. The policies outlined in

this chapter are organized into seven sections, as follows:

Part I: Funding

Part II: Partnering Agencies

Part III: Waiting List Management

Part IV: Family Eligibility

Part V: Housing Search and Leasing

Part VI: Use of Funds, Reporting, and Financial Records

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.

PART I: FUNDING

TPS-I.A. FUNDING OVERVIEW

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

Housing Assistance Payments (HAP) Funding

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the PHA for the EHVs on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on the PHA's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHVs are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

Administrative Fee and Funding

The following four types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
  - $400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.
  - This fee may be used for any eligible administrative expenses related to EHVs.
  - The fee may also be used to pay for any eligible activities under EHV service fees (TPS-I.B).
- **Placement fees/expedited issuance reporting fees** will support initial lease-up costs and the added cost and effort required to expedite leasing of EHVs:
  - $100 for each EHV initially leased, if the PHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 10 business days of voucher issuance or the date the system becomes available for reporting.

- Placement fees:
    - $500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
    - $250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
    - HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
- Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.

- **Ongoing administrative fees,** which are calculated in the same way as the standard HCV program:
    - PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.
    - Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.
- **Services fees,** which are a one-time fee to support PHAs' efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):
    - The fee is allocated once the PHA's CACC is amended to reflect EHV funding.
    - The amount allocated is $3,500 for each EHV allocated.

TPS-I.B. SERVICES FEES

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The PHA must establish the eligible uses and the parameters and requirements for service fees in the PHA's administrative plan.

PHA Policy

The eligible uses for service fees may include at the discretion of AMHA:

Housing search assistance, which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for the family.

Application fees/non-refundable administrative or processing fees/refundable application deposit assistance. The PHA may choose to assist the family with some or all these expenses.

Holding fees are fees an owner requests that are rolled into the security deposit after an application is accepted but before a lease is signed. The PHA may cover part or all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. The

PHA and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.

Security deposit assistance. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The PHA may pay the security deposit assistance directly to the owner or may pay the assistance to the family. If paid to the family, the PHA will require documentation that the family paid the security deposit.

Utility deposit assistance/utility arrears. The PHA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The PHA may pay the utility deposit assistance directly to the utility company or may pay the assistance to the family. If paid to the family, the PHA will require documentation the family paid the utility deposit. In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The PHA may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to the PHA will be used for either services fee eligible uses or other EHV administrative costs, as required by HUD.

Owner recruitment and outreach for EHVs. The PHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHVs. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

Owner incentive and/or retention payments. The PHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family.

Payments will be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). Owner incentive and retentions payments are not housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.

Moving expenses (including move-in fees and deposits). The PHA may provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. The PHA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., the PHA is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking.

Tenant-readiness services. The PHA may use fees to help create a customized plan to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.

Essential household items. The PHA may use services fee funding to assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries.

Renter's insurance if required by the lease. The PHA may choose to assist the family with some or all this cost.

Any services fee assistance that is returned to the PHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative

costs. Any amounts not expended for these eligible uses when the PHA's EHV program ends must be remitted to HUD.

PART II: PARTNERING AGENCIES

TPS-II.A. CONTINUUM OF CARE (CoC)

PHAs that accept an allocation of EHVs are required to enter into a Memorandum of Understanding (MOU) with the
Continuum of Care (CoC) to establish a partnership for the administration of EHVs.

PHA Policy

The PHA has entered into an MOU with Summit County Continuum of Care (SCCoC) and Battered Women's Shelter. See Exhibit TPS-1 for a copy of the MOU.

TPS-II.B. REFERRALS

CoC and Partnering Agency Referrals

The primary responsibility of the CoC under the MOU with the PHA is to make direct referrals of qualifying individuals and families to the PHA. The PHA must generally refer a family that is seeking EHV assistance directly from the PHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHVs. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

PHA Policy

The CoC or partnering agency must establish and implement a system to identify EHV-eligible individuals and families within the agency's caseload and make referrals to the PHA. The CoC or other partnering agency must certify that the EHV applicants they refer to the PHA meet at least one of the four EHV eligibility criteria. The PHA will maintain a copy of the referral or certification from the CoC or other partnering agency in the participant's file along with other eligibility paperwork. Homeless service providers may, but are not required to, use the certification form found in Exhibit TPS-2 of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit TPS-3 of this chapter when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, the PHA and CoC or other partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

The PHA liaison responsible for acceptance of referrals will contact the CoC or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five business days from the date the CoC or partnering agency receives this notification, the CoC or partnering agency liaison will provide the PHA with a list of eligible referrals including the name, address,
and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

Offers of Assistance with CoC Referral

The PHA may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the PHA's Emergency Transfer Plan (ETP) in Chapter 13.

The PHA must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

PART III: WAITING LIST MANAGEMENT

TPS-III. A. HCV WAITING LIST

The regulation that requires the PHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 3 does not apply to PHAs operating the EHV program. Direct referrals are not added to the PHA's HCV waiting list.

The PHA must inform families on the HCV waiting list of the availability of EHVs by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

PHA Policy

The PHA will post information about the EHV program for families on the PHA's HCV waiting list on their website. The notice will:

Describe the eligible populations to which EHVs are limited

Clearly state that the availability of these EHVs is managed through a direct referral process

Advise the family to contact the CoC (or any other PHA referral partner, if applicable) if the family believes they may be eligible for EHV assistance

The PHA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 1. The PHA will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 1.

TPS-III.B. EHV WAITING LIST

The HCV regulations requiring the PHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHVs available, the PHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to PHA policies in Chapter 4 regarding opening and closing the HCV waiting list. The PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

TPS-III.C. PREFERENCES

HCV Waiting List

Preferences

If local preferences are established by the PHA for HCV, they do not apply to EHVs. However, if the PHA has a homeless preference or a VAWA preference for the HCV waiting list, the PHA must adopt additional policies related to EHVs in accordance with Notice PIH 2021-15.

PHA Policy

Since the PHA does offer homeless and VAWA preferences for the HCV waiting list, the PHA will refer applicants on the waiting list that indicated they qualified for those preferences to the CoC.

EHV Waiting List Preferences

With the exception of a residency preference, the PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHVs. The PHA may, however, choose to not establish any local preferences for the EHV waiting list.

PHA Policy

No local preferences have been established for the EHV waiting list.

PART IV: FAMILY ELIGIBLTY

TPS-IV.A. OVERVIEW

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the PHA. The PHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

TPS-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBLITY

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The PHA must retain this documentation as part of the family's file.

TPS-IV.C. PHA

SCREENING Overview

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in Chapter 2 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than

the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 2 in doing so.

Mandatory Denials

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The PHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

PHA Policy

While the PHA will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, the PHA will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed to the family.

Permissive Denial

Notice PIH 2021-15 lists permissive prohibitions for which the PHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If the PHA intends to establish permissive prohibition policies for EHV applicants, the PHA must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration.

PHA Policy

In consultation with the CoC, the PHA is not adding permissive prohibitions.

In compliance with PIH 2021-15, the PHA **will not** deny an EHV applicant admission regardless of

whether: Any member of the family has been evicted from federally assisted housing in the last

five years;

A PHA has ever terminated assistance under the program for any member of the family;

The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;

The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;

The family would otherwise be prohibited admission under alcohol abuse standards established by the
PHA in accordance with 24 CFR 982.553(a)(3);

The PHA determines that any household member is currently engaged in or has engaged in

during a reasonable time before the admission, drug-related criminal activity.

TPS-IV.D. INCOME VERIFICATION AT

ADMISSION Self-Certification at Admission

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, PHAs may consider self-certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Chapter 7 do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-
day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

PHA Policy

Any documents used for verification must be the original or a legible photocopy and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified.

The PHA will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 7. The PHA will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. The PHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 17. If the family fails to repay the excess subsidy, the PHA will terminate the family's assistance in accordance with the policies in Chapter 15.

Recently Conducted Income Determinations

PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

PHA Policy

The PHA will accept income calculations and verifications from third-party providers provided they meet the criteria outlined above.

The family certification must be made in a format acceptable to the PHA and must be signed by all adult family members whose information or status is being verified.

At the time of the family's annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 12.

EIV Income Validation

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;

- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 2.

If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program in accordance with Chapter 15.

TPS-IV.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION

For the EHV program, the PHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

PHA Policy

The PHA will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. The PHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 15.

TPS-IV.F. AGE AND DISABILITY VERIFICATION

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

PHA Policy

The PHA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, the PHA will verify the information in EIV or through other third-party verification if the information is not available in EIV. The PHA will note the family's file that self- certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 15.

TPS-IV.G. INCOME TARGETING

The PHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and PHA policy

in Chapter 4; however, income targeting requirements do not apply for EHV families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

PHA Policy

The PHA will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

PART V: HOUSING SEARCH AND LEASING

TPS-V.A. INITIAL VOUCHER TERM

Unlike the standard HCV program, which requires an initial voucher term of at least 60 days, EHV vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Chapter 8 will apply.

PHA Policy

All EHVs will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension.

TPS-V.B. HOUSING SEARCH ASSISTANCE

The PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the family

PHA Policy

As identified in the MOU between the PHA and CoC, the following housing search assistance will be provided to each EHV family:

The PHA will:

Conduct owner outreach in accordance with policies in Chapter 11

Provide directions to potential units as part of the EHV briefing packet

Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter

At least every 30 days, conduct proactive check-ins via email and telephone with families who are searching with an EHV and remind them of their voucher expiration date

Assign a dedicated landlord liaison for EHV voucher families

The CoC will:

Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods

Provide transportation assistance to potential units

Assist the family with the completion of rental applications and PHA forms

TPS-V.C. CURRENT APPROVED HUD PRE-INSPECTIONS

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

PHA Policy

To expedite the leasing process, the PHA may pre-inspect available units that EHV families may be interested in leasing to maintain a pool of eligible units. If an EHV family selects a unit that passed a current approved HUD pre- inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305.

The family will be free to select his or her unit.

When a pre-inspected unit is not selected, the PHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required reinspections.

TPS-V.D. INITIAL LEASE TERM

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the PHA policy in Chapter 9, Request for Tenancy Approval.

TPS-V.E. PORTABILITY

The normal HCV portability procedures and requirements outlined in Chapter 13 generally apply to EHVs. Exceptions are addressed below.

Nonresident Applicants

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Chapter 13.

Billing and Absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHVs under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHVs under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
  - If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
  - Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance,

the
EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.

- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

Family Briefing

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

PHA Policy

In addition to following PHA policy on briefings in Chapter 8, as part of the briefing packet for EHV families, the PHA will include a written notice that the PHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, the PHA will provide interpretation services in accordance with the PHA's LEP plan (See Chapter 1).

Coordination of Services

If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA
must consult and coordinate on the EHV services and assistance that will be made available to the family.

PHA Policy

For EHV families who are exercising portability, when the PHA contacts the receiving PHA in accordance with Chapter 13

Preapproval Contact with Receiving PHA, the PHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

Services Fee

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or $1,750, unless the initial PHA and receiving PHA mutually agree to change the $1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.

- If the receiving PHA administers EHVs, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.

- If the receiving PHA does not administer EHVs, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

Placement Fee/Issuance Reporting Fee

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

TPS-V.F. PAYMENT

STANDARDS Payment Standard

Schedule

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, the PHA may, but is not required to, establish separate higher payment standards for EHVs. Lower EHV payment standards are not permitted. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the PHA chooses to establish higher payments standards for EHVs, HUD has provided other regulatory waivers:

- Defining the "basic range" for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).
- Allowing a PHA that is not in a designated Small Area FMR (SAFMR) area or has not opted to voluntarily implement SAFMRs to establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published SAFMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.
    - The PHA must notify HUD if it establishes an EHV exception payment standard based on the SAFMR.

      PHA Policy

      The PHA will not establish a higher payment standard amount for EHVs. The PHA will use the same payment standards for HCV and EHV.

Rent Reasonableness

All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

Increases in Payment Standards

The requirement that the PHA apply increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to EHV. The PHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

PHA Policy

The PHA will not establish an alternative policy for increases in the payment standard. PHA policy in Chapter
11 governing increases in payment standards will apply to EHV.

TPS-V.G. TERMINATION OF VOUCHERS

After September 30, 2023, a PHA may not reissue EHVs when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September
30, 2023, the EHV may not be reissued to another family.

All EHVs under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHVs that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHVs to cease leasing any unleased EHVs if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS

EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHVs are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHVs and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The PHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHVs in accordance with the HCV program requirements at 24 CFR 982.158

Attachment 2 of Notice PIH 2021-15 - Sample MOU Template

Memorandum of Understanding

[** ***This sample document demonstrates the Memorandum of Understanding requirements for the administration Emergency Housing Voucher. Unless otherwise noted, all elements are required.*** **]

This Memorandum of Understanding (MOU) has been created and entered into on [** ***Insert execution date.*** **].

[PHA Name and Address]

[CoC Name and Address]

I. Introduction and Goals (the following elements, listed in a. – c., are required elements of the MOU):

a. PHA and CoC's commitment to administering the EHVs in accordance with all program requirements.

b. PHA goals and standards of success in administering the program.

c. Identification of staff position at the PHA and CoC who will serve as the lead EHV liaisons.

Lead HCV Liaison:

[Name and title of PHA staff position]

Responsibilities of the PHA EHV liaison [**Optional**].

[Name and title of CoC staff position]

Responsibilities of the CoC EHV liaison [**Optional**].

II. Define the populations eligible for EHV assistance to be referred by CoC.

III. Services to be provided to eligible EHV families

1. List the services to be provided to assist individuals and families have success in the program and who will provide them.

[**The following services are listed for example purposes. **]

1. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.
2. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.
3. PHAs will establish windows of time for EHV applicants to complete intake interviews for EHV.
4. Partnering service providers will provide housing search assistance for eligible individuals and families.
5. Partnering service providers will provide counseling on compliance with rental lease requirements.
6. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
7. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

IV. PHA Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Coordinate and consult with the CoC in developing the services and assistance to be offered under the EHV services fee.
2. Accept direct referrals for eligible individuals and families through the CoC Coordinated Entry System.
3. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.
4. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.
5. Designate a staff to serve as the lead EHV liaison.
6. Comply with the provisions of this MOU.

V. CoC Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Designate and maintain a lead EHV liaison to communicate with the PHA.
2. Refer eligible individuals and families to PHA using the community's coordinated entry system.
3. Support eligible individuals and households in completing and applying for supportive documentation to accompany admissions application to the PHA (i.e. self-certifications, birth certificate, social security card, etc.).
4. Attend EHV participant briefings when needed.
5. Assess all households referred for EHV for mainstream benefits and supportive services

available to support eligible individuals and families through their transition.

6. Identify and provide supportive services to EHV families. (While EHV participants are not required to participate in services, the CoC should assure that services are available and accessible.)
7. Comply with the provisions of this MOU.

VI. Third Party Entity Roles Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Describe how the State, local, philanthropic, faith-based organizations, Victim Service Providers or

CoC recipients it designates will fulfill each of the following responsibilities:

a. Outline resource and/or service being provided in support of the community's EHV Program. Commit a sufficient number of staff and necessary resources to ensure that the application, certification and voucher issuance processes are completed in a timely manner.

b. Comply with the provisions of this MOU.

VII. Program Evaluation

The PHA, and CoC or designated CoC recipient agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

[Signed and dated by the official representatives of the PHA, CoC, CoC Contractor organization (if applicable), and third-party entities (if applicable.]

Signed by

Executive Director, PHA Date

CoC Executive Director Date

Exhibit TPS-2: HOMELESS PROVIDER'S CERTIFICATION

Attachment 3 of Notice PIH 2021-15 Example of a Homeless Provider's Certification

Emergency Housing Voucher (EHV)

HOMELESS CERTIFICATION

EHV Applicant Name: _____

■ Household without dependent children (complete one form for each adult in the

■ household)

Household with dependent children (complete one form for household)

Number of persons in the household: ____

This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation-

Check only one box and complete only that section

Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)

■ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or camp ground.

Description of current living situation:

_____

_____

_____

Homeless Street Outreach Program
Name:_____

This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.

Authorized Agency Representative Signature: _____
Date: ___

Living Situation: Emergency Shelter

■ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name:

_____

This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).

Authorized Agency Representative Signature: _____ Date : _____

Living Situation: Recently Homeless

☐ The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (ex. Households in Rapid Rehousing Programs, residents of Permanent Supportive Housing Programs participating in Moving On, etc.)

Authorized Agency Representative Signature:

_____

This referring agency must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

☐ emergency shelter ☐ OR a place unfit for human habitation

Authorized Agency Representative Signature: _____

Date: _____

Exhibit TPS-3: EXAMPLE OF A VICTIM SERVICES PROVIDER'S CERTIFICATION

Attachment 4 of Notice PIH 2021-15: Example of a Victim Services Provider's Certification

Emergency Housing Voucher (EHV)

SAMPLE HUMAN TRAFFICKING CERTIFICATION

Purpose of Form:

The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other Federally-funded social service programs available to assist victims in rebuilding their lives.

Use of This Optional Form:

In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for EHV assistance.

Confidentiality: All information provided to the service provider concerning the incident(s) of human trafficking

shall be kept confidential and such details shall not be entered into any shared database. Employees of the PHA will not have access to these details, 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.

TO BE COMPLETED ON BEHALF OF HUMAN TRAFFICKING SURVIVOR

EHV Applicant Name: _____

This is to certify that the above named individual or household meets the definition for persons who are fleeing or attempting to flee human trafficking under section 107(b) of the Trafficking Victims Protection Act of 2000.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

_____

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual(s) named above is/has been a victim of human trafficking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Authorized Agency Representative Signature:_____ **Date:** _____

Lead HCV Liaison:

[Name and title of PHA staff position]

Responsibilities of the PHA EHV liaison [**Optional**].

[Name and title of CoC staff position]

Responsibilities of the CoC EHV liaison [**Optional**].

VII. Define the populations eligible for EHV assistance to be referred by CoC.

VIII. Services to be provided to eligible EHV families

1. List the services to be provided to assist individuals and families have success in the program and who will provide them.

[**The following services are listed for example purposes. **]

8. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.

9. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.

10. PHAs will establish windows of time for EHV applicants to complete intake interviews for EHV.

11. Partnering service providers will provide housing search assistance for eligible individuals and families.

12. Partnering service providers will provide counseling on compliance with rental lease requirements.

13. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.

14. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

IX. PHA Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

7. Coordinate and consult with the CoC in developing the services and assistance to be offered under the EHV services fee.

8. Accept direct referrals for eligible individuals and families through the CoC Coordinated Entry System.

9. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.

10. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.

11. Designate a staff to serve as the lead EHV liaison.

12. Comply with the provisions of this MOU.

X. CoC Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

Temporary Policy Supplement

EMERGENCY HOUSING VOUCHERS

(EHVs) INTRODUCTION

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated $5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency,

and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHVs; EHVs are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHVs. The policies outlined in this chapter are organized into seven sections, as follows:

Part I: Funding

Part II: Partnering Agencies

Part III: Waiting List Management

Part IV: Family Eligibility

Part V: Housing Search and Leasing

Part VI: Use of Funds, Reporting, and Financial Records

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.

PART I: FUNDING

TPS-I.A. FUNDING OVERVIEW

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may
only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

Housing Assistance Payments (HAP) Funding

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the PHA for the EHVs on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on the PHA's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHVs are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

Administrative Fee and Funding

The following four types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
  - \$400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.

- This fee may be used for any eligible administrative expenses related to EHVs.
- The fee may also be used to pay for any eligible activities under EHV service fees (TPS-I.B).

- **Placement fees/expedited issuance reporting fees** will support initial lease-up costs and the added cost and effort required to expedite leasing of EHVs:
  - $100 for each EHV initially leased, if the PHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 10 business days of voucher issuance or the date the system becomes available for reporting.
  - Placement fees:
    - $500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
    - $250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
    - HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
  - Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.
- **Ongoing administrative fees,** which are calculated in the same way as the standard HCV program:
  - PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.
  - Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.
- **Services fees,** which are a one-time fee to support PHAs' efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):
  - The fee is allocated once the PHA's CACC is amended to reflect EHV funding.
  - The amount allocated is $3,500 for each EHV allocated.

TPS-I.B. SERVICES FEES

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The PHA must establish the eligible uses and the parameters and requirements for service fees in the PHA's administrative plan.

PHA Policy

The eligible uses for service fees may include at the discretion of AMHA:

Housing search assistance, which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets

the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for the family.

Application fees/non-refundable administrative or processing fees/refundable application deposit assistance. The PHA may choose to assist the family with some or all these expenses.

Holding fees are fees an owner requests that are rolled into the security deposit after an application is accepted but before a lease is signed. The PHA may cover part or all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. The PHA and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at
fault for not entering into a lease.

Security deposit assistance. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The PHA may pay the security deposit assistance directly to the owner or may pay the assistance to the family. If paid to the family, the PHA will require documentation that the family paid the security deposit.

Utility deposit assistance/utility arrears. The PHA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The PHA may pay the utility deposit assistance directly to the utility company or may pay the assistance to the family. If paid to the family, the PHA will require documentation the family paid the utility deposit. In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The PHA may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to the PHA will be used for either services fee eligible uses or other EHV administrative costs, as required by HUD.

Owner recruitment and outreach for EHVs. The PHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHVs. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

Owner incentive and/or retention payments. The PHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family.

Payments will be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). Owner incentive and retentions payments are not housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.

Moving expenses (including move-in fees and deposits). The PHA may provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. The PHA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., the PHA is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking.

Tenant-readiness services. The PHA may use fees to help create a customized plan to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit,

negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.

Essential household items. The PHA may use services fee funding to assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries.

Renter's insurance if required by the lease. The PHA may choose to assist the family with some or all this cost.

Any services fee assistance that is returned to the PHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the PHA's EHV program ends must be remitted to HUD.

PART II: PARTNERING AGENCIES

TPS-II.A. CONTINUUM OF CARE (CoC)

PHAs that accept an allocation of EHVs are required to enter into a Memorandum of Understanding (MOU) with the
Continuum of Care (CoC) to establish a partnership for the administration of EHVs.

PHA Policy

The PHA has entered into an MOU with Summit County Continuum of Care (SCCoC) and Battered Women's Shelter. See Exhibit TPS-1 for a copy of the MOU.

TPS-II.B. REFERRALS

CoC and Partnering Agency Referrals

The primary responsibility of the CoC under the MOU with the PHA is to make direct referrals of qualifying individuals and families to the PHA. The PHA must generally refer a family that is seeking EHV assistance directly from the PHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHVs. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

PHA Policy

The CoC or partnering agency must establish and implement a system to identify EHV-eligible individuals and families within the agency's caseload and make referrals to the PHA. The CoC or other partnering agency must certify that the EHV applicants they refer to the PHA meet at least one of the four EHV eligibility criteria. The PHA will maintain a copy of the referral or certification from the CoC or other partnering agency in the participant's file along with other eligibility paperwork. Homeless service providers may, but are not required to, use the certification form found in Exhibit TPS-2 of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit TPS-3 of this chapter when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, the PHA and CoC or other partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

The PHA liaison responsible for acceptance of referrals will contact the CoC or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals.

No more than five business days from the date the CoC or partnering agency receives this notification, the CoC or partnering agency liaison will provide the PHA with a list of eligible referrals including the name, address,
and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

Offers of Assistance with CoC Referral

The PHA may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the PHA's Emergency Transfer Plan (ETP) in Chapter 13.

The PHA must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

PART III: WAITING LIST MANAGEMENT

TPS-III. A. HCV WAITING LIST

The regulation that requires the PHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 3 does not apply to PHAs operating the EHV program. Direct referrals are not added to the PHA's HCV waiting list.

The PHA must inform families on the HCV waiting list of the availability of EHVs by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

PHA Policy

The PHA will post information about the EHV program for families on the PHA's HCV waiting list on their website. The notice will:

Describe the eligible populations to which EHVs are limited

Clearly state that the availability of these EHVs is managed through a direct referral process

Advise the family to contact the CoC (or any other PHA referral partner, if applicable) if the family believes they may be eligible for EHV assistance

The PHA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 1. The PHA will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 1.

TPS-III.B. EHV WAITING LIST

The HCV regulations requiring the PHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or

partnering agency exceeds the EHVs available, the PHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to PHA policies in Chapter 4 regarding opening and closing the HCV waiting list. The PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

TPS-III.C. PREFERENCES

HCV Waiting List

Preferences

If local preferences are established by the PHA for HCV, they do not apply to EHVs. However, if the PHA has a homeless preference or a VAWA preference for the HCV waiting list, the PHA must adopt additional policies related to EHVs in accordance with Notice PIH 2021-15.

PHA Policy

Since the PHA does offer homeless and VAWA preferences for the HCV waiting list, the PHA will refer applicants on the waiting list that indicated they qualified for those preferences to the CoC.

EHV Waiting List Preferences

With the exception of a residency preference, the PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHVs. The PHA may, however, choose to not establish any local preferences for the EHV waiting list.

PHA Policy

No local preferences have been established for the EHV waiting list.

PART IV: FAMILY ELIGIBLTY

TPS-IV.A. OVERVIEW

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the PHA. The PHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

TPS-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBLITY

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The PHA must retain this documentation as part of the family's file.

TPS-IV.C. PHA

SCREENING Overview

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in Chapter 2 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than
the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 2 in doing so.

Mandatory Denials

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The PHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

PHA Policy

While the PHA will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, the PHA will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed to the family.

Permissive Denial

Notice PIH 2021-15 lists permissive prohibitions for which the PHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If the PHA intends to establish permissive prohibition policies for EHV applicants, the PHA must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration.

PHA Policy

In consultation with the CoC, the PHA is not adding permissive prohibitions.

In compliance with PIH 2021-15, the PHA **will not** deny an EHV applicant admission regardless of

whether: Any member of the family has been evicted from federally assisted housing in the last

five years;

A PHA has ever terminated assistance under the program for any member of the family;

The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;

The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;

The family would otherwise be prohibited admission under alcohol abuse standards established by the
PHA in accordance with 24 CFR 982.553(a)(3);

The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

TPS-IV.D. INCOME VERIFICATION AT

ADMISSION Self-Certification at Admission

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, PHAs may consider self-certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Chapter 7 do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60- day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

PHA Policy

Any documents used for verification must be the original or a legible photocopy and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified.

The PHA will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 7. The PHA will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. The PHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 17. If the family fails to repay the excess subsidy, the PHA will terminate the family's assistance in accordance with the policies in Chapter 15.

Recently Conducted Income Determinations

PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

PHA Policy

The PHA will accept income calculations and verifications from third-party providers provided they meet the criteria outlined above.

The family certification must be made in a format acceptable to the PHA and must be signed by all adult family members whose information or status is being verified.

At the time of the family's annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 12.

EIV Income Validation

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 2.

If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program in accordance with Chapter 15.

TPS-IV.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION

For the EHV program, the PHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

PHA Policy

The PHA will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. The PHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 15.

TPS-IV.F. AGE AND DISABILITY VERIFICATION

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

PHA Policy

The PHA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, the PHA will verify the information in EIV or through other third-

party verification if the information is not available in EIV. The PHA will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 15.

TPS-IV.G. INCOME TARGETING

The PHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and PHA policy in Chapter 4; however, income targeting requirements do not apply for EHV families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

PHA Policy

The PHA will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

PART V: HOUSING SEARCH AND LEASING

TPS-V.A. INITIAL VOUCHER TERM

Unlike the standard HCV program, which requires an initial voucher term of at least 60 days, EHV vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Chapter 8 will apply.

PHA Policy

All EHVs will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension.

TPS-V.B. HOUSING SEARCH ASSISTANCE

The PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the

family

PHA Policy

As identified in the MOU between the PHA and CoC, the following housing search assistance will be provided to each EHV family:

The PHA will:

Conduct owner outreach in accordance with policies in Chapter 11

Provide directions to potential units as part of the EHV briefing packet

Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter

At least every 30 days, conduct proactive check-ins via email and telephone with families who are searching with an EHV and remind them of their voucher expiration date

Assign a dedicated landlord liaison for EHV voucher families

The CoC will:

Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods

Provide transportation assistance to potential units

Assist the family with the completion of rental applications and PHA forms

TPS-V.C. CURRENT APPROVED HUD PRE-INSPECTIONS

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

PHA Policy

To expedite the leasing process, the PHA may pre-inspect available units that EHV families may be interested in leasing to maintain a pool of eligible units. If an EHV family selects a unit that passed a current approved HUD pre- inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305.

The family will be free to select his or her unit.

When a pre-inspected unit is not selected, the PHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required reinspections.

TPS-V.D. INITIAL LEASE TERM

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the PHA policy in Chapter 9, Request for Tenancy Approval.

TPS-V.E. PORTABILITY

The normal HCV portability procedures and requirements outlined in Chapter 13 generally apply to EHVs. Exceptions are addressed below.

Nonresident Applicants

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Chapter 13.

Billing and Absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHVs under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHVs under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
  - If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
  - Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.
- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

Family Briefing

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

PHA Policy

In addition to following PHA policy on briefings in Chapter 8, as part of the briefing packet for EHV families, the PHA will include a written notice that the PHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, the PHA will provide interpretation services in accordance with the PHA's LEP plan (See Chapter 1).

Coordination of Services

If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

PHA Policy

For EHV families who are exercising portability, when the PHA contacts the receiving PHA in accordance with Chapter 13

Preapproval Contact with Receiving PHA, the PHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

Services Fee

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or $1,750, unless the initial PHA and receiving PHA mutually agree to change the $1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.
- If the receiving PHA administers EHVs, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA does not administer EHVs, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

Placement Fee/Issuance Reporting Fee

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

TPS-V.F. PAYMENT

STANDARDS Payment Standard

Schedule

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, the PHA may, but is not required to, establish separate higher payment standards for EHVs. Lower EHV payment standards are not permitted. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the PHA chooses to establish higher payments standards for EHVs, HUD has provided other regulatory waivers:

- Defining the "basic range" for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).
- Allowing a PHA that is not in a designated Small Area FMR (SAFMR) area or has not opted to voluntarily implement SAFMRs to establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published SAFMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.
    - The PHA must notify HUD if it establishes an EHV exception payment standard based on the SAFMR.

      PHA Policy

      The PHA will not establish a higher payment standard amount for EHVs. The PHA will use the same payment standards for HCV and EHV.

Rent Reasonableness

All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

Increases in Payment Standards

The requirement that the PHA apply increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to EHV. The PHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

PHA Policy

The PHA will not establish an alternative policy for increases in the payment standard. PHA policy in Chapter 11 governing increases in payment standards will apply to EHV.

TPS-V.G. TERMINATION OF VOUCHERS

After September 30, 2023, a PHA may not reissue EHVs when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

All EHVs under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHVs that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHVs to cease leasing any unleased EHVs if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS

EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHVs are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHVs and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The PHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHVs in accordance with the HCV program requirements at 24 CFR 982.158.

Attachment 2 of Notice PIH 2021-15 - Sample MOU Template

Memorandum of Understanding

[** ***This sample document demonstrates the Memorandum of Understanding requirements for the administration Emergency Housing Voucher. Unless otherwise noted, all elements are required.*** **]

This Memorandum of Understanding (MOU) has been created and entered into on [** ***Insert execution date.*** **].

[PHA Name and Address]

[CoC Name and Address]

XI. Introduction and Goals (the following elements, listed in a. – c., are required elements of the MOU):

a. PHA and CoC's commitment to administering the EHVs in accordance with all program requirements.

b. PHA goals and standards of success in administering the program.

c. Identification of staff position at the PHA and CoC who will serve as the lead EHV liaisons.

Lead HCV Liaison:

[Name and title of PHA staff position]

Responsibilities of the PHA EHV liaison [**Optional**].

[Name and title of CoC staff position]

Responsibilities of the CoC EHV liaison [**Optional**].

XII. Define the populations eligible for EHV assistance to be referred by CoC.

XIII. Services to be provided to eligible EHV families

1. List the services to be provided to assist individuals and families have success in the program and who will provide them.

[**The following services are listed for example purposes. **]

15. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.

16. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.

17. PHAs will establish windows of time for EHV applicants to complete intake interviews for EHV.

18. Partnering service providers will provide housing search assistance for eligible individuals and families.

19. Partnering service providers will provide counseling on compliance with rental lease requirements.

20. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.

21. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

XIV. PHA Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

13. Coordinate and consult with the CoC in developing the services and assistance to be offered under the EHV services fee.

14. Accept direct referrals for eligible individuals and families through the CoC Coordinated Entry System.

15. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.

16. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.

17. Designate a staff to serve as the lead EHV liaison.

18. Comply with the provisions of this MOU.

XV. CoC Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

8. Designate and maintain a lead EHV liaison to communicate with the PHA.

9. Refer eligible individuals and families to PHA using the community's coordinated entry system.

10. Support eligible individuals and households in completing and applying for supportive documentation to accompany admissions application to the PHA (i.e. self-certifications, birth

certificate, social security card, etc.).

11. Attend EHV participant briefings when needed.

12. Assess all households referred for EHV for mainstream benefits and supportive services available to support eligible individuals and families through their transition.

13. Identify and provide supportive services to EHV families. (While EHV participants are not required to participate in services, the CoC should assure that services are available and accessible.)

14. Comply with the provisions of this MOU.

XVI. Third Party Entity Roles Responsibilities

[**The following responsibilities are listed for example purposes. **]

2. Describe how the State, local, philanthropic, faith-based organizations, Victim Service Providers or CoC recipients it designates will fulfill each of the following responsibilities:

   a. Outline resource and/or service being provided in support of the community's EHV Program. Commit a sufficient number of staff and necessary resources to ensure that the application, certification and voucher issuance processes are completed in a timely manner.

   b. Comply with the provisions of this MOU. VII. Program Evaluation

The PHA, and CoC or designated CoC recipient agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

[Signed and dated by the official representatives of the PHA, CoC, CoC Contractor organization (if applicable), and third-party entities (if applicable.]

Signed by

Executive Director, PHA Date

CoC Executive Director Date

Exhibit TPS-2: HOMELESS PROVIDER'S CERTIFICATION

Attachment 3 of Notice PIH 2021-15 Example of a Homeless Provider's Certification

Emergency Housing Voucher (EHV)

HOMELESS CERTIFICATION

EHV Applicant Name: _____

■ Household without dependent children (complete one form for each adult in the

■ household)

Household with dependent children (complete one form for household)

Number of persons in the household: ____

This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation-

Check only one box and complete only that section

Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)

■ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or camp ground.

Description of current living situation:

_____

_____

_____

Homeless Street Outreach Program
Name:_____

This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.

Authorized Agency Representative Signature: _____
Date: ___

Living Situation: Emergency Shelter

■ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name:

_____

This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).

Authorized Agency Representative Signature: _____ Date: _____

Living Situation: Recently Homeless

■ The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (ex. Households in Rapid Rehousing Programs, residents of Permanent Supportive Housing Programs participating in Moving On, etc.)

Authorized Agency Representative Signature:

_____

This referring agency must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

■ emergency shelter ■ OR a place unfit for human habitation

Authorized Agency Representative Signature: _____

Date: _____

Attachment 4 of Notice PIH 2021-15: Example of a Victim Services Provider's Certification

Emergency Housing Voucher (EHV)

SAMPLE HUMAN TRAFFICKING CERTIFICATION

Purpose of Form:

The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other Federally-funded social service programs available to assist victims in rebuilding their lives.

Use of This Optional Form:

In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for EHV assistance.

Confidentiality: All information provided to the service provider concerning the incident(s) of human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of the PHA will not have access to these details, 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.

TO BE COMPLETED ON BEHALF OF HUMAN TRAFFICKING SURVIVOR

EHV Applicant Name: _____

This is to certify that the above named individual or household meets the definition for persons who are fleeing or attempting to flee human trafficking under section 107(b) of the Trafficking Victims Protection Act of 2000.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

_____

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual(s) named above is/has been a victim of human trafficking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Authorized Agency Representative Signature: _____ **Date:** _____

XVII. Third Party Entity Roles Responsibilities

[**The following responsibilities are listed for example purposes. **]

3. Describe how the State, local, philanthropic, faith-based organizations, Victim Service Providers or CoC recipients it designates will fulfill each of the following responsibilities:

    a. Outline resource and/or service being provided in support of the community's EHV Program. Commit a sufficient number of staff and necessary resources to ensure that the application, certification and voucher issuance processes are completed in a timely manner.

    b. Comply with the provisions of this MOU. VII. Program Evaluation

The PHA, and CoC or designated CoC recipient agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

[Signed and dated by the official representatives of the PHA, CoC, CoC Contractor organization (if applicable), and third-party entities (if applicable.]

Signed by

_____ _____

Executive Director, PHA Date

_____ _____

CoC Executive Director Date

Attachment 3 of Notice PIH 2021-15 Example of a Homeless Provider's Certification

Emergency Housing Voucher (EHV)

HOMELESS CERTIFICATION

EHV Applicant Name: _____

☐ Household without dependent children (complete one form for each adult in the

☐ household)

Household with dependent children (complete one form for household)

Number of persons in the household: ____

This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation-

Check only one box and complete only that section

Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)

☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or camp ground.

Description of current living situation:

_____

_____

_____

Homeless Street Outreach Program
Name:_____

This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.

Authorized Agency Representative Signature: _____
Date: ___

Living Situation: Emergency Shelter

■ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name:

_____

This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).

Authorized Agency Representative Signature: _____ Date : _____

Living Situation: Recently Homeless

■ The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (ex. Households in Rapid Rehousing Programs, residents of Permanent Supportive Housing Programs participating in Moving On, etc.)

Authorized Agency Representative Signature:

_____

This referring agency must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

■ emergency shelter ■ OR a place unfit for human habitation

Authorized Agency Representative Signature: _____

Date: _____

Attachment 4 of Notice PIH 2021-15: Example of a Victim Services Provider's Certification

Emergency Housing Voucher (EHV)

SAMPLE HUMAN TRAFFICKING CERTIFICATION

Purpose of Form:

The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other Federally-funded social service programs available to assist victims in rebuilding their lives.

Use of This Optional Form:

In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for EHV assistance.

Confidentiality: All information provided to the service provider concerning the incident(s) of human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of the PHA will not have access to these details, 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.

TO BE COMPLETED ON BEHALF OF HUMAN TRAFFICKING SURVIVOR

EHV Applicant Name: _____

This is to certify that the above named individual or household meets the definition for persons who are fleeing or attempting to flee human trafficking under section 107(b) of the Trafficking Victims Protection Act of 2000.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

_____

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual(s) named above is/has been a victim of human trafficking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Authorized Agency Representative Signature: _____ **Date:** _____

PROGRAM INTEGRITY ADDENDUM

[24 CFR 792.101 to 792.204, 982.54]

INTRODUCTION

The US Department of HUD conservatively estimates that 200 million dollars is paid annually to program participants who falsify or omit material facts in order to gain more rental assistance than they are entitled to under the law. HUD further estimates that 12% of all HUD-assisted families are either totally ineligible, or are receiving benefits which exceed their legal entitlement.

The PHA is committed to assuring that the proper level of benefits is paid to all participating families, and that housing resources reach only income-eligible families so that program integrity can be maintained.

The PHA will take all steps necessary to prevent fraud, waste, and mismanagement so that program resources are utilized judiciously.
This chapter outlines the PHA's policies for the prevention, detection and investigation of program abuse and fraud.

A. CRITERIA FOR INVESTIGATION OF SUSPECTED ABUSE AND FRAUD

Under no circumstances will the PHA undertake an inquiry or an audit of a participating family arbitrarily. The PHA's expectation is that participating families will comply with HUD requirements, provisions of the voucher, and other program rules. The PHA staff will make every effort (formally and informally) to orient and educate all families in order to avoid unintentional violations. However, the PHA has a responsibility to HUD, to the Community, and to eligible families in need of housing assistance, to monitor participants and owners for compliance and, when indicators of possible abuse come to the PHA' s attention, to investigate such claims.

The PHA will initiate an investigation of a participating family only in the event of one or more of the following circumstances:

Referrals, Complaints, or Tips. The PHA will follow up on referrals from other agencies, companies or persons which are received by mail, by telephone or in person, which allege that a family is in non-compliance with, or otherwise violating the family obligations or any other program rules. Such follow-up will be made providing that the referral contains at least one item of information that is independently verifiable. A copy of the allegation will be retained in the family's file.

Internal File Review. A follow-up will be made if PHA staff discovers (as a function of a reexamination, an interim redetermination, or a quality control review), information or facts which conflict with previous file data, the PHA's knowledge of the family, or is discrepant with statements made by the family.

Verification of Documentation. A follow-up will be made if the PHA receives independent verification or documentation which conflicts with representations in the family's file (such as public record information or credit bureau reports, reports from other agencies).

B. STEPS THE PHA WILL TAKE TO PREVENT PROGRAM ABUSE AND FRAUD

The PHA management and staff will utilize various methods and practices (listed below) to prevent program abuse, non-compliance, and willful violations of program rules by applicants and participating families. This policy objective is to establish confidence and trust in the management by emphasizing education as the primary means to obtain compliance by families.

Is Fraud Worth It? This bulletin will be furnished to all applicants to promote understanding of program rules and to clarify the PHA's expectations for cooperation and compliance.

Eligibility Interview. Mandatory interviews will be conducted by the PHA staff for all prospective program participants, either prior to or upon issuance of a voucher. At the conclusion of all interviews, the family representative will be required to sign an acknowledgement to confirm that all rules and pertinent regulations were explained to them.

Review and Explanation of Forms. Staff will explain all required forms and review the contents of all (re)certification documents prior to signature.

Use of Instructive Signs and Warnings. Instructive signs will be conspicuously posted in common areas and interview areas to reinforce compliance with program rules and to warn about penalties for fraud and abuse

Tenant Certification. All family representatives will be required to sign a "Participant Certification" form, as contained in HUD's Participant Integrity Program Manual.

C. STEPS THE PHA WILL TAKE TO DETECT PROGRAM ABUSE AND FRAUD

The PHA Staff will maintain a high level of alertness to indicators of possible abuse and fraud by assisted families.

Quality Control File Reviews. Prior to initial certification, and at the completion of all subsequent reexaminations, 5% will be reviewed. Such reviews shall include, but are not limited to:

- Assurance that verification of all income and deductions is present.
- Changes in reported Social Security Numbers or dates of birth.
- Authenticity of file documents.
- Review of signatures for consistency with previously signed file documents.
- All forms are correctly dated and signed.

Observation. The PHA Management and Occupancy Staff (to include inspection personnel) will maintain high awareness of circumstances which may indicate program abuse or fraud, such as unauthorized persons residing in the household and unreported income. Observations will be documented in the family's file.

Public Record Bulletins may be reviewed by Management and Staff.

State Wage Data Record Keepers. Inquiries to State Wage and Employment record keeping agencies as authorized under Public Law 100-628, the Stewart B. McKinley Homeless Assistance Amendments Act of 1988, may be made annually in order to detect unreported wages or unemployment compensation benefits

Credit Bureau Inquiries. Credit Bureau inquiries may be made (with proper authorization by the participant) in the following circumstance:

When an allegation is received by the PHA wherein unreported income sources are disclosed. When a

participants' expenditures exceed his/her income and no plausible explanation is given.

D. THE PHA'S HANDLING OF ALLEGATIONS OF POSSIBLE ABUSE AND FRAUD

The PHA staff will encourage all participating families to report suspected abuse**.** All such referrals, as well as referrals from community members and other agencies, will be thoroughly documented and placed in the participant's file. All allegations, complaints and tips will be carefully evaluated in order to determine if they warrant follow-up. PHA Investigations will not follow up on allegations which are vague or otherwise non-specific. They will only review allegations which contain one or more independently verifiable facts.

File Review. An internal file review will be conducted to determine:

If the subject of the allegation is a client of the PHA and, if so, to determine whether or not the

information reported has been previously disclosed by the family.

It will then be determined if the PHA is the most appropriate authority to do a follow-up (more so than police or social services). Any file documentation of past behavior as well as corroborating complaints will be evaluated.

Conclusion of Preliminary Review. If at the conclusion of the preliminary file review there is/are fact(s) contained in the allegation which conflict with file data, and the fact(s) are independently verifiable, the Investigations Department will initiate an investigation to determine if the allegation is true or false.

E. OVERPAYMENTS TO OWNERS

The PHA will make every effort to recover any overpayments made as a result of landlord fraud or abuse. Payments otherwise due to the owner may be debited in order to repay the PHA or the tenant, as applicable.

F. HOW THE PHA WILL INVESTIGATE ALLEGATIONS OF ABUSE AND FRAUD

If the PHA determines that an allegation or referral warrants follow-up, either the staff person who is responsible for the file, or a person designated by the Executive Director to monitor the program compliance will conduct the investigation. The steps taken will depend upon the nature of the allegation and may include, but are not limited to, the items listed below. In all cases, the

PHA will secure the written authorization from the program participant for the release of information.

Credit Bureau Inquiries. In cases involving previously unreported income sources, a CBI inquiry may be made to determine if there is financial activity that conflicts with the reported income of the family.

Verification of Credit. In cases where the financial activity conflicts with file data, a *Verification of Credit* form may be mailed to the creditor in order to determine the unreported income source.

Employers and Ex-Employers. Employers or ex-employers may be contacted to verify wages which may have been previously undisclosed or misreported.

Neighbors/Witnesses. Neighbors and/or other witnesses may be interviewed who are believed to have direct or indirect knowledge of facts pertaining to the PHA's review.

Other Agencies. Investigators, case workers or representatives of other benefit agencies may be contacted.

Public Records. If relevant, the PHA will review public records kept in any jurisdictional courthouse. Examples of public records which may be checked are: real estate, marriage, divorce, uniform commercial code financing statements, voter registration, judgments, court or police records, state wage records, utility records and postal records.

Interviews with Head of Household or Family Members. The PHA will discuss the allegation (or details thereof) with the Head of Household or family member by scheduling an appointment at the appropriate PHA office. A high standard of courtesy and professionalism will be maintained by the PHA staff person who conducts such interviews. Under no circumstances will inflammatory language, accusation, or any unprofessional conduct or language be tolerated by the management. If possible, an additional staff person will attend such interviews.

G. PLACEMENT OF DOCUMENTS, EVIDENCE AND STATEMENTS OBTAINED BY THE PHA

Documents and other evidence obtained by the PHA during the course of an investigation will be considered "work product" and will either be kept in the participant's file, or in a separate "work file." In
either case, the participant's file or work file shall be kept in a locked file cabinet. Such cases under review will

not be discussed among PHA Staff unless they are involved in the process, or have information which may assist in the investigation.

H. CONCLUSION OF THE PHA'S INVESTIGATIVE REVIEW

At the conclusion of the investigative review, the reviewer will report the findings to the Executive Director or designee. It will then be determined whether a violation has occurred, a violation has not occurred, or if the facts are inconclusive.

I. EVALUATION OF THE FINDINGS

If it is determined that a program violation has occurred, the PHA will review the facts to determine:

- The type of violation (procedural, non-compliance, fraud).
- Whether the violation was intentional or unintentional.
- What amount of money (if any) is owed by the family.
- If the family is eligible for continued occupancy.

J. ACTION PROCEDURES FOR VIOLATIONS WHICH HAVE BEEN DOCUMENTED

Once a program violation has been documented, the PHA will propose the most appropriate remedy based upon the type and severity of the violation.

1. **Procedural Non-compliance.** This category applies when the family "fails to" observe a procedure or requirement of the PHA, but does not misrepresent a material fact, and there is no retroactive assistance payments owed by the family.

Examples of non-compliance violations are:

- Failure to appear at a pre-scheduled appointment.
- Failure to return verification in time period specified by the PHA.

(a) Warning Notice to the Family. In such cases a notice will be sent to the family which contains the following:

- A description of the non-compliance and the procedure, policy or obligation which was violated.
- The date by which the violation must be corrected, or the procedure complied with.
- The action which will be taken by the PHA if the procedure or obligation is not complied with by the date specified by the PHA.
- The consequences of repeated (similar) violations.

2. **Procedural Non-compliance - Overpaid Assistance.** When the family owes money to the PHA for failure to report changes in income or assets, the PHA will issue a Notification of Overpayment of Assistance. This Notice will contain the following:

- A description of the violation and the date(s).
- Any amounts owed to the PHA.
- A 10 day response period.
- The right to disagree and to request an informal hearing with instructions for the request of such hearing.

(a) Participant Fails to Comply with PHA's Notice. If the Participant fails to comply with the PHA's notice, and a family obligation has been violated, the PHA will initiate termination of assistance.

(b) Participant Complies with PHA's Notice. When a family complies with the PHA's notice, the staff person responsible will meet with him/her to discuss and explain the Family Obligation or program rule which was violated. The staff person will complete a Participant Counseling Report, give one

copy to the family and retain a copy in the family's file.

3. **Intentional Misrepresentations.** When a participant falsifies, misstates, omits or otherwise misrepresents a material fact which results (or would have resulted) in an overpayment of housing assistance by the PHA, the PHA will evaluate whether or not:

- The participant had knowledge that his/her actions were wrong, and
- The participant willfully violated the family obligations or the law.

Knowledge: This will be evaluated by determining if the participant was made aware of program requirements and prohibitions. The participant's signature on various certification, briefing certificate, Personal Declaration are adequate to establish knowledge of wrong-doing.

Willful Intent: Any of the following circumstances will be considered adequate to demonstrate willful intent:

- An admission by the participant of the misrepresentation
- Repetition of the misrepresentation
- Use of a false name or Social Security number
- Admissions of the illegal action or omission by the participant to others
- Omission of material facts known to the participant (e.g., employment of the participant or other household member)
- Falsification, forgery or altering of documents
- Uttering and certifying to statements at an interim (re)determination that are later independently verified to be false

4. **Dispositions of Cases Involving Misrepresentations**. In all cases of misrepresentations involving efforts to recover monies owed, the PHA may pursue, depending upon its evaluation of the criteria stated above, one or more of the following actions:

(a) Criminal Prosecution: If the PHA has established criminal intent, and the case meets the criteria for prosecution, the PHA will:
- Refer the case to the local State or District Attorney, notify HUD's RIGI, and terminate rental assistance.

(b) Administrative Remedies: The PHA may:
- Terminate assistance and demand payment of restitution in full or
- Terminate assistance and pursue restitution through civil litigation.
- Permit continued assistance at the correct level and execute an administrative repayment agreement in accordance with the PHA's repayment policy.

5. The Case Conference for Serious Violations and Misrepresentations. When the PHA has established that material misrepresentation(s) have occurred, a case conference will be scheduled with the family representative and the PHA staff person who is most knowledgeable about the circumstances of the case.

This conference will take place prior to any proposed action by the PHA. The purpose of such conference is to review the information and evidence obtained by the PHA with the participant, and to provide the participant an opportunity to explain any document findings which conflict with representations in the family's file. Any documents or mitigating

circumstances presented by the family will be taken into consideration by the PHA . The family will be given 10 days to furnish any mitigating evidence.

A secondary purpose of the Participant Conference is to assist the PHA in determining the course of action most appropriate for the case. Prior to the final determination of the proposed action, the PHA will consider:

- The duration of the violation and number of false statements.
- The family's ability to understand the rules.
- The family's willingness to cooperate, and to accept responsibility for his/her actions
- The amount of money involved.
- The family's past history
- Whether or not criminal intent has been established.
- The number of false statements.

6. Notification to Participant of Proposed Action. The PHA will notify the family of the proposed action no later than 30 days after the case conference by certified mail.

GLOSSARY

A. ACRONYMS USED IN SUBSIDIZED HOUSING

AAF	Annual Adjustment Factor. A factor published by HUD in the Federal Register which is used to compute annual rent adjustment.
ACC	Annual Contributions Contract
BR	Bedroom
CDBG	Community Development Block Grant
CFR	Code of Federal Regulations. Commonly referred to as "the regulations". The CFR is the compilation of Federal rules which are first published in the Federal Register and define and implement a statute.
CPI	Consumer Price Index. CPI is published monthly by the Department of Labor as an inflation indicator.
ELI	Extremely low income
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act - Social Security taxes
FmHA	Farmers Home Administration
FMR	Fair Market Rent
FUP	Family Unification Program
FY	Fiscal Year
FYE	Fiscal Year End
GAO	Government Accounting Office
GFC	Gross Family Contribution. Note: Has been replaced by the term Total Tenant Payment (TTP).
GR	Gross Rent
HAP	Housing Assistance Payment
HAP Plan	Housing Assistance Plan
HCDA	Housing and Community Development Act
HCVP	Housing Choice Voucher Program
HUD	The Department of Housing and Urban Development or its designee.
HURRA	Housing and Urban/Rural Recovery Act of 1983; resulted in most of the 1984 HUD regulation changes to definition of income, allowances, rent calculations
IG	Inspector General
IGR	Independent Group Residence **IPA**
	Independent Public Accountant **IRA**
	Individual Retirement Account
MSA	Metropolitan Statistical Area established by the U.S. Census Bureau

PHA	Public Housing Agency
PMSA	A Primary Metropolitan Statistical Area established by the U.S. Census Bureau
PS	Payment Standard
QC	Quality Control
RFTA	Request for Tenancy Approval
RFP	Request for Proposals
RRP	Rental Rehabilitation Program **SCCS**
	Summit County Children Services **SRO**
	Single Room Occupancy
SSMA	Standard Statistical Metropolitan Area. Has been replaced by MSA, Metropolitan Statistical Area.
TR	Tenant Rent
TTP	Total Tenant Payment
UA	Utility Allowance
URP	Utility Reimbursement Payment

B. GLOSSARY OF TERMS IN SUBSIDIZED HOUSING

1937 ACT. The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.)

ADMINISTRATIVE PLAN. The HUD required written policy of the PHA governing its administration of the HCVP tenant-based programs. The Administrative Plan and any revisions must be approved by the PHA's board and a copy submitted to HUD as a supporting document to the PHA Plan.

ABSORPTION. The point at which a receiving PHA starts making assistance payments with funding under its consolidated ACC, rather than billing, the initial PHA.

ACC RESERVE ACCOUNT (FORMERLY "PROJECT RESERVE"). Account established by HUD from amounts by which the maximum payment to the PHA under the consolidated ACC (during a PHA fiscal year) exceeds the amount actually approved and paid. This account is used as the source of additional payments for the program.

ADA. Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)

ADJUSTED INCOME. Annual income, less allowable HUD deductions. **ADMINISTRATIVE FEE.**

Fee paid by HUD to the PHA for administration of the program.

ADMINISTRATIVE FEE RESERVE (Formerly "Operating reserve"). Account established by PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes.

ADMISSION. The effective date of the first HAP contract for a family (first day of initial lease term) in a tenant- based program. This is the point when the family becomes a participant in the program.

ANNUAL BUDGET AUTHORITY. The maximum annual payment by HUD to a PHA for a funding increment.

ANNUAL CONTRIBUTIONS CONTRACT (ACC). A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program

ANNUAL INCOME. The anticipated total Annual Income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

ANNUAL INCOME AFTER ALLOWANCES. The Annual Income (described above) less the HUD-approved

allowances.

APPLICANT. (or applicant family). A family that has applied for admission to a program, but is not yet a participant in the program.

"AS-PAID" STATES. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

ASSETS. (See Net Family Assets.)

ASSISTED TENANT. A tenant who pays less than the market rent as defined in the regulations. Includes tenants receiving rent supplement, Rental Assistance Payments, or HCVP assistance and all other 236 and 221 (d)(3) BMIR tenants, except those paying the 236 market rent or 120% of the BMIR rent, respectively.

ASSISTANCE ANIMAL. Expenses may include the veterinarian, grooming, and food costs for an assistance animal.

BUDGET AUTHORITY. An amount authorized and appropriated by the Congress for payment to PHAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

CERTIFICATE. A Certificate issued by the PHA under the HCVP pre-merger certificate program, declaring a family to be eligible for participation in this program and stating the terms and conditions for such participation. Will no longer be issued after October 1, 1999.

CERTIFICATE PROGRAM. Pre-merger rental certificate program.

CHILD CARE EXPENSES. Amounts paid by the family for the care of minors under 13 years of age where such care is necessary to enable a family member to be employed or for a household member to further his/her education.

CO-HEAD. An individual in the household who is equally responsible for the lease with the Head of Household. (A family never has a Co-head and a Spouse and; a Co-head is never a Dependent).

COMMON SPACE. In shared housing: Space available for use by the assisted family and other occupants of the unit.

CONGREGATE HOUSING. Housing for elderly persons or persons with disabilities that meets the Current Approved HUD Inspection Protocol for congregate housing.

CONSOLIDATED ANNUAL CONTRIBUTIONS CONTRACT. (Consolidated ACC). See 24 CFR 982.151.

CONTIGUOUS MSA. In portability, an MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

CONTINUOUSLY ASSISTED. An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

CONTRACT. (See Housing Assistance Payments Contract.)

COOPERATIVE. (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type: See 24 CFR 982.619.

COVERED FAMILIES. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

CURRENT APPROVED HUD INSPECTION PROTOCOL: The U.S. Department of Housing and Urban Development (HUD) continues to develop various protocols to provide Public Housing Agency (PHA) Staff, Inspectors, Owners, and Tenants with an improved method for the inspection of Housing Choice Voucher (HCV) program units. Additionally, HUD intends the protocols to provide HUD, Owners, and Tenants a deeper insight to the condition of HCV units.

CURRENT GROSS INCOME. The gross income (total income without any deductions or allowances) the family expects to receive in the next 12 months based on a review of their current income. Current generally refers to the period approximately 180 days prior, or more recent, to the household's effective date.

DEPENDENT. A member of the family household (excluding foster children) other than the family head or spouse, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a full-time student 18 years of age or over.

DISABILITY ASSISTANCE EXPENSE. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and or auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

DISABLED FAMILY. A family whose head (including co-head), spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

DISABLED PERSON. A person who has a disability as defined in 42 U.S.C 423 or a developmental disability as defined in 42 U.S.C. 6001. Also includes a person who is determined, under HUD regulations, to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such nature that the ability to live independently could be improved by more suitable housing conditions. For purposes of reasonable accommodation and program accessibility for persons with disabilities, means an "individual with handicaps" as defined in 24 CFR 8.3. Definition does not exclude persons who have AIDS or conditions arising from AIDS, but does not include a person whose disability is based solely on drug or alcohol dependence (for low-income housing eligibility purposes).

DISPLACED PERSON/FAMILY. A person or family displaced by governmental action or the PHA due to demolition, capital improvements, modernization, or rehabilitation or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized under federal disaster relief laws.

DOMICILE. The legal residence of the household head or spouse as determined in accordance with State and local law.

DRUG-RELATED CRIMINAL ACTIVITY. The illegal manufacture, sale, distribution, use, or the possession with intent to manufacture, sell distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802).

DRUG TRAFFICKING. The illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

ECONOMIC SELF-SUFFICIENCY PROGRAM. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603 (c).

ELDERLY FAMILY. A family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

ELDERLY HOUSEHOLD. A family whose head or spouse or whose sole member is at least 62 years of age; may include two or more elderly persons living together or one or more such persons living with another person who is determined to be essential to his/her care and wellbeing.

ELDERLY PERSON. A person who is at least 62 years old.

ELIGIBILITY INCOME. May 10, 1984, regulations deleted Eligibility Income, per se, because Annual Income is now for eligibility determination to compare to income limits.

ELIGIBLE FAMILY (Family)**.** A family is defined by the PHA in the administrative Plan, which is approved by HUD.

EXCEPTIONAL MEDICAL OR OTHER EXPENSES. Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

EXCEPTION RENT. In the pre-merger certificate program, an initial rent (contract rent plus any utility allowance) in excess of the published FMR. See FMR/Exception rent.

EXCESS MEDICAL EXPENSES. Any medical expenses incurred by elderly or disabled families only in excess of 3% of Annual Income which are not reimbursable from any other source.

EXTREMELY LOW-INCOME FAMILY. A very low income family whose annual income does not exceed the higher of the Federal poverty guidelines as established by the Department of Health and Human Services applicable to the family size involved or 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30% of median income for an area if HUD finds such variations are necessary due to unusually high or low family incomes.

FAIR HOUSING ACT. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601 et seq.)

FAIR MARKET RENT (FMR). The rent including the cost of utilities (except telephone) that would be required to be paid in the housing market area to obtain privately owned existing decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. Fair market rents for existing housing are established by HUD for housing units of varying sizes (number of bedrooms) and are published in the *Federal Register*.

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

- A group of persons residing together, and such group includes, but is not limited to:
- A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- An elderly family;
- A near-elderly family;
- A displaced family;
- A Disabled Family;
- The remaining member of a tenant family
- A single person who may be an elderly or displaced person, or a person with disabilities, near-elderly person, the remaining member of a tenant family, or any other single person.
  ("Family" can be further defined by the PHA).

FAMILY OF VETERAN OR SERVICE PERSON. A family is a "family of veteran or service person" when:

- Household that includes a veteran or the spouse of the deceased veteran or the legal guardian of the minor child(ren) of the deceased veteran.

FAMILY RENT TO OWNER. In the voucher program, the portion of the rent to owner paid by the family.

FAMILY SELF-SUFFICIENCY PROGRAM (FSS PROGRAM). The program established by a PHA to promote self-sufficiency of assisted families, including the provision of supportive services.

FAMILY SHARE. The amount calculated by subtracting the housing assistance payment from the gross rent.

FAMILY UNIFICATION PROGRAM. For youth eighteen years of age to twenty-four years of age, who are working with Summit County Children Services (SCCS) to overcome or prevent homelessness or families working with SCCS for whom the lack of adequate housing is a primary factor in the imminent placement of the family's children in out-of-home care

or the delay in the discharge of the children from out-of- home care.

FAMILY UNIT SIZE. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA's subsidy standards.

FMR/EXCEPTION RENT. The fair market rent published by HUD headquarters. In the pre-merger certificate program the initial contract rent for a dwelling unit plus any utility allowance could not exceed the FMR/exception rent limit (for the dwelling unit or for the family unit size). In the voucher program the PHA adopts a payment standard schedule that is within 90% to 110% of the FMR for each bedroom size.

FOSTER CHILD CARE PAYMENT. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

FULL-TIME STUDENT. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended).

FUNDING INCREMENT. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

GENERATIONS. From parent to child, example is a parent with two daughters and one daughter has a child then the family composition has changed to 3 generations.

GROSS FAMILY CONTRIBUTION. Changed to Total Tenant Payment.

GROSS RENT. The sum of the Rent to Owner and the utility allowance. If there is no utility allowance, Rent to Owner equals Gross Rent.

GROUP HOME. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

HANDICAPPED PERSON. [Referred to as a Person with a Disability]. 42 U.S. Code § 3602 - Definitions(h)"Handicap" means, with respect to a person

(1) a physical or mental impairment which substantially limits one or more of such person's major life activities,

(2) a record of having such an impairment, or
(3) being regarded

HAP CONTRACT. (See Housing Assistance Payments contract.)

HEAD OF HOUSEHOLD. The head of household is the person who assumes legal and financial responsibility for the household and is listed on the application as head.

HOUSING AGENCY. A state, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. ("PHA" and "HA" mean the same thing.)

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974. Act in which the U.S. Housing Act of 1937 (sometimes referred to as the Act) was recodified, and which added the HCVP Programs.

HOUSING ASSISTANCE PAYMENT. The monthly assistance payment by a PHA. The total assistance payment consists of:

- A payment to the owner for rent to owner under the family's lease.
- An additional payment to the family if the total assistance payment exceeds the rent to owner. The additional payment is called a "utility reimbursement" payment.

HOUSING ASSISTANCE PAYMENTS CONTRACT. (HAP contract). A written contract between a PHA and an owner in the form prescribed by HUD headquarters, in which the PHA agrees to make housing assistance payments to the owner

on behalf of an eligible family.

HOUSING ASSISTANCE PLAN. (1) A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD. (2) A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

HUD. The Department of Housing and Urban Development.

HUD REQUIREMENTS. HUD requirements for the HCVP. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

IMPUTED ASSET. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

IMPUTED INCOME. HUD passbook rate x total cash value of assets. Calculation used when assets exceed $5,000.

IMPUTED WELFARE INCOME. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

INCOME. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

INCOME FOR ELIGIBILITY. Annual Income.

INDIAN. Any person recognized as an Indian or Alaska native by an Indian tribe, the federal government, or any State.

INDIAN HOUSING AUTHORITY (IHA). A housing agency established either by exercise of the power of self-government of an Indian Tribe, independent of State law, or by operation of State law providing specifically for housing authorities for Indians.

INITIAL PHA. In portability, the term refers to both:

- A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and
- A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

INITIAL PAYMENT STANDARD. The payment standard at the beginning of the HAP contract term.

INITIAL RENT TO OWNER. The rent to owner at the beginning of the HAP contract term.

INTEREST REDUCTION SUBSIDIES. The monthly payments or discounts made by HUD to reduce the debt service payments and, hence, rents required on Section 236 and 221 (d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagees of Section 236 projects and front-end loan discounts paid on BMIR projects.

JURISDICTION. The area in which the PHA has authority under State and local law to administer the program.

LANDLORD. This term means either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

LARGE VERY LOW INCOME FAMILY. Prior to the 1982 regulations, this meant a very low income family which included six or more minors. This term is no longer used.

LEASE. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA. In cooperative housing, a written agreement between a cooperative and a

member of the cooperative. The agreement establishes the conditions for occupancy of the member's family with housing assistance payments to the cooperative under a HAP contract between the cooperative and the PHA.

LEASE ADDENDUM. For pre-merger Certificate, pre-merger OFTO, and pre-merger Voucher tenancies, the lease language required by HUD in the lease between the tenant and the owner.

LIVE-IN AIDE. A person who resides with an elderly person or disabled person and who is determined to be essential to the care and well-being of the person, is not obligated for the support of the person, and would not be living in the unit except to provide necessary supportive services.

LOCAL PREFERENCE. A preference used by the PHA to select among applicant families.

LOW-INCOME FAMILY. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 80% for areas with unusually high or low income families.

MANUFACTURED HOME. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the Current Approved HUD Inspection Protocol. A special housing type. See 24 CFR 982.620 and 982.621.

MANUFACTURED HOME SPACE. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624

MARKET RENT. The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/HCVP, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a HCVP Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

MEDICAL EXPENSES. Those total medical expenses, including medical insurance premiums, that are anticipated during the period for which Annual Income is computed, and that are not covered by insurance. (A deduction for elderly or disabled families only.) These allowances are given when calculating adjusted income for medical expenses in excess of 3% of Annual Income.

MERGER DATE. October 1, 1999.

MINOR. A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

MIXED FAMILY. A family with citizens and eligible immigration status and without citizens and eligible immigration status as defined in 24 CFR 5.504(b)(3)

MONTHLY ADJUSTED INCOME. 1/12 of the Annual Income after Allowances or Adjusted Income.

MONTHLY INCOME. 1/12 of the Annual Income.

MUTUAL HOUSING. Included in the definition of COOPERATIVE.

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NEAR-ELDERLY FAMILY. A family whose head (including co-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 who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

NEGATIVE RENT. Now called Utility Reimbursement. A negative Tenant Rent results in a Utility

Reimbursement Payment (URP).

NET FAMILY ASSETS. Value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

NET FAMILY CONTRIBUTION. Former name for Tenant Rent.

NON CITIZEN. A person who is neither a citizen nor a national of the United States.

OCCUPANCY STANDARDS. [Now referred to as Subsidy Standards] Standards established by a PHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

OVER-FMR TENANCY (OFTO). In the pre-merger Certificate program: A tenancy for which the initial gross rent exceeds the FMR/exception rent limit.

OWNER. Any persons or entity having the legal right to lease or sublease a unit to a participant.

PARTICIPANT. A family that has been admitted to the PHA's program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (First day of initial lease term).

PAYMENT STANDARD. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family.

PHA PLAN. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD in accordance with part 903 of this chapter.

PORTABILITY. Renting a dwelling unit with HCVP tenant-based assistance outside the jurisdiction of the initial PHA.

PREMISES. The building or complex in which the dwelling unit is located, including common areas and grounds.

PRIOR YEAR GROSS INCOME. See definition of Retrospective Gross Income.

PRIVATE SPACE. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

PROJECT. In terms of Project Based Vouchers, a project may be a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.

PROCESSING ENTITY. Entity responsible for making eligibility determinations and for income reexaminations. In the HCVP Program, the "processing entity" is the "responsible entity."

PROGRAM. The HCVP tenant-based assistance program under 24 CFR Part 982.

PROGRAM RECEIPTS. HUD payments to the PHA under the consolidated ACC, and any other amounts received by the PHA in connection with the program.

PUBLIC ASSISTANCE. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

PUBLIC HOUSING AGENCY (PHA). PHA includes any State, county, municipality or other governmental entity or public body which is authorized to administer the program (or an agency or instrumentality of such an entity), or any of the following:

- A consortia of housing agencies, each of which meets the qualifications in paragraph (1) of this definition, that HUD determines has the capacity and capability to efficiently administer the program (in which case, HUD may enter into a consolidated ACC with any legal entity authorized to act as the legal representative of the consortia members):

- Any other public or private non-profit entity that was administering a HCVP tenant-based assistance program pursuant to a contract with the contract administrator of such program (HUD or a PHA) on October 21, 1998; or
- For any area outside the jurisdiction of a PHA that is administering a tenant-based program, or where HUD determines that such PHA is not administering the program effectively, a private non-profit entity or a governmental entity or public body that would otherwise lack jurisdiction to administer the program in such area.
- Throughout this Administrative Plan "the PHA" refers to Akron Metropolitan Housing Authority (AMHA).

REASONABLE RENT. A rent to owner that is not more than rent charged for comparable units in the private unassisted market, and not more than the rent charged for comparable unassisted units in the premises.

RECEIVING PHA. In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

REEXAMINATION. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported. There are annual and interim reexaminations.

REGULAR TENANCY. In the pre-merger certificate program: A tenancy other than an over-FMR tenancy.

REMAINING MEMBER OF TENANT FAMILY. Person left in assisted housing after other family members have left and become unassisted.

RENT TO OWNER. The total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

RESIDENCY PREFERENCE. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

RESIDENCY PREFERENCE AREA. The specified area where families must reside to qualify for a residency preference.

RESIDENT ASSISTANT. A person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary services to elderly, handicapped, and disabled individuals receiving HCVP housing assistance and who is essential to these individuals' care or wellbeing. A Resident Assistant shall not be related by blood, marriage or operation of law to individuals receiving HCVP assistance nor contribute to a portion of his/her income or resources towards the expenses of these individuals.

RESPONSIBLE ENTITY. For the public housing and HCVP tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the PHA administering the program under an ACC with HUD. For all other HCVP, the responsible entity means the HCVP owner.

RETROSPECTIVE (PRIOR YEAR) GROSS INCOME. The gross income (total income without any deductions or allowances) received by the household during the prior 12 months ending 120 days before the recertification effective date. The period always begins on the first day of the month and ends on the last day of the month. The retrospective period is fixed; it does not change or update after it is communicated to the household. All income received during this time period will be counted, regardless of length of time or amount received, with the exception of HUD allowable exclusions and household members who turned 18 during the retrospective period. Earned income received by a household member turning 18 during the retrospective period will not be included.

SECRETARY. The Secretary of Housing and Urban Development.

HCVP. HCVP of the United States Housing Act of 1937 (42 U.S.C. 1437f).

SECURITY DEPOSIT. A dollar amount which can be applied to unpaid rent, damages or other amounts to the owner under the lease.

SERVICE PERSON. A person in the active military or naval service (including the active reserve) of the United States.

SHARED HOUSING. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type.

SINGLE PERSON. A person living alone or intending to live alone.

SPECIAL ADMISSION. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

SPECIAL HOUSING TYPES. See Subpart M of 24 CFR 982, which states the special regulatory requirements for SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

SPECIFIED WELFARE BENEFIT REDUCTION. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

SPOUSE. The husband or wife of the head of the household.

STANDARD RENT HOUSEHOLDS. TTP is determined by the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income;
- 10 percent of the family's monthly income;
- If the family is receiving payments for welfare assistance from a public agency and a part of those payments is specifically designated to meet the family's housing costs, the portion of those payments which is so designated; or
- The minimum rent.

SUBSIDIZED PROJECT. A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

- Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; or
- Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
- Direct loans pursuant to Section 202 of the Housing Act of 1959; or
- Payments under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
- Payments under the HCVP Housing Assistance Payments Program pursuant to HCVP of the United States Housing Act after amendment by the Housing and Community Development Act unless the project is owned by a Public Housing Agency;
- A Public Housing Project.

SUBSIDY STANDARDS. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

SUBSTANDARD UNIT. Substandard housing is defined by HUD for use as a federal preference.

SUSPENSION/TOLLING. Stopping the clock on the term of a family's voucher, for such period as determined by the PHA, from the time when the family submits a request for PHA approval to lease a unit, until the time when the PHA approves or denies the request. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length

of any extension or suspension.

TENANCY ADDENDUM. For the Housing Choice Voucher Program, the lease language required by HUD in the lease between the tenant and the owner.

TENANT. The person or persons (other than a live-in-aide) who executes the lease as lessee of the dwelling unit.

TENANT RENT. The amount payable monthly by the family as rent to the unit owner (HCVP owner or PHA in public housing). For a tenancy in the pre-merger certificate program, tenant rent equals the total tenant payment minus any utility allowance.

TIERED RENT HOUSEHOLDS. Total Tenant Payment (TTP) is determined by which tier the household's retrospective annual gross income (current households) and current gross income (new admissions) falls into. Income recertifications occur triennially. Households cannot have interim recertifications, but may qualify for temporary hardships to reduce their TTP.

TOTAL TENANT PAYMENT (TTP). The total amount the HUD rent formula requires the tenant to pay toward gross rent and utility allowance. Total tenant payment is the highest of the following amounts, rounded to the nearest dollar:
(1) 30 percent of the family's monthly adjusted income;
(2) 10 percent of the family's monthly income;
(3) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or
(4) The minimum rent, as determined in accordance with 24 CFR 5.630.

UNIT. Residential space for the private use of a family.

UNUSUAL EXPENSES. Prior to the change in the 1982 regulations, this was the term applied to the amounts paid by the family for the care of minors under 13 years of age or for the care of disabled or handicapped family household members, but only where such care was necessary to enable a family member to be gainfully employed.

UTILITIES. Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

UTILITY ALLOWANCE. If the cost of utilities (except telephone) including range and refrigerator, and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthy living environment.

UTILITY REIMBURSEMENT. In the voucher program, the portion of the housing assistance payment which exceeds the amount of the rent to owner.

UTILITY REIMBURSEMENT PAYMENT. In the pre-merger certificate program, the amount, if any, by which the Utility Allowance for the unit, if applicable, exceeds the Total Tenant Payment for the family occupying the unit.

VACANCY LOSS PAYMENTS. (For pre-merger certificate contracts effective prior to 10/2/95) When a family vacates its unit in violation of its lease, the owner is eligible for 80% of the Contract Rent for a vacancy period of up to one additional month, (beyond the month in which the vacancy occurred) if s/he notifies the PHA as soon as s/he learns of the vacancy, makes an effort to advertise the unit, and does not reject any eligible applicant except for good cause.

VERY LARGE LOWER-INCOME FAMILY. Prior to the change in the 1982 regulations this was described as a lower-income family which included eight or more minors. This term is no longer used.

VERY LOW INCOME FAMILY. A Lower-Income Family whose Annual Income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the pre- merger certificate and voucher programs.

VETERAN. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

VIOLENT CRIMINAL ACTIVITY. Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

VOUCHER (rental voucher). A document issued by a PHA to a family selected for admission to the voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

VOUCHER HOLDER. A family holding a voucher with an unexpired term (search time).

VOUCHER PROGRAM. The Housing Choice Voucher program.

WAITING LIST. A list of families organized according to HUD regulations and PHA policy who are waiting for subsidy to become available.

WAITING LIST ADMISSION. An admission from the PHA waiting list.

WELFARE ASSISTANCE. Income assistance from Federal or State welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. FOR THE FSS PROGRAM (984.103(b)), "welfare assistance" includes only cash maintenance payments from Federal or State programs designed to meet a family's ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or Social Security.

WELFARE RENT. This concept is used ONLY for pre-merger Certificate tenants who receive welfare assistance on an "AS-PAID" basis. It is not used for the Housing Voucher Program.

- If the agency does NOT apply a ratable reduction, this is the maximum a public assistance agency COULD give a family for shelter and utilities, NOT the amount the family is receiving at the time the certification or reexamination is being processed.
- If the agency applies a ratable reduction, welfare rent is a percentage of the maximum the agency could allow.

WELFARE-TO-WORK (WTW) FAMILIES. Families assisted by a PHA with voucher funding awarded to the PHA under the HUD welfare-to-work voucher program (including any renewal of such WTW funding for the same purpose).

WORK-ABLE FAMILY. A family whose head (including co-head), spouse, or sole member is a person who is not considered disabled (see definition of "disabled person") and is less than 62 years of age.

C. GLOSSARY OF TERMS USED IN THE NONCITIZENS RULE

CHILD. A member of the family other than the family head or spouse who is under 18 years of age.

CITIZEN. A citizen or national of the United States.

EVIDENCE OF CITIZENSHIP OR ELIGIBLE STATUS. The documents which must be submitted to evidence

citizenship or eligible immigration status.

HEAD OF HOUSEHOLD. The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD. Department of Housing and Urban Development.

INS. The U.S. Immigration and Naturalization Service.

MIXED FAMILY. A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

NATIONAL. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

NONCITIZEN. A person who is neither a citizen nor national of the United States.

PHA. A housing authority who operates Public Housing.

RESPONSIBLE ENTITY. The person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status (the PHA).

SECTION 214. Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a).

SPOUSE. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common-law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing program.

Addendum to the HCVP Administrative Plan

MOVING TO WORK (MTW)

AMHA has submitted all waivers in this addendum to HUD for approval. Each waiver includes the date it was submitted, expected approval date, and approval status.

This addendum describes all MTW waivers and applicable policies. Except as addressed in this addendum, all other policies in this plan continue to apply.

INTRODUCTION

AMHA was selected to join the MTW Program under Cohort 2, Stepped and Tiered Rent. AMHA's participation in the MTW Program began September 1, 2021. MTW allows PHAs to design and test innovative, locally designed housing and self-sufficiency strategies for low-income families by permitting PHAs to use assistance received under Sections 8 and 9 of the United States Housing Act of 1937, as amended, 42 U.S.C. 1437, *et seq.*, more flexibly and by allowing certain exemptions from existing Public Housing (PH) and Housing Choice Voucher program (HCVP) rules, as approved by HUD.

The MTW Demonstration Program was established under the 1996 MTW Statute to provide statutory and regulatory flexibility to participating PHAs under three statutory objectives. Those three statutory objectives are to:

- Reduce cost and achieve greater cost effectiveness in federal expenditures;
- Give incentives to families with children where the head of household is working; is seeking work; or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and
- Increase housing choices for eligible low-income families.

Also established under the 1996 MTW Statute are five statutory requirements that PHAs participating in the MTW Demonstration Program must meet throughout the term of their MTW participation. These are to:

- Ensure at least 75% of families assisted are very low-income as defined in Section 3(b)(2) of the 1937 Act;
- Establish a reasonable rent policy that is designed to encourage employment and self-sufficiency;
- Continue to assist substantially the same total number of eligible low-income families as would have been served absent MTW;
- Maintain a comparable mix of families (by family size) as would have been provided had the funds not been used under the MTW Demonstration Program; and
- Ensure housing assisted under the MTW Demonstration Program meets housing quality standards established or approved by the Secretary.

AMHA envisions an MTW Program that meaningfully increases local affordable housing choices, reduces administrative burdens and ultimately enhances the quality of housing and services, empowering all to reach their full potential.

- Cost effectiveness: We envision rent reform as a way to achieve greater efficiency and remove administrative barriers, thereby producing cost savings to implement innovative quality of life and mobility programs.
- Self-sufficiency: We envision programs and partnerships that increase access to health, education and employment opportunities so our participants can position themselves out of poverty.

- Housing choice: We envision a community where our investments in Summit County preserve and improve affordable housing units, increase housing opportunities and choices for our participants, and stabilize families and neighborhoods.

A. SUMMARY OF MTW WAIVERS

AMHA Summary List of Waivers for 7/1/22 Supplement								
Waiver	**Program**	**Safe Harbor Waiver**	**Agency Specific Waiver**	**Impact Analysis**	**Hardship Policy**	**Type of Waiver**	**Supplement Section**	**HCVP Administrative Plan Chapter**
Tiered Rent Waivers (apply only to tiered rent group in the Rent Reform Demonstration)								
Tiered rent	PH & HCVP	Y		Y	Y	MTW Waiver - 1a. & 1b.	C.1 Tenant Rent Policies; D. Safe Harbor Waivers	6, 7, 9, 12
Elimination of deductions	PH & HCVP			Y	Y	MTW Waiver - 1r. & 1s.	C.1 Tenant Rent Policies	6, 7, 9
Alternative reexamination schedule for households (triennial)	PH & HCVP	Y		Y	Y	MTW Waiver - 3a. & 3b.	C.3 Reexaminations; D. Safe Harbor Waivers	6, 12
Streamlining Waivers (apply to all households)								
Self-certification of assets up to $50,000	PH & HCVP	Y		Y		MTW Waiver - 3c. & 3d.	C.3 Reexaminations	7
Vacancy loss	HCVP					MTW Waiver - 4a.	C.4 Landlord Leasing Incentives	8
Pre-qualifying unit inspections	HCVP					MTW Waiver - 5a.	C.5 Housing Quality Standards (HQS)	8, 9, 10
Remove third party requirement for inspections for project-based voucher units AMHA owns, manages, or controls	HCVP					MTW Waiver - 5c.	C.5 Housing Quality Standards (HQS)	10, 20
Remove third party requirement for rent reasonableness tests for project-based voucher units AMHA owns, manages, or controls	HCVP					MTW Waiver - 2d.	C.2 Payment Standards & Rent Reasonableness	9, 11, 20
Local verification method	PH & HCVP		Y	Y		Agency Specific Waiver	E. Agency Specific Waivers	3, 7, 12
Allow HCVP participants to remain on the program for 12 months with 0 Housing Assistance Payments (HAP)	HCVP		Y	Y		Agency Specific Waiver	E. Agency Specific Waivers	6, 14, 15, 19

AMHA Summary List of HCVP Waivers for 1/1/23 Supplement								
Waiver	**Program**	**Safe Harbor Waiver**	**Agency Specific Waiver**	**Impact Analysis**	**Hardship Policy**	**Type of Waiver**	**Supplement Section**	**HCVP Administrative Plan Chapter**
Alternative reexamination schedule for some elderly/disabled households (triennial)	PH & HCVP			Y	Y	MTW Waiver - 3a. & 3b.	C.3 Reexaminations	6, 12
Standardized medical deduction	PH & HCVP			Y	Y	MTW Waiver - 1.t., 1.u.	C.1 Tenant Rent Policies	3, 6, 7, 12
Remove third party requirement for inspections for tenant-based voucher units AMHA owns, manages, or controls	HCVP		Y	Y	Y	Agency Specific Waiver	E. Agency Specific Waivers	10
Remove third party requirement for rent reasonableness tests for tenant-based voucher units AMHA owns, manages, or controls	HCVP		Y	Y	Y	Agency Specific Waiver	E. Agency Specific Waivers	9, 11

AMHA Summary List of HCVP Waivers for 1/1/24 Supplement								
Waiver	**Program**	**Safe Harbor Waiver**	**Agency Specific Waiver**	**Impact Analysis**	**Hardship Policy**	**Type of Waiver**	**Supplement Section**	**HCVP Administrative Plan Chapter**
End Earned Income Disallowance (EID) Exclusion	PH & HCVP	Y		Y	Y	MTW Waiver – 1v. & 1.w.	C.1 Tenant Rent Policies	6
Landlord referral leasing incentive	HCVP					MTW Waiver - 4c.	C.4 Landlord Leasing Incentives	8
PBV Shared Housing	HCVP					MTW Waiver - 9e.	C.9 Project-Based Voucher Program Flexibilities	19, 20
Modify the FSS contract of participation	PH & HCVP					MTW Waiver - 10d.	C.10 Family Self-Sufficiency Program with MTW Flexibility	22
Local, Non-Traditional Activity for non-AMHA households	HCVP					MTW Waiver - 17b.	C.17 Local, Non-Traditional Activities	n/a

B. TIERED RENT WAIVERS (MTW Operations Notice; PIH Notice 2020-21)

AMHA was selected to participate in Cohort 2, Stepped and Tiered Rent, of the MTW Expansion. This cohort will evaluate alternative rent policies designed to increase participant self-sufficiency and reduce PHA administrative burdens. Eligible households will include residents/participants in both the public housing and HCV programs, including existing, currently assisted households and new households admitted during the alternative rent enrollment period (certifications effective 7/1/23-6/30/24). The following household types will be excluded from the demonstration:

- Elderly households (head, co-head, or spouse aged 56 or older at study enrollment)
- Disabled households, including households who are not yet identified as disabled, but have a pending SSI/SSDI application or have been approved to receive SSI/SSDI but have not received their first payment
- Current FSS participants
- Special purpose voucher holders and homeownership voucher holders
- Housing Choice Voucher 0 HAP households
- Public Housing flat rent households
- Mixed eligibility families
- Households living in a Jobs Plus Development
- Households receiving an EID at study enrollment
- Port-outs

All eligible households will be randomly assigned to either the standard rent group, to which the existing rent policy will apply, or to the tiered rent group, to which the alternative rent policy will apply. During the enrollment period, any new admissions who qualify as eligible households will undergo random assignment and participate in the demonstration. The demonstration is expected to last six years after the enrollment period is concluded. AMHA must continue to administer the alternative rent policy throughout that six year period. Households randomly assigned to the new rent rules or existing rent rules must remain in that group for six years (unless they leave assistance, port out to another jurisdiction, or are exempted from the study for other reasons such as a disability).

Following the enrollment period described above, all newly admitted work-able families (head of household, co-head or spouse is not disabled or age 62) will participate in tiered rent, elimination of deductions, and an alternative re-examination schedule as described in this section.

Tiered Rent Households: Total Tenant Payment (TTP) is determined by which tier the household's retrospective annual gross income (current households) and current gross income (new admissions) falls into. Income recertifications occur triennially. Households cannot have interim recertifications, but may qualify for temporary hardships to reduce their TTP.

Standard Rent Households: TTP is determined by the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family's monthly adjusted income;
- 10 percent of the family's monthly income;
- If the family is receiving payments for welfare assistance from a public agency and a part of those payments is specifically designated to meet the family's housing costs, the portion of those payments which is so designated; or
- The minimum rent.

Retrospective (prior year) Gross Income: The gross income (total income without any deductions or allowances) received by the household during the prior 12 months ending 120 days before the recertification effective date. The period always begins on the first day of the month and ends on the last day of the month. The retrospective period is fixed; it does not change or update after it is communicated to the household. All income received during this time period will be counted, regardless of length of time or amount received, with the exception of HUD allowable exclusions and household members who turned 18 during the retrospective period. Earned income received by a household member turning 18 during the retrospective period will not be included.

Current Gross Income: The gross income (total income without any deductions or allowances) the family expects to receive in the next 12 months based on a review of their current income. Current generally refers to the period approximately 180 days prior, or more recent, to the household's effective date.

1. Tiered Rent

Submitted: 4/15/22, Expected Approval: 7/1/22, Partial Approval: 6/29/22, Fully Approved: 12/1/22

Waives certain provisions of section 8(o)(2)(A)-(C) of the 1937 Housing Act and 24 CFR 5.628.

All eligible households that are assigned to tiered rent will be grouped by gross income into tiers. Within each tier, the rent/household contribution is fixed. Any income increase within a tier does not affect the household's rent/contribution. Tiers are in $2,500 increments. Within each tier, the rent is set to be affordable at the midpoint of the tier. Households in the lowest tier (with gross income less than or equal to $2,499) will pay a minimum rent of $50. For all other tiers, the rent is equal to the midpoint of the tier divided by 12 times 28%. See Tiered Rent Table below.

When a current household begins participating in the tiered rent, they will be assigned to a tier based on their total annual gross income in the prior year (retrospective income). Verifications will reflect the retrospective income time period. For new admissions households, they will be assigned to a tier based on their current gross income. All households in a tier have the same rent with the exception of households with a gross rent above their payment standard or 0 HAP households. If a household rents a unit with gross rent above the payment standard, they are responsible for that incremental amount above the payment standard. This incremental amount will be added to their base tiered rent. Households with 0 HAP payments will not pay more than the gross rent of their unit.

Each household's tiered rent will apply for three years. During that three year period, their rent will not increase. After three years, each household will have a triennial income reexamination and be placed in the tier that matches their retrospective annual gross income. Between triennial reexaminations, a household's tiered rent will change if it is approved for a hardship. See the Hardship Policy section in this addendum.

Tiered Rent Table Rent calculated at 28% of midpoint of tier			
Tier	**Tier Income Minimum**	**Tier Income Maximum**	**Tiered Rent**
1	$0	$2,499	$50
2	$2,500	$4,999	$87
3	$5,000	$7,499	$146
4	$7,500	$9,999	$204
5	$10,000	$12,499	$262
6	$12,500	$14,999	$321
7	$15,000	$17,499	$379
8	$17,500	$19,999	$437
9	$20,000	$22,499	$496
10	$22,500	$24,999	$554
11	$25,000	$27,499	$612
12	$27,500	$29,999	$671
13	$30,000	$32,499	$729
14	$32,500	$34,999	$787
15	$35,000	$37,499	$846
16	$37,500	$39,999	$904
17	$40,000	$42,499	$962
18	$42,500	$44,999	$1,021
19	$45,000	$47,499	$1,079
20	$47,500	$49,999	$1,137
21	$50,000	$52,499	$1,196
22	$52,500	$54,999	$1,254
23	$55,000	$57,499	$1,312
24	$57,500	$59,999	$1,371
25	$60,000	$62,499	$1,429
26	$62,500	$64,999	$1,487
27	$65,000	$67,499	$1,546
28	$67,500	$69,999	$1,604
29	$70,000	$72,499	$1,662
30	$72,500	$74,999	$1,721
31	$75,000	$77,499	$1,779
32	$77,500	$79,999	$1,837
33	$80,000	$82,499	$1,896
34	$82,500	$84,999	$1,954

2. Elimination of Deductions

Submitted: 4/15/22, Expected Approval: 7/1/22, Approved: 6/29/22

Waives certain provisions of sections 3(a)(1), 3(b)(4)-(5) and 8(o)(2)(A)-(C) of the 1937 Housing Act and 24 CFR 5.611 and 982.516.

For households in the tiered rent group, AMHA will not apply the allowances or deductions typically used to calculate "adjusted income" (dependent deductions, childcare deductions, or Earned Income Disallowance). Instead, income will be defined as total annual income (retrospective gross income for current households and current gross income for new admissions). The household's contribution will be based on 28% of gross income. Households may qualify for a hardship based on common deductions. See the Hardship Policy section in this addendum.

3. Alternative Reexamination Schedule for Households

Work-able households: Submitted: 4/15/22, Expected Approval: 7/1/22, Partially Approved: 6/29/22, Fully Approved: 12/1/22

Elderly/disabled households: Submitted: 10/4/22, Expected Approval: 1/1/23, Approved: 1/1/23

Waives certain provisions of section 8(o)(5) of the 1937 Housing Act and 24 CFR 982.516(a)(1) and 982.516(c)(2).

Work-able households: For households in the tiered rent group, income reexaminations will occur every three years. If a household's income increases into a higher tier, its rent will not change until the triennial income reexamination. After three years, each household will have a triennial income reexamination and be placed in the tier that matches their retrospective annual gross income (gross income in the prior year). In between triennial reexaminations, the household's rent will not change unless it receives a hardship (see Hardship Policy section) or if a household moves. If a household moves to a new unit, its tier will remain the same, but its rent will be recalculated based on the gross rent and payment standard corresponding to the new unit. Participants may supply updated income if needed during the moving process. At the time of a rent increase for a household on the triennial reexamination schedule, the household's payment standard and utility allowance will be updated.

Elderly/disabled households: If a household meets the following three criteria, it will be enrolled in triennial reexaminations.

- the head of household, co-head, and/or spouse is elderly or disabled,
- the only current income in the household is fixed income (e.g., social security, pension), and
- there are no minors in the household.

For these households, the standard rent calculation method will be used and households will continue to receive the elderly/disabled allowance and be eligible to claim unreimbursed medical expenses, if applicable. If a household's income increases in between triennial reexaminations, the household's rent will not increase. The households may request an interim reexamination for a decrease in income in accordance with Chapter 12 of this plan. Triennial reexaminations for these households are expected to begin in 2024. At that time, all newly admitted households who meet the above criteria will also be enrolled in triennial reexaminations.

C. STREAMLINING WAIVERS

Outside of the Tiered Rent Reform Demonstration, AMHA is permitted to utilize additional MTW waivers. Waivers in this section apply to all HCVP households, including Special Purpose Vouchers, unless otherwise noted. AMHA must receive additional approval to apply these waivers to Veterans Affairs Supportive Housing (VASH) vouchers and Emergency Housing Vouchers (EHV). AMHA will make the request upon approval of its MTW Supplement.

4. Self-Certification of Assets up to $50,000

Submitted: 4/15/22, Expected Approval: 7/1/22, Partially Approved: 6/29/22 current households only, Fully Approved: 12/1/22

Waives certain provisions of section 8(o)(5) of the 1937 Housing Act and 24 CFR 982.516(a)(3).

At the time of application and reexamination, AMHA will require the household to declare and sign the value of their net assets (self-certification). If the net assets are less than $50,000.00, AMHA will not verify the assets, and will only count the net assets and related income that the household has declared. If the assets exceed $50,000.00, AMHA will verify the assets declared by the household to confirm the value and report the net assets and related income on the 50058.

5. Vacancy Loss Payments

Submitted: 4/15/22, Expected Approval: 7/1/22, Approved: 6/29/22
Including extenuating circumstances payments: Submitted: 10/3/23, Expected Approval: 1/1/24, Pending Approval

Waives certain provisions of section 8(o)(9) of the 1937 Housing Act and 24 CFR 982.311 and 982.352(c).

Owners may request vacancy loss payments for units located in AMHA determined zip codes of opportunity. To qualify for a vacancy loss payment, the owner must re-lease the unit to a voucher holder within 3 months after a previous voucher holder has vacated the unit and complete the Vacancy Loss Request Form. The move-out date of the previous tenant will be based on AMHA records. The payment amount will be no more than one month's contract rent of the previous tenant (based on the number of days the unit is vacant) and will be paid when the new HAP contract is executed between a owner and AMHA. The request must be made within 60 days of the new contract date.

Owners with units in all zip codes may request a vacancy loss payment for extenuating circumstances. Qualifying circumstances include a deceased tenant with no remaining household member to assume the lease or a move due to VAWA. The owner must supply proof of the circumstances as needed. The payment amount will be no more than one month's contract rent of the previous tenant and will be paid when a new HAP contract is executed between the owner and AMHA. The request must be made within 60 days of the new contract date.

6. Landlord Referral Leasing Incentives

Submitted 10/3/23, Expected Approval: 1/1/24, Pending Approval Approved 1/1/24

Waives certain provisions of section 8(o)(9) of the 1937 Act and 24 CFR 982.311 and 982.352(c).

In order to incentivize new landlords to join the HCV program, AMHA will provide an incentive payment for landlord referrals. When a current landlord refers a new landlord who executes a HAP contract with

AMHA, both the current landlord and the new landlord may receive an incentive payment with their next HAP payment. The new landlord must complete a request for the incentive within 60 days of the new contract date. Referral incentive payments will be limited to 2 payments per calendar year per landlord.

7. Pre-Qualifying Unit Inspections

Submitted: 4/15/22, Expected Approval: 7/1/22, Approved: 6/29/22
Including units with accessibility features: Submitted: 10/3/23, Expected Approval: 1/1/24, Pending Approval Approved 1/1/24

Waives certain provisions of section 8(o)(8) of the 1937 Housing Act and 24 CFR 983.103 and 24 CFR 982.405.

Owners may request pre-qualifying inspections for

1. Units in AMHA determined zip codes of opportunity or
2. Any unit with accessibility features for persons with motor/mobility, auditory, or visual impairments such as an accessible building entrance on an accessible route, doors usable by a person in a wheelchair, grab bars, switches/outlets/thermostats in accessible locations, doorbell lights, specialized smoke alarms/carbon monoxide detectors, specific contrasting colors on steps/countertops/sink/door knobs, etc.

To be used in lieu of a move-in inspection, the pre-inspection must have been conducted within 90 days of the AMHA approved move in date. Participants will be able to request a special/complaint inspection after move in as needed. Pre-qualifying unit inspections will follow the standards in Chapter 10 of this plan.

8. Remove Third Party Requirement for Inspections for PBV Units AMHA Owns, Manages, or Controls

Submitted: 4/15/22, Expected Approval: 7/1/22, Approved: 6/29/22

Waives certain provisions of section 8(o)(11) of the 1937 Housing Act and 24 CFR 982.352(b)(iv) and 983.103(f).

AMHA will no longer require a third party to conduct inspections at PBV properties in which AMHA has an interest. AMHA will follow the inspection process utilizing the current HUD inspection method and quality control process that are used for all other properties. Households will be able to request a special/complaint inspection or review by a supervisor as needed.

9. Remove Third Party Requirement for Inspections for Tenant-Based Voucher Units AMHA Owns, Manages, or Controls

Submitted: 10/4/22, Expected Approval: 1/1/23, Approved: 5/15/23

Waives certain provisions of section 8(o)(11) of the 1937 Housing Act and 24 CFR 982.352(b)(1)(iv)(A)(3).

AMHA will no longer require a third party to conduct inspections at tenant-based properties in which AMHA has an interest and a voucher holder is residing. AMHA will follow the inspection process utilizing the current HUD inspection method and quality control process that are used for all other

properties. Households will be able to request a special/complaint inspection or review by a supervisor as needed.

10. Remove Third Party Requirement for Rent Reasonableness Tests for Project-Based Voucher (PBV) Units AMHA Owns, Manages, or Controls

Submitted: 4/15/22, Expected Approval: 7/1/22, Approved: 6/29/22

Waives certain provisions of 24 CFR 982.352(b) and 983.303.

AMHA will no longer require a third party to conduct rent reasonableness tests at PBV properties in which AMHA has an interest. AMHA will follow the rent reasonableness and quality control processes used for all other properties.

11. Remove Third Party Requirement for Rent Reasonableness Tests for Tenant-Based Voucher Units AMHA Owns, Manages, or Controls

Submitted: 10/4/22, Expected Approval: 1/1/23, Approved: 5/15/23

Waives certain provisions of 24 CFR 982.352(b)(1)(iv)(A)(1).

AMHA will no longer require a third party to conduct rent reasonableness tests at tenant-based properties in which AMHA has an interest and a voucher holder is residing. AMHA will follow the rent reasonableness and quality control processes used for all other properties.

12. PBV for Shared Housing

Submitted: 10/3/23, Expected Approval: 1/1/24, Pending Approval Approved 1/1/24

Waives certain provisions of 24 CFR 983.53(a)(1) as it was superseded by HOTMA Implementation Notices at 82 FR 5458 and 82 FR 32461 (see implementation guidance in Notice PIH 2014-21).

AMHA will allow use of project-based vouchers for shared housing units. Chapter 20, Project-Based Assistance Program requirements will continue to apply where applicable.

13. End Earned Income Disallowance (EID) Income Exclusion

Submitted: 10/3/23, Expected Approval: 1/1/24, Pending Approval Approved 1/1/24

Waives certain provisions of sections 3(a)(1), 3(b)(4)-(5), and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.609, 5.611, and 982.516.

No new EID exclusions will be offered to households. All households currently under an EID exclusion will continue through the full 24 months of their exclusion. The Housing Opportunity Through Modernization Act (HOTMA) being implemented on 1/1/25, which also discontinues EID exclusions, will make this waiver only necessary until that time.

14. Local Verification Method

Submitted: 4/15/22, Expected Approval: 7/1/22, Approved: 12/1/22

Waives certain provisions of 24 CFR 982.201(e), 24 CFR 5.233, and PIH Notices 2018-24, 2018-18, 2017-12, and 2006-41.

AMHA will verify information through the following verification hierarchy:

1. Up-Front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) (when it is available to AMHA)
2. Upfront Income Verification (UIV) using non-HUD system (when it is available to AMHA)
3. Written Third Party Verification OR Written Third Party Verification Form OR Oral Third Party Verification
4. Tenant Declaration

Clarification of EIV information done by self-certification is considered as Level 1, UIV using HUD's EIV system. For example, if a quarter on the EIV is only partially within the retrospective time period for a tiered rent household, a statement that the income over that quarter was approximately the same would be considered EIV clarification.

For all interims, Level 1 (EIV and IVT reports) will not be required, as it will not provide "current" income information for hardship requests or other interim changes, which households will have requested due to recent changes in circumstances. Level 1 will remain required at the triennial or annual recertification, depending upon the household's recertification schedule, to continue monitoring the proper reporting of income.

The PHA will allow 2 weeks (14 calendar days) for return of third-party verification (written or oral) before going to the next method. The PHA will document the file as to why third party verification was not used.

For applicants, verifications may not be more than 180 days old at the time of voucher issuance. For participants, verifications for reexaminations may not be more than 180 days from the effective date. In the case of fixed income verifications for both applicants and participants (e.g., Social Security award letters, fixed pensions, etc.), verifications are valid for the full calendar year in which they are effective.

The definition of a "substantial difference" in income or the "income discrepancy threshold" will be differences equal to or greater than $5,000.

This waiver will not be applied to EHVs at the time of admission. See EHV Temporary Policy Supplement for self-certification at admission information.

<u>15. Allow Participants to Remain on the HCV Program for 12 Months with 0 Housing Assistance Payments (HAP)</u>

Submitted: 4/15/22, Expected Approval: 7/1/22, Approved: 12/1/22

Waives certain provisions of 24 CFR 982.455(a).

The family may remain in the subsidized unit at $0 assistance for up to 365 days after the last HAP payment. If the family is still in the unit after 365 days, the assistance will be terminated. If, within the 365 day timeframe, an owner rent increase or a decrease in the Total Tenant Payment causes the family to be eligible for a housing assistance payment, the PHA will resume assistance payments for the family. In order for a family to move to another unit during the 365 days, the rent for the new unit would have to be high enough to necessitate a housing assistance payment.

The PHA must terminate assistance for participants, including homeownership assistance, if 365 days have elapsed since the PHA's last housing assistance payment was made, except for a reasonable accommodation or if approved by the Deputy Director or their designee.

The PHA will automatically terminate the HAP contract with the owner if 365 days have passed since the last housing assistance payment to the owner.

16. Standardized Medical Deduction

Submitted: 10/4/22, Expected Approval: 1/1/23, Approved: 1/1/23

Waives certain provisions of sections 3(a)(1), 3(b)(4)-(5), and 8(o)(2)(A)-(C) of the 1937 Act and 24 CFR 5.611 and 982.516.

The standardized medical deduction replaces the existing deduction for unreimbursed medical expenses. Any qualifying household (a household where the head, co-head, or spouse is disabled or age 62 or older) that claims unreimbursed medical expenses will receive the standard deduction of $500. If the household believes their expenses are greater than $500, they may submit proof of expenses and receive a hardship. The hardship will provide a deduction equal to the total annual unreimbursed medical expenses for the qualifying household. The standardized medical deduction and any hardships will continue to be reduced by the medical/disability threshold set by HUD (3% of total annual income).

17. Modify the FSS Contract of Participation

Submitted: 10/3/23, Expected Approval: 1/1/24, Pending Approval Approved 1/1/24

Waives certain provisions of sections 23(c) of the 1937 Act and 24 CFR 984.303(c).

Modify the FSS Contract length to 5 years.

18. Local, Non-Traditional Activity for Non-AMHA Households

Submitted: 10/3/23, Expected Approval: 1/1/24, Pending Approval Approved 1/1/24

Waives the allowable use of funds required in section 9(d)(1), 9(e)(1), and 8(o) of the 1937 Act.

AMHA will competitively bid the option for a third-party provider to provide low-income households with end of life care assistance that are not on AMHA's low income public housing or housing choice voucher programs.

D. HARDSHIP POLICY

If a requirement or provision of an MTW activity may constitute a financial or other hardship for AMHA households, AMHA will create a hardship policy. AMHA will review its hardship policy(s) with households during its intake and recertification processes. The agency will also consider if a household qualifies for a hardship exemption at the time of a potential termination of assistance that is due to an MTW activity. When a household requests a hardship exemption from a required MTW activity, AMHA will suspend the activity for the household, beginning the next month after the request, until the MTW agency has determined if the request is warranted. Hardship information will be retained by AMHA for the duration of AMHA's participation in the MTW demonstration program and available for public review and inspection.

If a household disagrees with their hardship determination, they may use the following grievance procedure:

Request a review, which will be conducted by a staff member at the supervisor level or higher. The household must request a grievance review within and including ten (10) business days of the decision to deny or limit their tiered rent hardship request.

Hardship Policy: Tiered Rent, Elimination of Deductions, and Work-Able Households Triennial Recertifications

Households must apply for all hardship types with the exception of automatic hardships given at the time of the triennial recertification. Hardships may last less than the timeframe listed below if a hardship time period overlaps with a triennial recertification. Approval will be for the following reasons only.

Automatic Hardships:
These hardships may be granted at the time of the triennial recertification for the following reasons. Automatic hardships will last for 12 months.

1. Current gross income is less than the household's retrospective (prior 12 months) income.
2. Childcare expenses total $2,500 or more annually.*
3. Large family: households with 6 or more dependents will receive a reduction in their gross income of $1,200.*

*Households will not be eligible to receive both a childcare hardship and a large family hardship. If a household is eligible for both hardships, AMHA will select the most beneficial remedy.

Households may apply for additional hardships, which will last either 6 or 12 months depending on the reason for the hardship.

6 Month Hardships:

1. Temporary decrease in income expected to last between 31 days and 6 months (such as unpaid leave, seasonal employment ending, etc.).
2. Other circumstances: A household may request a hardship exemption for other circumstances not outlined in this policy, such as the death of a family member that impacts the family's finances or a significant increase in reasonable and necessary out-of-pocket expenses because of changed circumstances (for example, a large medical bill). AMHA will consider these requests and appropriate remedies on a case-by-case basis and decisions will be made by a staff member at the supervisor level or higher.

12 Month Hardships:

1. Decrease in income: includes loss of employment or other income.
2. Childcare expenses totaling $2,500 or more annually.*
3. Large family: households with 6 or more dependents will receive a reduction in their gross income of $1,200.*
4. Full-time student status: an adult household member other than the head, co-head, or spouse becomes a full-time student after the effective date of the household's triennial recertification and has earnings that would be excluded under 24 CFR 5.609(c)11.

*Households will not be eligible to receive both a childcare hardship and a large family hardship. If a household is eligible for both hardships, AMHA will select the most beneficial remedy.

Long Term Hardship:
This hardship will last until the next triennial recertification and will not need to be renewed. Current income will not be reviewed for a long term hardship. Rather, the deceased household member and their income will be removed from the household's record.

1. Death of a household member.

To request a tiered rent hardship exemption, the household must complete the Hardship Request form and attach the household's current income and proof of hardship. The form will be made available in an accessible format upon request as a reasonable accommodation. Current proof of all income for all current household members will be required, with the exception of a Long Term Hardship. The request will be reviewed and the household notified of the approval or denial in a timely manner.

The tiered rent hardship request will be denied if the form is not accompanied by documentation of the hardship and/or the request would not move the household's income into a lower tier. In the case of hardship denials, the household will be sent a denial letter stating why they did not qualify.

Prior to the expiration of the tiered rent hardship, the household will be notified of their rent portion set at their last triennial recertification or new admission. Households may request a renewal of their hardship. The request will be treated as a new hardship request and undergo a new determination with current income.

If a household is approved for a hardship, and subsequently experiences another adverse event while still in hardship status, they may request an additional hardship . The request will be treated as a new hardship request and undergo a new determination with current income. There is no limit on the number of hardships that a household may receive. If a household is approved for a hardship, they are not required to report subsequent income increases during the period of their approved hardship.

If the head of household, spouse, or co-head becomes elderly or disabled, the household is eligible to be excluded from the tiered rent policy and return to the traditional income-based rent policy.

Hardship Policy: Elderly/Disabled Households Triennial Recertifications

Households experiencing a decrease in income may request an interim reexamination. If a household believes they have another circumstance that qualifies as a financial hardship, the household must complete the Hardship Request form and attach proof of the hardship. The request will be reviewed and the household notified of the approval or denial in a timely manner. The hardship request will be denied if the form is not accompanied by documentation of the hardship and/or the request would not change the household's rent. In the case of hardship denials, the household will be sent a denial letter stating why they did not qualify.

Hardship Policy: Standardized Medical Deduction

Households with unreimbursed medical expenses greater than $500 may apply for a hardship. If approved, the hardship will provide a deduction equal to the household's total annual unreimbursed medical expenses (minus HUD's medical/disability threshold).

Hardships may be requested by the household or they may be automatic at the time of annual or triennial recertification.

To request a hardship, the household must complete the Hardship Request form and attach proof of all unreimbursed medical expenses for the prior 12 months. The form will be made available in an accessible format upon request as a reasonable accommodation. The request will be reviewed and the household notified of the approval or denial in a timely manner.

The hardship request will be denied if the form is not accompanied by documentation of the hardship and/or the request would not change the household's rent. In the case of hardship denials, the household will be sent a denial letter stating why they did not qualify.

Standardized Medical Deduction hardships will last until the household's next annual or triennial reexamination.

If a household is approved for a hardship, and subsequently incurs additional unreimbursed medical expenses while still in hardship status, they may request an additional hardship. The request will be treated as a new hardship request and undergo a new determination with proof of all applicable medical expenses. There is no limit on the number of hardships that a household may receive.

Hardship Policy: Earned Income Disallowance (EID) Exclusion

If an elderly or disabled individual has a financial hardship, they may request a hardship by completing the Hardship Request Form with an explanation and proof, as needed. The request will be reviewed and the household notified of the approval or denial in a timely manner. The hardship request will be denied if the form is not accompanied by documentation of the hardship and/or the request would not change the household's rent. In the case of hardship denials, the household will be sent a denial letter stating why they did not qualify. The hardship would last until the HOTMA implementation that ends EID exclusions goes into effect, which is expected to be 1/1/25.