

HOUSING AUTHORITY OF THE CITY OF AUSTIN



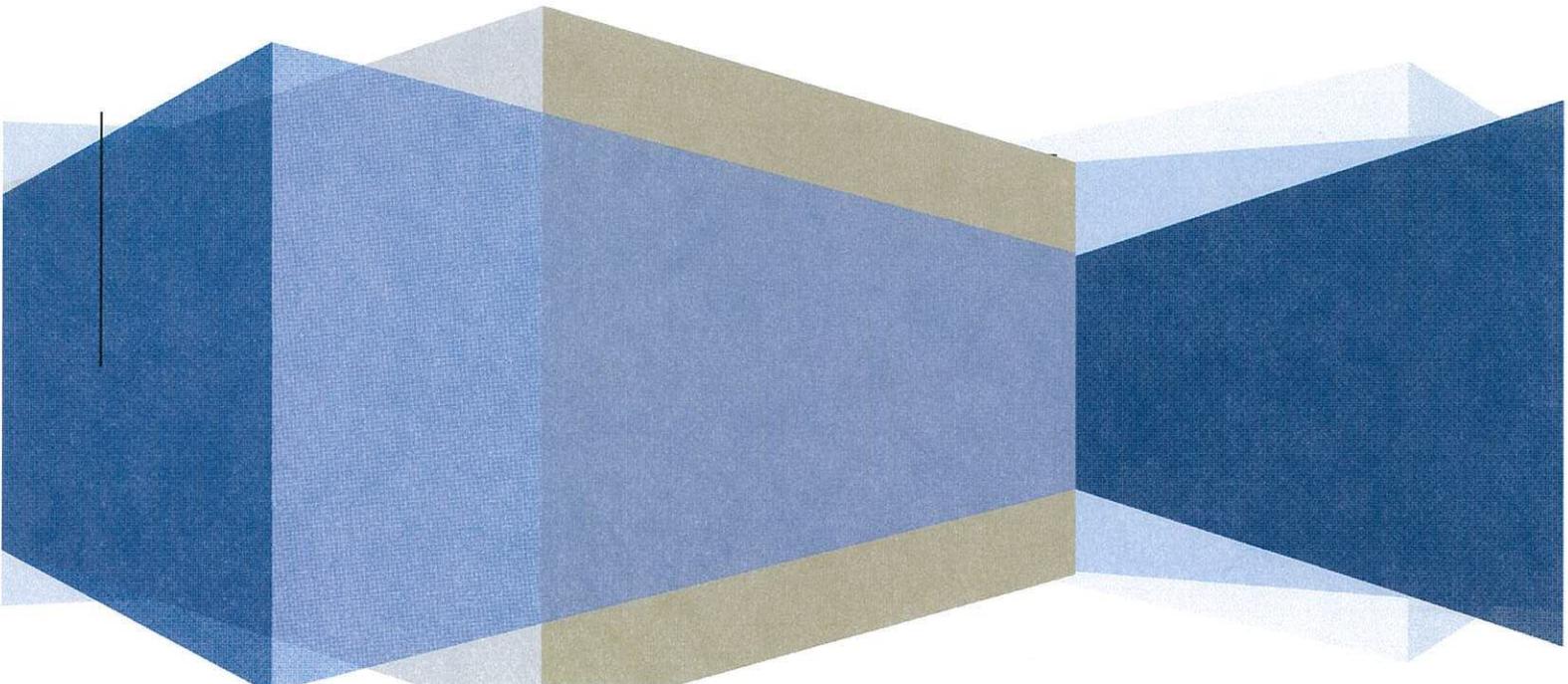
Proposed Revisions to the Housing Choice Voucher Administrative Plan

There will be a 30-day public comment period commencing 8:00 a.m. on May 23, 2016 through 5:00 p.m. on ~~June 21~~ July 13, 2016 for the revisions for the Housing Choice Voucher Administrative Plan. All comments should be made in writing and delivered to 1124 S. IH-35 Austin, TX 78704 and made to the attention of Michael Gerber, President/CEO.

A Public Hearing to present comments regarding all proposed revisions will be conducted as follows:

June 14, 2016	10:00 a.m.	Santa Rita Courts (Citywide Advisory Board Meeting) 2341 Corta 78702
---------------	------------	--

The Housing Authority of the City of Austin Board of Commissioners will vote on the proposed revisions to the 2016 PHA Annual Plan, Admission and Continued Occupancy Policy and Housing Choice Voucher Administrative Plan on ~~Friday, July 22, 2016~~ Thursday, August 18, 2016, at the HACA Central Office located at 1124 S. IH-35, Austin, Texas 78704 at 12:00 p.m. A forum will be available during Citizens Communication to voice your



Section	Page Number	Summary of Changes Made in Admin Plan
Chapter 1: Overview of the Program and Plan Introduction	33	<p>Change: Removed text regarding suspensions</p> <p>Rationale: <i>Required change provided by Nan McKay HCV Admin Plan revision service.</i></p>
Chapter 3: Eligibility	57	<p>Change: Updated “extremely low-income family” definition</p> <p>Rationale: <i>Required change as part of the Final Streamlining rule.</i></p>
Chapter 3: Eligibility	60-61 193	<p>Change: When a child under age 6 is added to the household up to six months before Admission of the household, this change allows the family 90 days to provide a SSN for the child. The family will be offered housing and the child considered a family member during this time.</p> <p>Rationale: <i>This is a required change as part of the streamlining rule. The intent is to provide the family a sufficient amount of time to provide the SSN for a new addition to the family.</i></p>
Chapter 3: Eligibility	69,70 and 74	<p>Change: Updated policy regarding the use of arrest records</p> <p>Rationale: <i>Required changes regarding the use of arrest records per Notice PIH 2015-19</i></p>
Chapter 4: Applications, Waiting List and Tenant Selection	101	<p>Change: For the homeless preference “move up” policy added a sentence stating that referrals could include individuals and families participating in a Continuum of Care homeless rental assistance program, which is not renewed.</p> <p>Rationale: <i>Allows for a continued affordable housing option for individuals and families in HUD Continuum of Care programs that are not renewed.</i></p>
Chapter 4: Applications, Waiting List and Tenant Selection	102	<p>Change: Deleted current policy regarding the preference for Rental Assistance Demonstration (RAD) Choice Mobility and added new RAD Choice Mobility policy as described in Chapter 18.</p>
Chapter 5: Briefings and Voucher Issuance	114-116 124-125	<p>Change: Changes to information required at the Oral Briefing and in the Briefing packets</p> <p>Rationale: <i>Required change provided by Nan McKay HCV Admin Plan revision service</i></p> <p>Change: Added text regarding suspensions of voucher term</p> <p>Rationale: <i>Required change provided by Nan McKay HCV</i></p>

Section	Page Number	Summary of Changes Made in Admin Plan
		<i>Admin Plan revision service.</i>
Chapter 6: Income and Subsidy Determinations	134-137 178-180	<p>Change: The exclusion of earned income for the EID is for two years (24 months) maximum instead of four years (48 months). There will be 12 months at 100% exclusion and 12 months at 50% exclusion.</p> <p>Rationale: <i>The tracking of the starts and stops of employment during the 48 months of EID was an administrative burden. HUD is granting this relief, streamlining the administrative work while still allowing the family a two year break on fully counting their earned income.</i></p>
Chapter 6: Income and Subsidy Determinations	150, 152	<p>Change: Clarifications regarding the definition of tuition per Notice PIH 2015-21</p> <p>Rationale: <i>Required change provided by Nan McKay HCV Admin Plan revision service.</i></p>
Chapter 7: Verification	190 201-202	<p>Change: HACA will conduct third-party verification of assets at Admission. After that, HACA will only third-party verify assets with a net value of \$5000 or less every three years. During the other two years, HACA will accept self-certification of the value of the asset and the anticipated income from the asset. HACA will conduct third-party verification of all assets valued over \$5000 every year.</p> <p>Rationale: <i>This is part of HUD's streamlining rule. This is intended to provide administrative relief, while still maintaining accountability with regard to income from assets.</i></p>
Chapter 7: Verification	203-204 254	<p>Change: HUD is allowing a streamlined income determination for any fixed income sources. The PHA can apply the verified COLA or % increase to the previous year's verified or adjusted amount. The income is subject to third-party verification at Admissions and every three years.</p> <p>Rationale: <i>This is part of HUD's streamlining rule. This is intended to reduce the administrative burden of conducting annual reexaminations while still maintaining program integrity with protections against fraud.</i></p>
Chapter 8: Housing Quality Standards	224	<p>Change: Updated policy to allow for biennial inspections per the regulations. The proposed revised policy states that "each unit under HAP contract must be inspected at least biennially within 24 months of the last full HQS inspection. Also, added language to allow for accepting inspection results performed by HUD or for HOME or Low-Income Tax Credit properties.</p>

Section	Page Number	Summary of Changes Made in Admin Plan
		Rationale: <i>This is part of HUD's streamlining rule. This is intended to reduce administrative burden. HACA will continue to complete inspections annually. However, changing the policy will provide HACA the flexibility to implement a biennial inspection policy in the future.</i>
Chapter 8: Housing Quality Standards	222 231-232	Change: Added policy regarding to clarify HACA's position regarding not charging a fee for failed reinspections Rationale: Notice PIH 2016-05 allows PHAs to charge a reasonable rate to owners for reinspections of units Change: Updated policy on how market is collected for rent reasonableness
Chapter 10: Moving with Continued Assistance and Portability Policies	239-253 360	Change: Updated Portability policy Rationale: <i>Required changes set forth in the streamlining portability final rule and provided by Nan McKay HCV Admin Plan revision service.</i>
Chapter 11: Re-examinations	265-268	Change: Updated interim policy to require families to report all new earned and unearned income sources. Slight changes in interim reporting and processing requirements. Rationale: <i>Reduce administrative burden and clarify interim reporting and processing requirements.</i>
Chapter 12: Termination of Assistance and Tenancy	275-276 281-282	Change: Updated policy regarding the use of arrest records Rationale: <i>Required changes regarding the use of arrest records per Notice PIH 2015-19</i>
Chapter 12: Termination of Assistance and Tenancy	288	Change: Added text regarding evidence of criminal activity as it relates to domestic violence. Rationale: <i>Required change provided by Nan McKay HCV Admin Plan revision service.</i>
Chapter 12: Termination of Assistance and Tenancy	307-309	Change: Removal of outdated/expired guidance, including references to the Protecting Tenants at Foreclosure Act. Rationale: <i>Required change provided by Nan McKay HCV Admin Plan revision service.</i>
Chapter 16: Program Administration	330-331	Change: HACA may establish an exception payment standard of not more than 120 percent of the published FMR if required as a reasonable accommodation for a

Section	Page Number	Summary of Changes Made in Admin Plan
		<p>family that includes a person with a disability. Previously, PHAs would need to seek HUD approval for exception payment standards above 110% of the published FMRs.</p> <p>Rationale: <i>This is an optional change as part of the streamlining rule to reduce administrative burden. This provides HACA the flexibility to approve payment standards up to 120% of the published FMR as a reasonable accommodation for persons with disabilities without the administrative burden of seeking HUD approval.</i></p>
Chapter 16: Program Administration	361,363 365,370 373	<p>Change: Changes to Violence Against Women Policy</p> <p>Rationale: <i>Required change provided by Nan McKay HCV Admin Plan revision service and based on counsel from the National Housing Law Project.</i></p>
Chapter 17: Project Based Vouchers	380-381	<p>Change: Changes to policy regarding PHA-Owned units per Notice PIH 2015-05.</p> <p>Rationale: <i>Required change provided by Nan McKay HCV Admin Plan revision service.</i></p>
Chapter 18: Choice Mobility Policy	424-430	<p>Change: Added Choice Mobility Policy</p> <p>Rationale: <i>As required by HUD and in accordance with HUD RAD guidelines, if HACA participates in RAD, HACA must provide a Choice Mobility option to residents of covered RAD properties.</i></p>

1-II.D. APPLICABLE REGULATIONS

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: Section 8 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)

PART III: THE HCV ADMINISTRATIVE PLAN

1-III.A. OVERVIEW AND PURPOSE OF THE ADMINISTRATIVE PLAN

The HCV administrative plan is required by HUD. 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 HACA's agency plan. This administrative plan is a supporting document to HACA agency plan, and is available for public review as required by CFR 24 Part 903.

This administrative plan is set forth to define HACA's local policies for operation of the housing programs in the context of federal laws and regulations. All issues related to the HCV program not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices and 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.

HACA is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

Administration of the HCV program and the functions and responsibilities of HACA staff shall comply with HACA's personnel policy and HUD regulations as well as all federal, state and local fair housing laws and regulations.

1-III.B. CONTENTS OF THE PLAN [24 CFR 982.54]

The HUD regulations at [24 CFR 982.54] define the policies that must be included in the administrative plan. They are as follows:

Selection and admission of applicants from HACA waiting list, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the HACA waiting list (Chapter 4);

—Issuing or denying vouchers, including PHA Policy governing the voucher term and any extensions or suspensions of the voucher term. ~~'Suspension' means stopping the clock on the term of a family's voucher after the family submits a request for approval of the tenancy.~~ If HACA decides to allow extensions ~~or suspensions~~ of the voucher term, the HACA administrative plan must describe how HACA determines whether to grant extensions or suspensions, and how HACA determines the length of any extension ~~or~~

Very low-income family A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family A very low-income family whose annual income does not exceed the higher of:

- (1) The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved (except in the case of families living in Puerto Rico or any other territory or possession of the United States); or
- (2) Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

~~A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.~~

~~Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.~~

Using Income Limits for Eligibility [24 CFR 982.201]

Income limits are used for eligibility only at admission. Income eligibility is determined by comparing the annual income of an applicant to the applicable income limit for their family size. In order to be income eligible, an applicant family must be one of the following:

A *very low-income* family

A *low-income* family that has been "continuously assisted" under the 1937 Housing Act. A family is considered to be continuously assisted if the family is already receiving assistance under any 1937 Housing Act program at the time the family is admitted to the HCV program [24 CFR 982.4]

HACA Policy

HACA will consider a family to be *continuously assisted* if the family was leasing a unit under any 1937 Housing Act program at the time they were issued a voucher by HACA.

A low-income family that qualifies for voucher assistance as a non-purchasing household living in HOPE 1 (public housing homeownership), HOPE 2 (multifamily housing homeownership) developments, or other HUD-assisted multifamily homeownership programs covered by 24 CFR 248.173

A low-income or moderate-income family that is displaced as a result of the prepayment of a

member is eligible. Verification of eligibility for this purpose occurs when the individual or family members have submitted documentation to HACA in accordance with program requirements [24 CFR 5.512(a)].

HACA Policy

HACA will not provide assistance to a family before the verification of at least one family member as a citizen, national or eligible noncitizen is made.

When HACA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 20 calendar days of the determination.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with HACA. The informal hearing with HACA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Informal hearing procedures are contained in [Chapter 16](#).

Timeframe for Determination of Citizenship Status [24 CFR 5.508(g)]

For new occupants joining the assisted family, HACA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first. If an individual qualifies for a time extension for the submission of required documents, HACA must grant such an extension for no more than 30 days [24 CFR 5.508(h)]. Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

HACA Policy

HACA will verify the citizenship status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218, Notice PIH 2012-10, HUD Streamlining Rule 3/8/2016, Notice PIH 2016-05]

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. . If a child under age 6 has been added to an applicant family within 6 months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 days of the effective date of the initial HAP contract A detailed discussion of acceptable documentation is provided in Chapter 7.

Note: These requirements do not apply to noncitizens who do not contend eligible immigration status and existing program participants as of January 31, 2010, who have previously disclosed

their SSN and HUD has determined the SSN to be valid.

In addition, each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD or the SSA determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual recertification. Participants age 62 or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

HACA must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR 5.216.

HACA Policy

If the provided documentation is not acceptable evidence of the social security number, HACA will explain to the applicant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to HACA within 90 calendar days. The explanation and request will be documented in the applicant file. If the applicant family is otherwise eligible to participate in the program, the family will maintain its position on the waiting list for this 90 calendar day period.

If all household members have not disclosed their SSN at the time a voucher becomes available, the available voucher will be offered to the next eligible applicant family on the waiting list. At the conclusion of the 90 calendar day period and if the applicant family has still not submitted acceptable evidence of the SSN, HACA will grant the family an additional 90 calendar day period to comply with the SSN disclosure and documentation requirement if the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family.

If a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of admission, the assistance applicant may become a participant, so long as the documentation required in this section is provided to the processing entity within 90 calendar days from the date of admission into the program. The processing entity must grant an extension of one additional 90-day period if the processing entity determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required in this section within the required time period, the housing authority may terminate assistance or tenancy of the individual participant or the entire family.

HACA Policy

HACA will grant one additional 90-day extension if needed for reasons beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family or other emergency.

natural disaster, fire, death in the family, or other emergency. If the individual fails to comply with SSN disclosure and documentation requirements upon expiration of the provided time period, HACA will terminate the individual's assistance.

If an applicant family includes a child under 6 years of age who joined the household within the 6 months prior to the date of voucher issuance, an otherwise eligible family may be admitted to the program and the family must provide documentation of the child's SSN within 90 days of the effective date of the initial HAP contract. A 90-day extension will be granted if the PHA determines that the participant's failure to comply was due to unforeseen circumstances and was outside of the participant's control.

PHA Policy

HACA will grant one additional 90-day extension if needed for reasons beyond the applicant's control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

Formatted: Indent: Left: 0.5"

When a participant requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the participant must provide the complete and accurate SSN assigned to each new member at the time of recertification, in addition to the

documentation required to verify it. HACA may not add the new household member until such documentation is provided.

When a participant requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the participant must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if HACA determines that the participant's failure to comply was due to unforeseen circumstances and was outside of the participant's control. During the period HACA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

HACA Policy

HACA will grant one additional 90-day extension if needed for reasons beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

Social security numbers must be verified only once during continuously-assisted occupancy.

gross lewdness
arson

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past **four years**, the family will be denied admission:

- (1) Drug-related criminal activity, defined by HUD as 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 [24 CFR 5.100].
- (2) Violent criminal activity, defined by HUD as 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 [24 CFR 5.100].
- (3) Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon.
- (4) Assault, aggravated assault, assault by threat, stalking.
- (5) Physical violence to persons or property, or criminal activity that has as one of its elements the use, attempted use or threatened use of physical force against the person or property of another.
- (6) Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- (7) Criminal activity that may threaten the health or safety of property owners, management staff, HACA staff, persons performing contract administration functions or other responsibilities on behalf of HACA including contractors, subcontracts or agents.
- (8) Three or more **incidences** ~~arrests~~ or convictions of alcohol-related criminal activity, including
Driving under the Influence and Public Intoxication.
- (9) Burglary of a habitation.

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the **past three years**, the family will be denied admission:

1. A pattern of abuse of alcohol, including, but not limited to, public intoxication and driving while intoxicated.
2. A pattern of fraud committed against a governmental entity.
3. A pattern of theft or fraud.
4. A pattern of organized criminal activity.
5. A pattern of prostitution.
6. A pattern (for the purposes listed above) consists of three or more incidences.

If an applicant has one offense of a Class C misdemeanor within the past four years,

HACA will not deny the applicant. More than one Class C misdemeanor will be considered a pattern (for the purpose of determining eligibility) and the applicant may be subject to denial based on the nature of the offenses.

In making its decision to deny assistance, HACA will consider the factors discussed in Sections 3-III.E and 3-III.F. Upon consideration of such factors, HACA may, on a case-by-case basis, decide not to deny assistance.

Evidence of such criminal activity includes, but is not limited to, any record of convictions, arrests or evictions for suspected drug-related or violent criminal activity of household members. A conviction for such activity will be given more weight than an arrest or an eviction.

HACA will not deny an application solely on the basis of an arrest. If HACA receives arrest information which may be for a disqualifying activity, HACA may request additional information. Additional information that may be considered, if available, includes the following:

- The police report associated with the arrest which provides the reported circumstances of the arrest.
- Any statements made by witnesses or the applicant not included in the police report
- Whether criminal charges were filed
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
- Any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity
- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

Previous Behavior in Assisted Housing [24 CFR 982.552 c]

HUD authorizes HACA to deny admission based on relevant information pertaining to the family’s previous behavior in assisted housing.

In the event of the receipt of unfavorable information with respect to an applicant, HACA must consider the time, nature and extent of the applicant’s conduct (including the seriousness of the offense). As discussed in Section 3-III.F, HACA may also need to consider whether the cause of the unfavorable information may be that the applicant is the victim of domestic violence, dating violence or stalking.

HACA Policy

HACA will deny admission to an applicant family for the following reasons.

- 1) If the head of household, spouse, or co-head owes rent or other amounts to HACA or any other PHA in connection with Section 8 or other public housing assistance under the 1937 Act. ~~the HCV, Certificate, Moderate Rehabilitation or public housing programs.~~ Any amounts owed to HACA or other federally subsidized programs will have to be repaid by the applicant before Admissions approval.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.86" + Indent at: 1.11"

making all admission decisions.

Preponderance of the 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.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Consideration of Circumstances [24 CFR 982.552(c)(2)]

HUD authorizes HACA to consider all relevant circumstances when deciding whether to deny assistance based on a family's past history except in the situations for which denial of assistance is mandatory (see Section 3-III.B).

HACA Policy

HACA will consider the following factors prior to making its decision:

The seriousness of the case, especially with respect to how it would affect other residents' safety or property.

The effects that denial of assistance may have on other members of the family who were not involved in the action or failure to act.

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.G) a victim of domestic violence, dating violence, sexual assault or stalking.

The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future.

Evidence of the applicant family's participation in social service or other appropriate counseling service programs.

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

HACA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

If previously incarcerated, the length of time the culpable family member has been released into society.

this preference, use of the offered supportive services is not a requirement. The choice of the applicant to refuse the offered services will not jeopardize any housing assistance for which they are eligible.

HACA will execute a Memorandum of Understanding with one entity representing a coalition of homeless service providers that will serve as the primary point of contact for communicating homeless referrals to HACA. HACA reserves the right to establish additional MOUs as necessary to ensure that homeless applicants have the opportunity to apply for housing assistance under this preference.

If it is determined that an applicant referred by a homeless service provider, as described above, does not meet the criteria described therein, the applicant will not receive the preference and:

if the applicant was only on the HCV waiting list because of the homeless referral, the applicant will be removed from the HCV waiting list

if the applicant was on the HCV waiting list through the regular application process, the applicant will return to their lottery position on the waiting list without the homeless preference.

If HACA denies an applicant's homeless preference claim, HACA will notify the applicant and referring service provider in writing, including the reason(s) for the preference denial. Applicants have the right to appeal the denial of eligibility for the homeless preference using the established process for informal hearings.

Persons transitioning out of the City of Austin's 1115 Waiver Permanent Supportive Housing Assertive Community Treatment Team program into permanent housing will be included as a priority group as part of this preference. This would require a referral from the current case manager as well as documentation that the family was homeless prior to entering into the current program. This documentation must be provided as part of the referral.

Individuals and families transitioning, or "moving up," from Permanent Supportive Housing (PSH) units will also be included as a priority group as part of this homeless preference. These are persons that were previously homeless prior to entry into a PSH program but who no longer require that level of supportive services. [Referrals could also include individuals and families participating in a Continuum of Care homeless rental assistance program, which is not renewed.](#) This would require a referral from the current case manager or PSH provider as well as documentation that the family was homeless prior to entering into the PSH unit. This documentation must be provided as part of the referral.

- (E) **Families with Minor Children Preference:** HACA will give preference to families with minor children. A minor child is a child under age 18 who meets HUD and HACA's definition of a family member (See Section 3.I.B for the definition of Family Members).

Minor children of a live in aide do not qualify the family for this

preference.

Minor children that are foster children of an authorized adult member of the assisted family do not qualify the family for this preference.

- (F) **Residency Preference:** HACA will give preference to persons who reside in the following Texas Counties: Travis, Hays, Bastrop, Caldwell and Williamson counties. The residency status will be determined at the time of the eligibility interview. This preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, sexual orientation, religion, disability, or age of any member of an applicant family.

Applicants who are working or who have been notified that they are hired to work in a residency preference area will be treated as residents of the residency preference area with documented proof of employment in the residency preference area. Applicants who are graduates of, or active participants in, education and training programs in a residency preference area are eligible for this preference if the education or training program is designed to prepare individuals for the job market.

- (G) **Rental Assistance Demonstration (RAD) Choice Mobility Preference:** As required by HUD and in accordance with all HUD RAD guidelines, if HACA participates in RAD, HACA will provide a Choice-Mobility option to residents of covered RAD projects in accordance with policies outlined in Chapter 18 of this HCV Administrative Plan the following:

- ~~Resident Eligibility. Residents have a right to move with tenant-based rental assistance (e.g. Housing Choice Voucher (HCV)) the later of: (a) 24 months from date of execution of the HAP or (b) 24 months after the move-in date.~~
- ~~Voucher Inventory Turnover Cap. Recognizing the limitation on the availability of turnover vouchers from year to year, HACA in any year, will only provide one-third of its turnover vouchers to the residents of covered projects. HACA will establish this voucher inventory turnover cap, and if implemented HACA will create and maintain a waiting list in the order in which the requests from eligible households are received.~~
- ~~Project Turnover Cap. Also recognizing the limited availability of turnover vouchers and the importance of managing turnover in the best interests of the property, in any year, HACA will limit the number of Choice-Mobility moves exercised by eligible households to 15% of the assisted units in the project. HACA will create and maintain a waiting list and place households in the order in which the requests from eligible households are received. Due to ongoing critical need for affordable housing in Austin, HACA may request a regulatory waiver from HUD to further limit the voucher inventory turnover cap and/or project turnover cap.~~

Formatted: Indent: Left: 0.61", Hanging: 0.5", Right: 0.18", Space Before: 0 pt, Line spacing: single, Tab stops: 1.11", Left

Oral Briefing [24 CFR 982.301(a)]

Each briefing must provide information on the following subjects:

- How the Housing Choice Voucher program works;
- Family and owner responsibilities;
- Where the family can lease a unit, including renting a unit inside or outside HACA’s jurisdiction;

- —An explanation of how portability works. HACA may not discourage the family from choosing to live anywhere in the PHA jurisdiction or outside the PHA jurisdiction under portability, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order;
- HACA must inform the family of how portability may affect the family’s assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family’s assistance;
- The advantages of areas that do not have a high concentration of low-income families; and

~~For families eligible under portability, an explanation of portability. HACA cannot discourage eligible families from moving under portability;~~

~~— For families living in high poverty census tracts, an explanation of the advantages of moving to areas outside of high-poverty concentrations; and~~

For families receiving welfare-to-work vouchers, a description of any local obligations of a welfare-to-work family and an explanation that failure to meet the obligations is grounds for denial of admission or termination of assistance.

Briefing Packet [24 CFR 982.301(b)]

Documents and information provided in the briefing packet must include the following:

The term of the voucher, ~~voucher suspensions~~, and HACA’s policies on any extensions ~~or suspensions~~ of the term.

If HACA allows extensions, the packet must explain how the family can request an extension.

A description of the method used to calculate the housing assistance payment for a family, including how HACA determines the payment standard for a family, how HACA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.

An explanation of how HACA determines the maximum allowable rent for an assisted unit.

Where the family may lease a unit and ~~For a family that qualifies to lease a unit outside~~

~~HACA~~

~~jurisdiction under portability procedures, the information must include~~ an explanation of how portability works, including information on how portability may affect the family’s assistance

Formatted: Indent: Left: 0", Bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: Not at 0.5"

Formatted: Indent: Left: 0.11", Right: 0.28", Space Before: 0.4 pt, Line spacing: At least 20.5 pt

through screening, subsidy standards, payment standards, and any other elements of the portability process that ~~which~~ may affect the family's assistance.;

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 PHA Policy on providing information about families to prospective owners.

HACA subsidy standards including when and how exceptions are made.

~~The HUD brochure on how to select a unit.~~ Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.;

~~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.

Formatted: Indent: Left: 0.11", Line spacing: single

- A list of landlords known to the PHA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to the PHA that may assist the family in locating a unit. PHAs must ensure that the list of landlords or other resources covers ~~parties willing to lease to assisted families or help families find units, especially outside areas of~~ areas outside of poverty or minority concentration.

Formatted: Indent: Left: 0", Bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: Not at 0.5"

Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to HACA.

The family obligations under the program, including any obligations of a welfare-to-work family.

The grounds on which HACA may terminate assistance for a participant family because of family action or failure to act.

PHA informal hearing procedures including when HACA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.

If the PHA is located in a metropolitan area, the following additional information must be included in the briefing packet in order to receive full points under SEMAP Indicator 7, Expanding Housing Opportunities [24 CFR 985.3(g)].

Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction.

Information about the characteristics of these areas including job opportunities, schools, transportation and other services.

An explanation of how portability works, including a list of portability contact persons for neighboring PHAs including names, addresses, and telephone numbers.

Additional Items to be Included in the Briefing Packet

In addition to items required by the regulations, PHAs may wish to include supplemental materials to help explain the program to both participants and owners [HCV GB p. 8-7, Notice PIH 2010-19].

HACA Policy

HACA will provide the following additional materials in the briefing packet:

~~The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*~~

Information on how to fill out and file a housing discrimination complaint form.

Information about the protections afforded by the Violence against Women Act of 2005 (VAWA) to victims of domestic violence, dating violence, sexual assault and stalking (see section 16-IX.C)

~~Information about the protections afforded by the Protecting Tenants at Foreclosure Act (PTFA) (see section 13-IL.G)~~

“Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse

“What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19

Copy of the Orientation presentation

Copy of locating home brochure created by HACA

Copy of Housing Choice Voucher Program tenant packet

Copy of Certification packet

Copy of “A Good Place to Live” HUD Brochure

Copy of EPA form “protect your family from lead in your home”

Formatted: Indent: Left: 0.86", Line spacing: single

5-I.C. FAMILY OBLIGATIONS

Obligations of the family are described in the housing choice voucher (HCV) regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. HACA must inform families of these obligations during the oral briefing, and the same information must be included in the briefing packet. When the family’s unit is approved and the HAP contract is executed, the family must meet those obligations in order to continue participating in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

an extension will be granted:

- a)• Serious illness or death in the family
- b)• Other family emergency
- e)• Obstacles due to employment
- d)• Whether the family has already submitted requests for tenancy approval that were not approved by HACA
- e)• Whether family size or other special circumstances make it difficult to find a suitable unit
- f)• Obstacles because of limited English proficiency
- g)• Obstacles due to transportation difficulties
- h)• Unable to locate an affordable unit
- i)• Obstacles due to portability

Formatted: Indent: Left: 1.13", First line: 0",
Bulleted + Level: 1 + Aligned at: 0.25" +
Indent at: 0.5"

Any request for an additional extension must include the reason(s) an additional extension is necessary. HACA may require the family to provide documentation to support the request.

All requests for extensions to the voucher term must be made in writing and submitted to HACA prior to the expiration date of the voucher (or extended term of the voucher).

HACA will decide whether to approve or deny an extension request within 10 calendar days of the date the request is received, and will immediately provide the family written notice of its decision. There will not be extensions approved beyond 120 days, unless as a reasonable accommodation for a person with a disability and approved in writing by the Housing Choice Voucher Director, Intake and Special Programs Director, or Assisted Housing Vice President.

Suspensions of Voucher Term [24 CFR 982.303(c)]

The PHA must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for HACA approval of the tenancy until the date the HACA notifies the family in writing whether the request has been approved or denied. ~~At its discretion, HACA may adopt a policy to suspend the housing choice voucher term if the family has submitted a Request for Tenancy Approval (RTA) during the voucher term. "Suspension" means stopping the clock on a family's voucher term from the time a family submits the RTA until the time HACA approves or denies the request [24 CFR 982.4]. HACA's determination not to suspend a voucher term is not subject to informal review [24 CFR 982.554(e)(4)].~~

HACA Policy

~~When a Request for Tenancy Approval and a proposed lease are received by HACA, the term of the voucher will be suspended until HACA approves or denies the request for tenancy, to include affordability review and the inspection of the unit.~~

~~When HACA denies a request for tenancy, the family will be notified in writing that the request for tenancy has been denied and the clock on the voucher term will be restarted effective the date the notice is mailed. The notice will include the new expiration date of the voucher and a new Request for Tenancy Approval (RFTA).~~

Expiration of Voucher Term

Once a family's housing choice voucher term (including any extensions) expires, the family is no longer eligible to search for housing under the program. If the family still wishes to receive assistance, HACA may require that the family reapply, or may place the family on the waiting list with a new application date but without requiring reapplication. Such a family does not become ineligible for the program on the grounds that it was unable to locate a unit before the voucher expired [HCV GB p. 8-13].

HACA Policy

If an applicant family's voucher term or extension expires before the family has submitted a Request for Tenancy Approval (RTA) or HACA has approved a tenancy, HACA will require the family to reapply for assistance.

Within 10 calendar days after the expiration of the voucher term or any extension, HACA will notify the family in writing that the voucher term has expired and that the family must reapply in order to be placed on the waiting list.

CHAPTER 6 INCOME AND SUBSIDY DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 982]

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's payment and HACA's subsidy. HACA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and PHA policies related to these topics in three parts as follows:

Part I: Annual Income. HUD regulations specify the sources of income to include and exclude to arrive at a family's annual income. These requirements and PHA policies for calculating annual income are found in Part I.

Part II: Adjusted Income. Once annual income has been established HUD regulations require HACA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and PHA policies for calculating adjusted income are found in Part II.

Part III: Calculating Family Share and PHA Subsidy. This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining PHA subsidy and required family payment.

PART I: ANNUAL INCOME

Formatted: Picture bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

6-1.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from [24 CFR 5.609].

the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

Earned Income Disallowance

The earned income disallowance for persons with disabilities is discussed in section 6-I.E below.

6-I.E. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES [24 CFR 5.617] ; Streamlining Final Rule (SFR) Federal Register 3/8/16]

The earned income disallowance (EID) encourages people with disabilities to enter the work force by not including the full value of increases in earned income for a period of time. The full text of [24 CFR 5.617] is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.

Eligibility

This disallowance applies only to individuals in families already participating in the HCV program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

Employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.

Increased earnings by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].

New employment or increased earnings by a family member who is a person with disabilities and who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past six months. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least \$500.

Calculation of the Disallowance

Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with his or her "baseline ~~prior~~ income." The family member's baseline income is his or her income immediately prior to qualifying for the EID. The family member's baseline income remains constant throughout the period that he or she is

Formatted: None, Don't keep with next

participating in the EID.

HACA Policy

~~HACA defines prior income, or prequalifying income, as the family member's last certified income prior to qualifying for the EID. This income amount will be recorded on the family's last Form 50058.~~

~~The family member's prior, or prequalifying, income remains constant (as a baseline) throughout the period that he or she is participating in the EID.~~ While qualification for the disallowance is the same for all families, calculation of the disallowance will differ depending on when the family member qualified for the EID. Participants qualifying prior to May 9, 2016, will have the disallowance calculated under the "Original Calculation Method" described below which requires a maximum lifetime disallowance period of up to 48 consecutive months. Participants qualifying on or after May 9, 2016, will be subject to the "Revised Calculation Method." Which shortens the lifetime disallowance period to 24 consecutive months.

Under both the original and new methods, the EID eligibility criteria, the benefit amount, the single lifetime eligibility requirement and the ability of the applicable family member to stop and restart employment during the eligibility period are the same.

Original Calculation Method

Formatted: Font: Bold

Initial 12-Month Exclusion

During the initial 12-month exclusion period, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded. The 12 months are cumulative and need not be consecutive.

HACA Policy

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

This applies regardless of whether the eligible member reported the employment or increase in earnings in a timely manner (within 30 days of occurrence) or not. Example: an eligible family member reports a new job on June 12, 2008. HACA's third party verification confirms that the family member actually started employment on January 5, 2008. The initial EID exclusion period for this family member will begin on February 1, 2008.

Second 12-Month Exclusion and Phase-In

During the second 12-month exclusion period, the exclusion is reduced to half (50 percent) of any

increase in income attributable to employment or increased earnings. The 12 months are cumulative and need not be consecutive.

Lifetime Limitation

The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.

HACA Policy

During the 48-month eligibility period, HACA will conduct an interim reexamination each time there is a change in the family member’s annual income that affects or is affected by the EID (e.g., when the family member’s income falls to a level at or below his/her prequalifying income, when one of the exclusion periods ends and at the end of the lifetime maximum eligibility period).

Revised Calculation Method

Initial 12-Month Exclusion

During the initial exclusion period of 12 consecutive months, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded.

HACA Policy

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

Second 12-Month Exclusion

During the second exclusion period of 12 consecutive months, HACA must exclude at least 50 percent of any increase in income attributable to employment or increased earnings.

HACA Policy

During the second 12-month exclusion period, HACA will exclude 100 percent of any increase in income attributable to new employment or increased earnings.

Lifetime Limitation

The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. During the 24-month period, an individual remains eligible for EID even if they begin to receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance.

Individual Savings Accounts [24 CFR 960.255(d)]

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0"

EXHIBIT 6-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES

24 CFR 5.617 Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income

(a) *Applicable programs.* The disallowance of earned income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982). ~~The disallowance of increase in annual income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).~~

(b) *Definitions.* The following definitions apply for purposes of this section.

Baseline income. The annual income immediately prior to implementation of the disallowance described in paragraph (c)(1) of this section of a person with disabilities (who is a member of a qualified family).

Disallowance. Exclusion from annual income.

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) 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;

(2) 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

(3) 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 temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over a six-month period is at least \$500.

(c) *Disallowance of increase in annual income—*

(1) *Initial 12-month exclusion.* During the 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 responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(2) *Second twelve month exclusion and phase-in of rent increase.* Upon expiration of the 12-month period defined in paragraph (c)(1) of this section and for the subsequent 12-month period, the responsible entity must exclude from annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member's baseline income.

(3) *Maximum 2-year disallowance.* The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) of this section is limited to a lifetime 24-month period. The disallowance applies for a maximum of 12 months for disallowance under paragraph (c)(1) of this section and a maximum of 12 months for disallowance under paragraph (c)(2) of this section, during the 24-month period starting from the initial exclusion under paragraph (c)(1) of this section.

(4) *Effect of changes on currently participating families.* Families eligible for and participating in the disallowance of earned income under this section prior to *May 9, 2016* will continue to be governed by this section in effect as it existed immediately prior to that date (see 24 CFR parts 0 to 199, revised as of April 1, 2016).

~~(1) Initial twelve month exclusion. During the cumulative twelve 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 responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.~~

~~(2) Second twelve month exclusion and phase-in. During the second cumulative twelve month period after 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 responsible entity must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.~~

Formatted: Font: (Default) Times New Roman, 12 pt

~~(3) Maximum four year disallowance. The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (e)(1) or (e)(2) is limited to a lifetime 48 month period. The disallowance only applies for a maximum of twelve months for disallowance under paragraph (e)(1) and a maximum of twelve months for disallowance under paragraph (e)(2), during the 48 month period starting from the initial exclusion under paragraph (e)(1) of this section.~~

Formatted: Keep lines together

(d) Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).

Regular Contributions or Gifts

HACA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with an assisted family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

HACA Policy

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards and car payments), (2) cash or other liquid assets

provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis.

HACA will count as income monetary and nonmonetary contributions or gifts to a family that may come from nonrecurring or different sources, but the family is able to pay an expense on a regular basis. For example, a family pays for cable television service monthly and receives monetary contributions to pay it from a different source each month. The cost of the cable service will be included as income.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by HACA. For contributions that may vary from month to month (e.g., utility payments), HACA will include an average amount based upon past history.

6-1.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9); Notice PIH 2015-21 and FR 5/20/14]

In 2005, Congress passed a law (for Section 8 programs only) requiring that certain student financial assistance be included in annual income. Prior to that, the full amount of student financial assistance was excluded. For some students, the full exclusion still applies.

Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9); FR 4/10/06; Notice PIH 2015-21]

The regulation requiring the inclusion of certain student financial assistance applies only to students who satisfy all of the following conditions:

They are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965.

They are seeking or receiving Section 8 assistance on their own—that is, apart from their parents—through the HCV program, ~~the project-based certificate program~~, the project-based voucher program, or the moderate rehabilitation program.

They are under 24 years of age **OR** they have no dependent children.

For students who satisfy these three conditions, any financial assistance in excess of tuition and other required fees and charges received: (1) under the 1965 HEA, (2) from a private source, or (3) from an institution of higher education, as defined under the 1965 HEA, must be included in

To determine annual income in accordance with the above requirements, HACA will use the definitions of *dependent child*, *institution of higher education*, and *parents* in Section 3-II.E, along with the following definitions [FR 4/10/06, pp. 18148-18150]:

Assistance under the Higher Education Act of 1965 includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.

Assistance from private sources means assistance from nongovernmental sources, including parents, guardians, and other persons not residing with the student in an HCV assisted unit.

- *Tuition and fees* are defined in the same manner in which the U.S. Department of Education defines *tuition and fees* [Notice PIH 2015-21].
 - This is the amount of tuition and required fees covering a full academic year most frequently charged to students.
 - The amount represents what a typical student would be charged and may not be the same for all students at an institution.
 - If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an academic year is used to estimate average tuition.
 - Required fees include all fixed-sum charges that are required of a large proportion of all students. Examples include, but are not limited to, writing and science lab fees and fees specific to the student's major or program (i.e., nursing program).
 - Expenses related to attending an institution of higher education must **not** be included as tuition. Examples include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed-sum charges.

Formatted: Font: Italic

HACA Policy

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.

~~*Tuition will have the meaning given this term by the institution of higher education in which the student is enrolled and will include any other fees and charges required by the institution for enrollment [FR 5/20/14, p. 28939].*~~

Student Financial Assistance Excluded from Annual Income [24 CFR 5.609(c)(6)]

Any student financial assistance not subject to inclusion under [24 CFR 5.609(b)(9)] is fully excluded from annual income under [24 CFR 5.609(c)(6)], whether it is paid directly to the student or to the educational institution the student is attending. This includes any financial assistance received by:

Students residing with parents who are seeking or receiving Section 8 assistance

Students who are enrolled in an educational institution that does **not** meet the 1965 HEA

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Imputed Assets

HUD permits HACAs to accept a self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

HACA Policy

HACA will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

Value of Assets and Asset Income [24 CFR 982.516(a)]

For families with net assets totaling \$5,000 or less, the HACA may accept the family’s declaration of asset value and anticipated asset income. However, HACA is required to obtain third-party verification of all assets regardless of the amount during the intake process and at least every three years thereafter.

Formatted: Font: Italic

HACA Policy

For families with net assets totaling \$5,000 or less, HACA will accept the family’s self-certification of the value of family assets and anticipated asset income when applicable. The family’s declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family’s declaration.

Formatted: Indent: Left: 0.5"

HACA 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 every three years thereafter.

7-I.E. SELF-CERTIFICATION

When HUD requires third-party verification, self-certification, or “tenant declaration,” is used as a last resort when HACA is unable to obtain third-party verification.

Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$5,000 or less and the PHA has adopted a policy to accept self certification at annual recertification, when applicable
- The PHA has adopted a policy to implement streamlined annual recertifications for fixed sources of income (See Chapter 11)

(B) Placing FUP eligible families referred by CPS on HACA's HCV Waitlist

Those eligible applicants on the current waitlist will have priority over families not on the wait list. If additional funding is available, and all eligible families on the waitlist are exhausted, the waitlist will be reopened for FUP eligible families only. Eligibility for the FUP vouchers will be based on the respective HUD Notice of Funding Availability and may be limited to referrals from the Texas state child protection agency.

PART III: VERIFYING INCOME AND ASSETS (Streamlining rule published 3/8/2016 982.516)

Chapter 6, Part I of this plan describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides HACA policies that supplement the general verification procedures specified in Part I of this chapter.

HACA Policy

~~On January 22, 2013, HUD issued Notice PIH 2013-03, to acknowledge and address the budget and staff constraints that many PHAs have faced in recent years. The notice provides four optional methods to reduce administrative burden.~~

~~HUD posted Frequently Asked Questions (FAQs) about the notice on March 1, 2013.~~

~~On November 5, 2013, HUD issued Notice PIH 2013-26 to extend for an additional year the temporary compliance provisions described in Notice PIH 2013-03. Originally set to expire on March 31, 2014, the notice will now remain effective until March 31, 2015.~~

On January 22, 2013 HUD issued Notice PIH 2013-03 which granted administrative relief to PHAs by allowing applicant and resident self-certification of assets and the income from assets with a net value of less than \$5000. This administrative relief was temporary and renewed through 2015.

On March 8, 2016, HUD published the Streamlining Rule in the Federal Register. This rule made permanent changes to the way assets were verified.

~~One approved method to reduce administrative burden and streamline income recertification efforts, allows HACA to accept a family's written self-declaration of the amount of assets equal to or less than \$5,000, and the amount of income expected to be received from those assets. This Asset verification method is approved through March 31, 2015 and any approved HUD extensions of this provision. If HUD doesn't approve an extension of this Asset verification method beyond March 31, 2015, HACA will verify all Assets following the verification hierarchy requirements.~~

The approved method to reduce administrative burden and streamline income recertification efforts states the following:

- Applicants must provide full third party verification (i.e. bank statements) at the time of determination of income eligibility.
- For a resident family with net assets equal to or less than \$5,000, a PHA may accept, for purposes of recertification of income, a family's declaration that it has net assets equal to or less than \$5,000, without taking additional steps to verify the accuracy of the declaration. The declaration must state the amount of income the family expects to receive from such assets; this amount must be included in the family's income.
- The PHA must obtain full third-party verification of assets every three years.,
-
- The following HACA forms, which are signed by all adult family members, will serve as documentation of the family's self-declaration of asset income: HACA's housing application, HACA's Continued Occupancy Form, HCV program's Annual Re-certification form, and How to Report a Change form. If the family has net family assets equal to or less than \$5,000, HACA will not request supporting documentation (e.g. bank statements) from the family to confirm the assets or the amount of income expected to be received from those assets.
- If the family has net assets in excess of \$5,000, HACA will request supporting documentation (e.g. bank statements) from the family to confirm the assets.
- If the family has net assets is less than \$5,000, HACA will request supporting documentation (e.g. bank statements) from the family to confirm the assets every three years and at the time of initial eligibility determination.
- Any assets reported by the family will be reported on the HUD Form 50058.

Formatted: List Paragraph, Right: 0", Space Before: 7 pt, After: 7 pt, Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5", Don't hyphenate

Formatted: Pattern: Clear

7-III.A. EARNED INCOME

Tips

HACA Policy

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.

Formatted ... [1]

Wages

HACA Policy

For wages other than tips, the family must provide originals of the two most current, consecutive pay stubs.

Formatted ... [2]

Formatted ... [3]

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

HACA Policy

Business owners and self-employed persons will be required to provide:

An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted

Formatted ... [4]

Formatted: Font:

Formatted ... [5]

Formatted: Font: Not Bold, Font color: Auto, Expanded by 0.1 pt

and the business owner or self-employed person must certify to its accuracy. All schedules completed for filing federal and local taxes in the preceding year. 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.

HACA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

At any reexamination HACA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

If a family member has been self-employed less than three (3) months, HACA will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months HACA will require the family to provide documentation of income and expenses for this period and use that information to project income.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS

Streamlined Income Determination of Fixed Income Sources [24 CFR 982.516]

On March 8, 2016, HUD published the Streamlining Rule in the Federal Register. According to this rule, for any family member with a fixed source of income, a PHA may elect to determine that family member's income by means of a streamlined income determination. A streamlined income determination must be conducted by applying, for each fixed-income source, the verified cost of living adjustment (COLA) or current rate of interest to the previously verified or adjusted income amount.

HACA Policy

HACA will apply this streamlined income determination for all fixed income sources in the following way:

- HACA will only use the streamlined income determination as part of a reexamination. HACA will require third-party verification of all income for applicants during the admissions process.
- A "family member with a fixed source of income" is defined as a family member whose income includes periodic payments at reasonably predictable levels from one or more of the following sources:
 - Social Security, Supplemental Security Income, Supplemental Disability Insurance;
 - Federal, state, local, or private pension plans;

Formatted: Indent: Left: 0.5", First line: 0"

- Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts; or
- Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.
- HACA will use a COLA or current rate of interest specific to the fixed source of income in order to adjust the income amount. HACA will verify the appropriate COLA or current rate of interest from a public source or through tenant-provided, third party-generated documentation. If no such verification is available, then HACA will obtain third-party verification of income amounts in order to calculate the change in income for the source.
- For any family member whose income is determined pursuant to a streamlined income determination, HACA will obtain third-party verification of all income amounts every 3 years.

Social Security/SSI Benefits

HACA Policy

To verify the SS/SSI benefits of applicants, the HACA will request a current (dated within the last 60 days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), HACA will help the applicant request a benefit verification letter from SSA's Web site at www.ssa.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the applicant has received the benefit verification letter they will be required to provide it to the HACA.

To verify the SS/SSI benefits of participants, HACA will follow the streamlined income determination outlined above. When third-party verification is required, HACA will obtain information about Social Security/SSI benefits through the HUD EIV System and confirm with the resident(s) that the current listed benefit amount is correct. If the resident disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, HACA will request a current SSA benefit verification letter from each family member that receives social security benefits. If a family member is unable to provide the document, HACA will help the resident request a benefit verification letter from SSA's Web site at www.socialsecurity.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the family has received the benefit verification letter, it will be required to provide the letter to HACA.

7-III.D. ALIMONY OR CHILD SUPPORT

HACA Policy

The methods HACA will use to verify alimony and child support payments differ depending on whether the family declares that it receives regular payments.

If the family declares that it *receives regular payments*, verification will be obtained in

PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516]**11-I.A. OVERVIEW**

HACA must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated. This part discusses the schedule for annual reexaminations, the information to be collected and verified, and annual reexamination effective dates.

11-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 982.516(b)]

HUD permits PHAs to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years the PHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. The PHA may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, the PHA must perform third-party verification of all income sources.

Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources.

HACA Policy

HACA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. The PHA will document in the file how the determination that a source of income was fixed was made.

If a family member with a fixed source of income is added, HACA will use third-party verification of all income amounts for that family member.

If verification of the COLA or rate of interest is not available, HACA will obtain third-party verification of income amounts.

Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.

11-I.CB. SCHEDULING ANNUAL REEXAMINATIONS

HACA must establish a policy to ensure that the annual reexamination for each family is completed *within* a 12-month period, and may require reexaminations more frequently [HCV GB p. 12-1].

working order including those utilities that the family will be responsible for paying.

HACA Policy

All utility connections must be established prior to the initial inspection. The owner and family are required to coordinate to ensure that utility service is connected prior to the inspection date.

Appliances

HACA Policy

If the family is responsible for supplying the stove and/or refrigerator, HACA will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. The required appliances must be in place and inspected by HACA prior to executing the HAP contract. HACA will re-inspect the unit within 2 business days of notification to confirm appliances are installed and working properly.

8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS [~~24 CFR 982.405(a)~~ 24 CFR 982.405;; 982.406, Notice PIH 2016-05]

¶

HACA Policy

Each unit under HAP contract must be inspected at least ~~biennially~~ **annually** within ~~24~~ **12** months of the last full HQS inspection.

HACA may accept the results of inspections performed by HUD or inspection results for housing assisted under the HOME Investment Partnerships (HOME) program or housing financed using Low-Income Housing Tax Credits (LIHTCs).

Formatted: Indent: Left: 0.11"

Scheduling the Inspection

HACA Policy

If an adult family member cannot be present on the scheduled date, the family should request that HACA reschedule the inspection.

HACA and the family will agree on a new inspection date that generally should take place within 5 business days of the originally- scheduled date. HACA may schedule an inspection more than 5 business days after the original date for good cause.

If the family misses the first scheduled appointment without requesting a new inspection date, HACA will automatically schedule a second inspection. If the family misses two scheduled inspections without PHA approval, HACA will consider the family to have

supervisor or other qualified individual to evaluate the work of the inspector(s) and to ensure that inspections are performed in compliance with HQS.

Inspection of PHA-owned Units [24 CFR 982.352(b)]

HACA must obtain the services of an independent entity to perform all HQS inspections in cases where an HCV family is receiving assistance in a HACA-owned unit. A HACA-owned unit is defined as a unit that is owned by HACA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by HACA). The independent agency must communicate the results of each inspection to the family and HACA. The independent agency must be approved by HUD, and may be the unit of general local government for HACA jurisdiction (unless HACA is itself the unit of general local government or an agency of such government).

Inspection Costs[Notice PIH 2016-05]

HACA may not charge the family ~~or owner~~ for unit inspections [24 CFR 982.405(e)]. In the case of inspections of PHA-owned units, HACA may compensate the independent agency from ongoing administrative fee for inspections performed. HACA and the independent agency may not charge the family any fee or charge for the inspection [24 CFR.982.352(b)].

The PHA may not charge the owner for the inspection of the unit prior to the initial term of the lease or for a first inspection during assisted occupancy of the unit. However, the PHA may charge a reasonable fee to owners for reinspections in two situations: when the owner notifies the PHA that a repair has been made but the deficiency has not been corrected, and when the time for repairs has elapsed and the deficiency has not been corrected. Fees may not be imposed for tenant-caused damages, for cases in which the inspector could not gain access to the unit, or for new deficiencies discovered during a reinspection.

The owner may not pass the cost of a reinspection fee to the family. Reinspection fees must be added to the PHA’s administrative fee reserves and may only be used for activities related to the provision of tenant-based assistance.

HACA Policy

HACA will not charge a fee for failed reinspections.

Notice and Scheduling

The family must allow HACA to inspect the unit at reasonable times with reasonable notice [24 CFR 982.551(d)].

HACA Policy

Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 5:00 p.m. Generally inspections will be conducted on business days only. In the case of a life threatening emergency, HACA will give as much notice as possible, given the nature of the emergency.

Owner and Family Inspection Attendance

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Normal, Indent: Left: 0.5"

Amenities, services, and utilities included in the rent

Units that Must Not be Used as Comparables

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units.

These include units assisted by HUD through any of the following programs: Section 8 project-based assistance, Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program- assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance.

Note: Notice PIH 2011-46, issued August 17, 2011, provides further guidance on the issue of what constitutes an assisted unit.

Rents Charged for Other Units on the Premises

The Request for Tenancy Approval (HUD-52517) requires owners to provide information, on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than 4 units.

By accepting HACA payment each month the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give HACA information regarding rents charged for other units on the premises.

8-III.D. PHA RENT REASONABLENESS METHODOLOGY

How Market Data Is Collected

HACA Policy

HACA will collect and maintain data on market rents in HACA's jurisdiction. Information sources include ~~newspapers, realtors, market surveys, inquiries of owners,~~ Austin Board of Realtors Multiple Listing Service (MLS), Go Section 8 Rent Reasonableness database, copies of executed leases for unassisted units, rent roll, -and other available sources. The data will be maintained by bedroom size and market areas. Market areas may be defined by zip codes, census tract, neighborhood, and identifiable natural or man-made boundaries. The data will be updated on an ongoing basis and rent information that is more than 12 months old will be eliminated from the database.

How Rents Are Determined

HACA Policy

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable unassisted units in the same market area. HACA will develop a range of prices for comparable units by bedroom size within defined market areas. Units proposed

for HCV assistance will be compared to the units within this rent range. Because units may be similar, but not exactly like the unit proposed for HCV assistance, HACA may make adjustments to the range of prices to account for these differences.

The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three-bedroom unit than in a two-bedroom).

~~The adjustment must reflect the rental value of the difference not its construction costs (e.g., it might cost \$20,000 to put on a new roof, but the new roof might not make any difference in what a tenant would be willing to pay because rental units are presumed to have functioning roofs).~~

~~When a comparable project offers rent concessions (e.g., first month rent free, or reduced rent) monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of \$500/month but new tenants receive the first month's rent free, the actual rent for the unit would be calculated as follows: $\$500 \times 11 \text{ months} = 5500 / 12 \text{ months} = \text{actual monthly rent of } \$488.$~~

HACA will notify the owner of the rent HACA can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. HACA will confirm the accuracy of the information provided and consider this additional information when making rent determinations. The owner must submit any additional information within 5 business days of HACA's request for information or the owner's request to submit information.

has no further relationship with the family. The initial PHA must contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the initial PHA's voucher. Based on the receiving PHA's response, the initial PHA must determine whether they will approve or deny the portability request [Notice PIH 2012-42].

PHAs commonly act as both the initial and receiving PHA because families may move into or out of their jurisdiction under portability. Each role involves different responsibilities. The PHA will follow the rules and policies in section 10-II.B when it is acting as the initial PHA for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving PHA for a family.

In administering portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required forms [24 CFR 982.355(e)(5)].

PHAs must also comply with billing and payment deadlines. HUD may reduce an administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements [24 CFR 982.355(e)(7)].

10-II.B. INITIAL PHA ROLE

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected. If the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family (24 CFR 982.255(b)). ~~initial PHA may choose the receiving PHA [24 CFR 982.355(b)].~~

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the PHA's jurisdiction under portability. HUD regulations and PHA policy determine whether a family qualifies.

Applicant Families

Under HUD regulations, most applicant families qualify to lease a unit outside HACA's jurisdiction under portability. However, HUD gives HACA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance. If a PHA intends to deny a family permission to move under portability due to insufficient funding, the PHA must notify HUD within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

HACA Policy

In determining whether or not to deny an applicant family permission to move under portability because HACA lacks sufficient funding or has grounds for denying assistance to the family, the initial PHA will follow the policies established in section 10-I.B of this chapter. If the PHA does deny the move due to insufficient funding, the PHA will notify HUD in writing within 10 business days of the PHA's determination to deny the move.

In addition, HACA may establish a policy denying the right to portability to nonresident applicants during the first 12 months after they are admitted to the program [24 CFR 982.353(c)].

HACA Policy

If neither the head of household nor the spouse/co-head of an applicant family had a domicile (legal residence) in HACA's jurisdiction at the time the family's initial application for assistance was submitted, the family must lease a unit within HACA's jurisdiction for at least 12 months before requesting portability.

HACA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence sexual assault, or stalking.

~~However, any exception to this policy is subject to the approval of the receiving PHA [24 CFR 982.353(e)(3)].~~

Participant Families

The initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. The Violence against Women Act of 2013 (VAWA) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.353(b)].

HACA Policy

HACA will determine whether a participant family may move out of HACA's jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. HACA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(1)(~~3~~)]. The family must specify the area to which the family wishes to move [Notice 2012-4224 CFR 982.355(c)(1)].

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move ~~{[24 CFR 982.3535(de)(1); 24 CFR 982.355(9)]24 CFR 982.355(e)(1)}~~. If the applicant family is not income eligible in that area, HACA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2012-42].

Participant Families

The income eligibility of a participant family is not re-determined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2), ~~24 CFR 982.355(e)(1)~~].

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family.

HACA Policy

For a participant family approved to move out of its jurisdiction under portability, HACA generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

HACA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

Briefing

The regulations and policies on briefings set forth in Chapter 5 of this plan require HACA to provide information on portability to all applicant families that qualify to lease a unit outside HACA's jurisdiction under the portability procedures. Therefore, no special briefing is required for these families.

HACA Policy

No formal briefing will be required for a participant family wishing to move outside HACA's jurisdiction under portability. However, HACA will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program (see Chapter 5).

HACA will provide the name, address, and phone of the contact for HACA in the jurisdiction to which they wish to move. If there is more than one PHA with jurisdiction over the area to which the family wishes to move, the PHA will advise the family that the family must select the receiving PHA and notify the initial PHA of which receiving PHA was selected. The PHA will further inform the family that if the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family.

HACA will advise the family that they will be under the receiving PHA's policies and procedures, including screening subsidy standards and voucher extension policies, and payment standards.

Formatted: Indent: Left: 0.5"

Voucher Issuance and Term

An applicant family has no right to portability until after the family has been issued a voucher [24 CFR 982.353(b)]. In issuing vouchers to applicant families, HACA will follow the regulations and procedures set forth in Chapter 5.

HACA Policy

For families approved to move under portability, HACA will issue a new voucher within 20 business days of HACA's written approval to move.

The initial term of the voucher will be 60 days.

Voucher Extensions and Expiration

HACA Policy

HACA will approve **no** extensions to a voucher issued to an applicant or participant family porting out of HACA's jurisdiction except under the following circumstances: (a) the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA, (b) the family decides to return to the initial PHA's jurisdiction and search for a unit there, or (c) the family decides to search for a unit in a third PHA's jurisdiction. In such cases, the policies on voucher extensions set forth in Chapter 5, section 5-II.E, of this plan will apply, including the requirement that the family applies for an extension in writing prior to the expiration of the initial voucher term.

To receive or continue receiving assistance under the HACA's voucher program, a family that moves to another PHA's jurisdiction under portability must be under HAP contract in the receiving PHA's jurisdiction within 90 ~~60~~ days following the expiration date of the initial PHA's voucher term (including any extensions). (See below under "Initial Billing Deadline" for one exception to this policy.)

Preapproval Contact with the Receiving PHA

Prior to approving a family's request to move under portability, the initial PHA must contact the receiving PHA via e-mail or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the family's voucher. Based on the receiving PHA's response, the initial PHA must determine whether it will approve or deny the move [Notice PIH 2012-42].

HACA Policy

HACA will use e-mail, when possible, to contact the receiving PHA regarding whether the receiving PHA will administer or absorb the family's voucher.

Initial Notification to the Receiving PHA

After approving a family's request to move under portability, the initial PHA must promptly notify the receiving PHA via email or other confirmed delivery method to expect the family [24 CFR 982.355(c)(32); 24 CFR 982.355(c)(7)]. ~~This means that the initial PHA must contact the receiving PHA directly on the family's behalf [Notice PIH 2012-42]. to expect the family [24 CFR 982.355(c)(2)]. This means that the initial PHA must contact the receiving PHA directly on the family's behalf [Notice PIH2012-42].~~ The initial PHA must also advise the family how to contact and request assistance from the receiving PHA [24 CFR 982.355(c)(62)].

Formatted: Right: -0.01", Line spacing: single

HACA Policy

Because the portability process is time-sensitive, HACA will notify the receiving PHA by phone, fax, or e-mail to expect the family. The initial PHA will also ask the receiving PHA to provide any information the family may need upon arrival, including the name, fax, e-mail and telephone number of the staff person responsible for business with incoming portable families and procedures related to appointments for voucher issuance. HACA will pass this information along to the family. HACA will also ask for the name, address, telephone number, fax and email of the person responsible for processing the billing information.

Sending Documentation to the Receiving PHA

The initial PHA is required to send the receiving PHA the following documents:

Form HUD-52665, Family Portability Information, with Part I filled out [Notice PIH 2012-42]

A copy of the family's voucher [Notice PIH 2012-42]

A copy of the family's most recent form HUD-50058, Family Report, or, if necessary in the

case of an applicant family, family and income information in a format similar to that of form HUD-50058 [24 CFR 982.355(c)(74), Notice PIH 2012-42]

Copies of the income verifications backing up the form HUD-50058, including a copy of the family's current EIV data [24 CFR 982.355(c)(74), Notice PIH 2012-42]

HACA Policy

In addition to these documents, HACA will provide the following information, if available, to the receiving PHA:

Social security numbers (SSNs)

Documentation of SSNs for all nonexempt household members whose SSNs have not been verified through the EIV system

Documentation of legal identity

Documentation of citizenship or eligible immigration status

Documentation of participation in the earned income disallowance (EID) benefit

Documentation of participation in a family self-sufficiency (FSS) program

HACA will notify the family in writing regarding any information provided to the receiving PHA [HCV GB, p. 13-3].

Initial Billing Deadline [Notice PIH 2012-42, Letter to Executive Directors, 9/15/15]

~~When the initial PHA sends form HUD-52665 to the receiving PHA, it specifies in Part I the deadline by which it must receive the initial billing notice from the receiving PHA. This~~ The deadline for submission of initial billing is 90 ~~60~~ days following the expiration date of the voucher issued to the family by the initial PHA. If the initial PHA does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must contact the receiving PHA to determine the status of the family. If the receiving PHA reports that the family is not yet under HAP contract, the initial PHA may refuse to accept a late billing submission. If the receiving PHA reports that the family is under HAP contract and the receiving PHA cannot absorb the family, the initial PHA must accept a late billing submission; however, it may report to HUD the receiving PHA's failure to comply with the deadline.

HACA Policy

If HACA has not received an initial billing notice from the receiving PHA ~~by the deadline s~~ within 90 days of expiration of the IHA's voucher ~~specified on form HUD-52665~~, it will contact the receiving PHA by phone, fax, or e-mail on the next business day. If HACA reports that the family is not yet under HAP contract, HACA will inform the receiving PHA that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family. HACA will send the receiving PHA a written confirmation of its decision by mail.

HACA will allow an exception to this policy if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the

family by the receiving PHA.

Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2012-42]

If the receiving PHA is administering the family's voucher, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. When reimbursing for administrative fees, the initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA ongoing administrative fee or 100 percent of the receiving PHA's ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill [24 CFR 982.355(e)(2)].

The initial PHA is responsible for making billing payments in a timely manner. The first billing amount is due within 30 calendar days after the initial PHA receives Part II of form HUD-52665 from the receiving PHA. Subsequent payments must be **received** by the receiving PHA no later than the fifth business day of each month. The payments must be provided in a form and manner that the receiving PHA is able and willing to accept.

The initial PHA may not terminate or delay making payments under existing portability billing arrangements as a result of over leasing or funding shortfalls. HACA must manage its tenant-based program in a manner that ensures that it has the financial ability to provide assistance for families that move out of its jurisdiction under portability and are not absorbed by receiving HACA as well as for families that remain within its jurisdiction.

HACA Policy

The initial PHA will try to utilize direct deposit to ensure that the payment is received by the deadline unless the receiving PHA notifies the initial PHA that direct deposit is not acceptable to them.

Annual Updates of Form HUD-50058

If the initial PHA is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving PHA. If the initial PHA fails to receive an updated 50058 by the family's annual reexamination date, the initial PHA should contact the receiving PHA to verify the status of the family.

Denial or Termination of Assistance [24 CFR 982.355(e)(9)]

~~If the initial PHA has grounds for denying or terminating assistance for a portable family that has not been absorbed by the receiving PHA, the initial PHA may act on those grounds at any time.~~ At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance with the family in accordance with 24 CFR 982.552 and 24 CFR 982.553. ~~If the initial PHA has grounds for denying or terminating assistance for a portable family that has not been absorbed by the receiving PHA, the initial PHA may act on those grounds at any time.~~ (For PHA policies on denial and termination, see Chapters 3 and 12, respectively.)

10-II.C. RECEIVING PHA ROLE

If a family has a right to lease a unit in the receiving PHA's jurisdiction under portability, the receiving PHA must provide assistance for the family [24 CFR 982.355(10)]. HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families [24 CFR 982.355(b)].

Administration of the voucher must be in accordance with the receiving PHA's policies. This requirement also applies to policies of Moving to Work agencies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving PHA waiting list is not used [24 CFR 982.355(c)(10)]. ~~The receiving PHA's procedures and preferences for selection among eligible applicants do not apply, and the receiving PHA's waiting list is not used [24 CFR 982.355(10)]. However, the family's unit, or voucher, size is determined in accordance with the subsidy standards of the receiving PHA [24 CFR 982.355(c)(12)], and the amount of the family's housing assistance payment is determined in the same manner as for other families in the receiving PHA's voucher program [24 CFR 982.355(e)(2)].~~receiving PHA's policies on extensions of the voucher term apply [24 CFR 982.355(c)(14)].

~~If a family has a right to lease a unit in the receiving PHA's jurisdiction under portability, the receiving PHA must provide assistance for the family [24 CFR 982.355(10)].~~

~~The receiving PHA's procedures and preferences for selection among eligible applicants do not apply, and the receiving PHA's waiting list is not used [24 CFR 982.355(10)]. However, the family's unit, or voucher, size is determined in accordance with the subsidy standards of the receiving PHA [24 CFR 982.355(7)], and the amount of the family's housing assistance payment is determined in the same manner as for other families in the receiving PHA's voucher program [24 CFR 982.355(e)(2)].~~

Responding to Initial PHA's Request [24 CFR 982.355(c)]

The receiving PHA must respond via e-mail or other confirmed delivery method to the initial PHA's inquiry to determine whether the family's voucher will be billed or absorbed. ~~If [24 CFR 982.355(c)(3)]. If the receiving PHA informs the initial PHA that it will be absorbing the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA (24 CFR 982.355(c)(4). [Notice PIH 2012-42].~~

HACA Policy

HACA will use e-mail, when possible, to notify the initial PHA whether it will administer or absorb the family's voucher.

Initial Contact with Family

When a family moves into HACA's jurisdiction under portability, the family is responsible for promptly contacting HACA and complying with HACA's procedures for incoming portable families. The family's failure to comply may result in denial or termination of the receiving PHA's voucher [24 CFR 982.355(c)(8)].

If the voucher issued to the family by the initial PHA has expired, the receiving PHA ~~does not process the family's paperwork but instead refers the family back to the initial PHA~~ [Notice PIH 2012-42]. must contact the initial PHA to determine if it will extend the voucher [24 CFR 982.355(c)(13)].

If for any reason the receiving PHA refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an informal review or hearing [Notice PIH 2012-42]. (For more on this topic, see later under "Denial or Termination

of Assistance.")

If for any reason the receiving PHA refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an informal review or hearing [Notice PIH 2008-43]. (For more on this topic, see later under "Denial or Termination of Assistance.")

Briefing

HUD allows the receiving PHA to require a briefing for an incoming portable family as long as the requirement does not unduly delay the family's search [Notice PIH2012-42].

HACA Policy

HACA will require the family to attend a briefing. HACA will provide the family with a briefing packet (as described in [Chapter 5](#)) and, in an individual briefing, will orally inform the family about HACA's payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process.

Income Eligibility and Reexamination

~~HUD allows the receiving PHA to conduct its own income reexamination of a portable family [24 CFR 982.355(c)(4)]. However, the receiving PHA may not delay voucher issuance or unit approval until the reexamination process is complete unless the reexamination is necessary to determine that an applicant family is income eligible for admission to the program in the area where the family wishes to lease a unit [Notice PIH 2012-42], 24 CFR 982.201(b)(4)].~~ The receiving PHA does not re-determine ~~income~~ eligibility for a portable family that was already receiving assistance in the initial PHA's voucher program [24 CFR 982.355(c)(4)]. If the receiving PHA opts to conduct a new

reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit [24 CFR 982.355(c)(11)].

HACA Policy

For any family moving into its jurisdiction under portability, HACA will conduct a new reexamination of family income and composition based on the current 50058 provided.

HACA will not delay issuing the family a voucher or delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and HACA cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

In conducting its own reexamination, HACA will rely upon the current 50058 submitted by the Initial PHA along with any supporting documentation and verifications provided to the extent that they (a) accurately reflect the family's current circumstances and (b) were obtained within the last 120 days.

New information may be verified by documents provided by the family and readjusted retroactively to the initial start date of the first HAP, if necessary, when third party verification is received.

Voucher Issuance

When a family moves into its jurisdiction under portability, the receiving PHA is required to issue the family a voucher [24 CFR 982.355(c)(136)]. The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA's voucher [24 CFR 982.355(c)(156)].

Timing of Voucher Issuance

HUD expects the receiving PHA to issue the voucher within two weeks after receiving the family's paperwork from the initial PHA if the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA's procedures [Notice PIH 2012-42].

HACA Policy

When a family ports into its jurisdiction, HACA will issue the family a voucher based on the paperwork provided by the initial PHA unless the family's paperwork from the initial PHA is incomplete, the family's circumstances have changed, the family's voucher from the initial PHA has expired or the family does not comply with HACA's procedures. HACA will update the family's information when verification has been completed.

Voucher Term

The term of the receiving PHA's voucher may not expire before 30 calendar days from the expiration ~~the term~~ ~~the term~~ of the initial PHA's voucher [24 CFR 982.355(c)(136)].

HACA Policy

The receiving PHA's voucher will expire 30 calendar days from ~~on the same~~ expiration date of the ~~as the~~ initial PHA's voucher.

Voucher Extensions [24 CFR 982.355(c)(146), Notice PIH 2012-42]

~~The receiving PHA may provide additional search time to the family beyond the expiration date of the initial PHA's voucher; voucher~~ Once the receiving PHA issues the portable family a voucher, the receiving PHA's policies on extensions of the voucher term apply. The receiving PHA ~~if it does so, it~~ must inform the initial PHA of any ~~the~~ extension granted to the term of the voucher. ~~however, if it does so, it must inform the initial PHA of the extension.~~ It must also bear in mind the billing deadline provided by the initial PHA. Unless willing and able to absorb the family, the receiving PHA should ensure that any voucher expiration date would leave sufficient time to process a request for tenancy approval, execute a HAP contract, and deliver the initial billing to the initial PHA.

HACA Policy

HACA generally will not extend the term of the voucher that it issues to an incoming portable family unless HACA plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in section 5-II.E.

HACA will consider an exception to this policy as a reasonable accommodation to a person with disabilities (see Chapter 2).

Voucher Suspensions [24 CFR 982.303, 24 CFR 982.355(c)(15)]

If the family submits a request for tenancy approval during the term of the receiving PHA's voucher, the PHA must suspend the term of that voucher. The term of the voucher stops from the date that the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied [24 CFR 982.4(b)] (see Section 5-II.E).

Notifying the Initial PHA

The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the receiving PHA’s voucher [24 CFR 982.355(c)(168)]. The receiving PHA is required to use Part II of form HUD-52665, Family Portability Information, for this purpose.

[24 CFR 982.355(e)(5), Notice PIH 2012-42]. (For more on this topic and the deadline for notification, see below under “Administering a Portable Family’s Voucher.”)

Formatted: Right: 0.09"

If an incoming portable family ultimately decides not to lease in the jurisdiction of the receiving PHA but instead wishes to return to the initial PHA’s jurisdiction or to search in another jurisdiction, the receiving PHA must refer the family back to the initial PHA. In such a case the voucher of record for the family is once again the voucher originally issued by the initial PHA. Any extension of search time provided by the receiving PHA’s voucher is only valid for the family’s search in the receiving PHA’s jurisdiction [Notice PIH 2012-42].

Administering a Portable Family’s Voucher

Portability Billing [24 CFR 982.355(e)]

To cover assistance for a portable family that was not absorbed, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. The amount of the housing assistance payment for a portable family in the receiving PHA’s program is determined in the same manner as for other families in the receiving PHA’s program.

The receiving PHA may bill the initial PHA for the lesser of 80 percent of the initial PHA’s ongoing administrative fee or 100 percent of the receiving PHA’s ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill (i.e., the receiving PHA may bill for the lesser of 80 percent of the initial PHA’s prorated ongoing administrative fee or 100 percent of the receiving PHA’s ongoing administrative fee).

If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

PHA Policy

Unless the PHA negotiates a different amount of reimbursement with the initial PHA, the PHA will bill the initial PHA the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.

Initial Billing Deadline

If a portable family’s search for a unit is successful and the receiving PHA intends to administer the family’s voucher, the receiving PHA must submit its initial billing notice (Part II of form

HUD-52665) (a) no later than 10 business days following the date the receiving PHA **executes** a HAP contract on behalf of the family **and** (b) in time that the notice will be **received** no later than 60 days following the expiration date of the family's voucher issued by the initial PHA [Notice PIH 2012-42]. A copy of the family's form HUD-50058, Family Report, completed by the receiving PHA must be attached to the initial billing notice. The receiving PHA may send these documents by mail, fax, or e-mail.

HACA Policy

HACA will send its initial billing notice by fax or e-mail, if necessary, to meet the billing deadline but will also send the notice by regular mail.

If the receiving PHA fails to send the initial billing within 10 business days following the date the HAP contract is executed, it is required to absorb the family into its own program unless (a) the initial PHA is willing to accept the late submission or (b) HUD requires the initial PHA to honor the late submission (e.g., because the receiving PHA is over leased) [Notice PIH2012-42].

Ongoing Notification Responsibilities [Notice PIH 2012-42, HUD-52665]

Annual Reexamination The receiving PHA must send the initial PHA a copy of a portable family's updated form HUD-50058 after each annual reexamination for the duration of time the receiving PHA is billing the initial PHA on behalf of the family, regardless of whether there is a change in the billing amount.

HACA Policy

HACA will send a copy of the updated HUD-50058 by regular mail at the same time the family and owner are notified of the reexamination results.

Change in Billing Amount The receiving PHA is required to notify the initial PHA, using form HUD-52665, of any change in the billing amount for the family as a result of:

- A change in the HAP amount (because of a reexamination, a change in the applicable payment standard, a move to another unit, etc.)
- An abatement or subsequent resumption of the HAP payments
- Termination of the HAP contract
- Payment of a damage/vacancy loss claim for the family
- Termination of the family from the program

The timing of the notice of the change in the billing amount should correspond with the notification to the owner and the family in order to provide the initial PHA with advance notice of the change. Under no circumstances should the notification be later than 10 business days following the effective date of the change in the billing amount. If the receiving PHA fails to send Form HUD-52665 within 10 days of effective date of billing changes, the initial PHA is not responsible for any increase prior to notification.

Late Payments [Notice PIH 2012-42]

If the initial PHA fails to make a monthly payment for a portable family by the fifth business day of the month, the receiving PHA must promptly notify the initial PHA in writing of the deficiency. The notice must identify the family, the amount of the billing payment, the date the billing payment was due, and the date the billing payment was received (if it arrived late). The

receiving PHA must send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over the receiving PHA. If the initial PHA fails to correct the problem by the second month following the notification, the receiving PHA may request by memorandum to the director of the OPH with jurisdiction over the receiving PHA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between HACAs on the matter must be attached. The receiving PHA must send a copy of the memorandum to the initial PHA. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial PHA is still responsible for any outstanding payments due to the receiving PHA.

Overpayments [Notice PIH 2012-42]

In all cases where the receiving PHA has received billing payments for billing arrangements no longer in effect, the receiving PHA is responsible for returning the full amount of the overpayment (including the portion provided for administrative fees) to the initial PHA.

In the event that HUD determines billing payments have continued for at least three months because the receiving PHA failed to notify the initial PHA that the billing arrangement was terminated, the receiving PHA must take the following steps:

Return the full amount of the overpayment, including the portion provided for administrative fees, to the initial PHA.

Once full payment has been returned, notify the Office of Public Housing in the HUD area office with jurisdiction over the receiving PHA of the date and the amount of reimbursement to the initial PHA.

At HUD's discretion, the receiving PHA will be subject to the sanctions spelled out in [Notice PIH 2012-42]

Denial or Termination of Assistance

At any time, the receiving PHA may make a determination to deny or terminate assistance to a portable family for family action or inaction [24 CFR 982.355(c)(179), ~~24 CFR 982.355(c)(10)~~].

In the case of a termination, HACA should provide adequate notice of the effective date to the initial PHA to avoid having to return a payment. In no event should the receiving PHA fail to notify the initial PHA later than 10 business days following the effective date of the termination of the billing arrangement [HUD-52665 Notice PIH 2012-42].

HACA Policy

If HACA elects to deny or terminate assistance for a portable family, HACA will notify the initial PHA within 10 business days after the informal review or hearing if the denial or termination is upheld. HACA will base its denial or termination decision on the policies set forth in Chapter 3 or Chapter 12, respectively. The informal review or hearing will be held in accordance with the policies in Chapter 16. The receiving PHA will furnish the initial PHA with a copy of the review or hearing decision.

Absorbing a Portable Family

The receiving PHA may absorb an incoming portable family into its own program when HACA executes a HAP contract on behalf of the family or at any time thereafter providing that (a) HACA has funding available under its annual contributions contract (ACC) ~~and (b) absorbing the family will not result in over-leasing~~ [24 CFR 982.355(d)(1), Notice PIH 2012-42].

If the receiving PHA absorbs a family from the point of admission, the admission will be counted against the income targeting obligation of the receiving PHA [24 CFR 982.201(b)(2)(vii)].

If the receiving PHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, HUD encourages the receiving PHA to provide adequate advance notice to the initial PHA to avoid having to return an overpayment. The receiving PHA must specify the effective date of the absorption of the family [Notice PIH 2012-42].

HACA Policy

If HACA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, HACA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If HACA decides to absorb a family after that, it will provide the initial PHA with 30 days' advance notice.

Following the absorption of an incoming portable family, the family is assisted with funds available under the consolidated ACC for the receiving PHA's voucher program [24 CFR 982.355(d)], and the receiving PHA becomes the initial PHA in any subsequent moves by the family under portability. [24 CFR 982.355(e)(4)].

CHAPTER 11 REEXAMINATIONS INTRODUCTION

HACA is required to reexamine each family's income and composition at least annually, and to adjust the family's level of assistance accordingly. Interim reexaminations are also needed in certain situations. This chapter discusses both annual and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. HUD regulations and PHA policies concerning reexaminations are presented in three parts:

Part I: Annual Reexaminations. This part discusses the process for conducting annual reexaminations.

Part II: Interim Reexaminations. This part details the requirements for families to report changes in family income and composition between annual reexaminations.

Part III: Recalculating Family Share and Subsidy Amount. This part discusses the recalculation of family share and subsidy amounts based on the results of annual and interim reexaminations.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this plan, apply to both annual and interim reexaminations.

Family Break-Up

In the event of family break up, the HCV subsidy shall remain with that parent/guardian whom has legal custody of any minor children involved. Should HACA be unable to make a determination as to which parent has legal custody, other factors to be considered would include which family member was the original head of household, whether family members are forced to leave as a result of actual or threatened violence, or any other mitigating circumstances brought to the attention of HACA. In cases where a court determines which family member remains with

the subsidy, then the decision of the court shall be final. A written decision will be provided to the family, and the family will be provided a right to appeal the decision.

11-II.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because HACA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, HACA may take different actions depending on whether the family reported the change voluntarily, or because they were required to do so.

PHA-Initiated Interim Reexaminations

PHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by HACA. They are not scheduled because of changes reported by the family.

HACA Policy

HACA will conduct interim reexaminations in each of the following instances:

Interims as a result of Earned Income Disallowance (EID)

For families receiving the Earned Income Disallowance (EID), HACA will conduct an interim reexamination at the start and conclusion of the 24-month eligibility period. ~~of the second 12 month exclusion period (50 percent phase-in period).~~

Zero Income

If the family has reported zero income, HACA will conduct an interim reexamination every 90 days as long as the family continues to report that they have no income. During the appointment, the family's income and expenses will be reviewed. The family will be supplied with information on how to secure income. If the family still claims 0 (zero) income, they will be required to fill out a 0 (zero) income form and provide information on how they pay for expenses. If it is determined that the family had income and failed to report it, the interim increase would be made effective immediately, the family would be processed for fraud and required to pay back any over-paid subsidies and their assistance may be processed for termination.

Seasonal or cyclic income

For a family member who has temporary or seasonal income, HACA may calculate the next 12 months earnings using an average of the past 12 months of earnings. If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months, HACA will schedule an interim reexamination to coincide with the end of the period for

which it is feasible to project income.

Other examples of HACA initiated Interim Reexaminations

If at the time of the annual reexamination, tenant-provided documents were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, HACA will conduct an interim reexamination.

If there has been a change in circumstances for a tenant or a tenant disputes the income calculation, HACA may conduct an interim reexamination.

HACA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Payment Standard Errors

If it is discovered during the screening process that the family was not downgraded or upgraded in error to the proper bedroom size based on current subsidy standard policy, HACA will conduct an interim to downgrade or upgrade to the proper bedroom size.

Family-Initiated Interim Reexaminations

HACA must adopt policies prescribing when and under what conditions the family must report changes in family income or expenses [24 CFR 982.516(c)]. In addition, HUD regulations require that the family be permitted to obtain an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)].

Reporting Requirements for Changes in income and family composition

HACA Policy

Required Reporting

The family is required to report the following in writing within 30 calendar days from the date of occurrence.

1. If the family is on zero income, the family must report any changes in income, regardless of the amount.
2. Families are required to report **new earned income and new sources of unearned income within 30 days from the date of occurrence.**
~~a total household income increase of \$600.00 a month or more or \$7,200 or more annually.~~
3. All changes in family composition must be reported in writing within 30 days from the date of occurrence.
4. If the family is reporting a decrease in income, they must also report any increases in income, which have occurred.

Not required to report

The family is not required to report the following until the next annual re-examination.

1. Cost of living adjustments to recipients of Social Security, TANF and Veteran Assistance or **increased amounts of other unearned income.**

- 2. Families are not required to report increases in current earned income sources and/or increases in assets between annual reexaminations. ~~Total household income increases that total less than \$600.00 monthly or less than \$7,200 annually.~~

Optional Reporting Requirements

- 1. FSS participants may request rent -increases be processed to increase the escrow account. ~~even if the income increase is less than \$600.00 per month or less than \$7,200 annually.~~

11-II.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

HACA Policy

The participant must complete an update form and provide necessary information to support the change. The participant must submit any required information or documents within 14 calendar days of receiving a request from HACA. This time frame may be extended for good cause with HACA approval. HACA will accept required documentation by mail, email, fax, or in person. When all necessary verification is complete, the housing eligibility specialist will complete a Rent Change Notice reflecting the change in rent portions and the effective date. A notice will be sent to the family and owner. Generally, the family will not be required to attend an interview for an interim reexamination. However, if HACA determines that an interview is warranted, the family may be required to attend.

Effective Dates

HACA must establish the time frames in which any changes that result from an interim reexamination will take effect [24 CFR 982.516(d)]. The changes may be applied either retroactively or prospectively, depending on whether there is to be an increase or a decrease in the family share of the rent, and whether the family reported any required information within the required time frames [HCV GB, p. 12-10].

HACA Policy

If the family share of the rent is to increase:

When the change is reported in a timely manner (within 30 calendar days from the effective date of the income increase), the family will be given a 30-day notice prior to the first of the month for any increase in tenant rent.

Cost of living adjustments to recipients of Social Security or SSI, Welfare and Veterans Assistance or increased amounts of other current unearned income will be calculated at the next annual re-examination.

Increases in assets would be calculated at the next re-examination.

Increases in current earned income would be calculated at the next re-examination (i.e. increase in pay rate or hours worked).

Formatted: Right: 0.23", Line spacing: Multiple 1 li

Interim increases will be processed as a result of new earned income or new unearned income if the increase is greater than \$600.00 a month or equal to or greater than \$7,200 annually.

Monthly income increases that total less than \$600.00 a month or less than \$7,200 annually will be calculated at the next re-examination.

Interim increases, regardless of the amount, will be processed ~~except~~ when current household income is zero.

If a family reports an increase in income within 4 months of their next annual re-examination, HACA will include the interim change at the annual re-examination.

If HACA experiences a ~~change-reduction~~ in HCV administrative fees or ~~has staffing limitations, the staffing,~~ the Vice President of Assisted Housing, with the approval of the President and CEO, has the discretion to make ~~a decision~~ changes regarding the procedure to process interim increases ~~equal to or great than \$600.00 a month or equal to or greater than \$7,200 annually at the next annual re-examination~~ by providing a written notice to staff outlining which interim increases will be processed and when to process interims.

In the event an increase in income was not reported in a timely manner, HACA may:

Retroactively establish the correct Housing Assistance Payment and require the tenant to repay any amounts owed to HACA for the period they earned higher income but did not report;

Terminate the participant from the program for willful intent to commit fraud; or

Report the violation to the HUD Office of Inspector General and or local authorities for prosecution.

The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 14 and 16.

Formatted: Picture bulleted + Level: 1 + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5"

If the family share of the rent is to decrease:

Changes will be made only after the tenant reports the change in writing by completing an update form and providing proper information or documentation. If the tenant reports the change in writing with proper documentation, the change will be effective the first of the following month. If staff is unable to process the change by the first of the month, retroactive rent will be paid back to the appropriate effective date.

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS

Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]

HUD requires HACA to establish policies that permit HACA to terminate assistance if HACA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member has violated the family’s obligation not to engage in any drug-related criminal activity
- Any household member has violated the family’s obligation not to engage in violent criminal activity

Use of Illegal Drugs and Alcohol Abuse

HACA Policy

HACA will terminate a family’s assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

HACA will terminate assistance if any household member’s abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous six months.

HACA will consider all credible evidence, including but not limited to, **neighbors’ complaints**, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

A record of arrest(s) will not be used solely as the basis for the termination or proof that the participant engaged in disqualifying criminal activity. If HACA receives arrest information, which may be for a disqualifying activity, HACA may request additional information.

Formatted: Indent: Left: 0.5"

Formatted: Indent: First line: 0.5"

Formatted: Normal, No bullets or numbering

In making its decision to terminate assistance, HACA will consider alternatives as described in Section 12-ILC and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, HACA may, on a case-by-case basis, choose not to terminate assistance.

Drug-Related and Violent Criminal Activity [24 CFR 5.100]

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act

(21 U.S.C. 802).

Drug-related criminal activity is defined by HUD as 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.

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.

HACA Policy

HACA will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

HACA will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

A record of arrest(s) will not be used solely as the basis for the termination or proof that the participant engaged in disqualifying criminal activity. If HACA receives arrest information, for a disqualifying activity, HACA may request additional information as described in Section 12-II.D.

Formatted: Indent: First line: 0.5"

In making its decision to terminate assistance, HACA will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, HACA may, on a case-by-case basis, choose not to terminate assistance.

Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c), 24 CFR 5.2005(c)]

HUD permits PHAs to terminate assistance under a number of other circumstances. It is left to the discretion of PHAS whether such circumstances in general warrant consideration for the termination of assistance. As discussed further in section 12-II.E, the Violence against Women Act of 2013 explicitly prohibits PHAs from considering incidents of, or criminal activity directly related to, domestic violence, dating violence, sexual assault or stalking as reasons for terminating the assistance of a victim of such abuse.

HACA Policy

HACA **will not** terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program.

HACA **will** terminate a family's assistance if:

The family has failed to comply with any family obligations under the program.
See Exhibit 12-1 for a listing of family obligations and related HACA policies.

12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE

Evidence

For criminal activity, HUD permits HACA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

HACA Policy

HACA will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the 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.

Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence

Consideration of Circumstances [24 CFR 982.552(c)(2)(i)]

HACA is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated.

HACA Policy

HACA will consider the following factors when making its decision to terminate assistance:

The seriousness of the case, especially with respect to how it would affect other residents' *safety or property*

The effects that termination of assistance may have on other members of the family who were not involved in the action or failure to act

The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, sexual assault or stalking

The length of time since the violation occurred, *including the age of the individual at the time of the conduct, as well as* the family's recent history and the likelihood of favorable conduct in the future

In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family

HACA will not terminate assistance solely on the basis of an arrest. If HACA receives arrest information for a disqualifying activity, HACA may request additional information. Additional information that may be considered, if available, includes the following:

Formatted: Indent: Left: 0.5"

- The police report associated with the arrest which provides the reported circumstances of the arrest.
- Any statements made by witnesses or the applicant not included in the police report
- Whether criminal charges were filed
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
- Any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity
- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

Consideration of Rehabilitation

HUD authorizes PHAs to take into consideration whether a household member who had used illegal drugs or abused alcohol and is no longer engaging in such use or abuse is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

HACA Policy

In determining whether to terminate assistance for illegal drug use or a pattern of illegal drug use or for abuse or a pattern of abuse of alcohol, by a household member who is no longer engaging in such use or abuse, HACA will consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully.

For this purpose, HACA will require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]

If the family includes a person with disabilities, HACA's decision to terminate the family's assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

HACA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, HACA will determine whether the behavior is related to the disability.

If so, upon the family's request, HACA will determine whether alternative measures are appropriate as a reasonable accommodation.

HACA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance. See [Chapter 2](#) for a discussion of reasonable accommodation.

12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE,

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. This is the case except in certain incidents where the criminal activity directly relates to domestic violence, dating violence, sexual assault, or stalking, and the tenant or an affiliated individual is the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking.

Other Good Cause

During the initial lease term, 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. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises. After the initial lease term, "other good cause" for termination of tenancy by the owner includes:

Failure by the family to accept the offer of a new lease or revision;

The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit;

A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rent).

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

~~Note that "other good cause" does not include vacating a property that has been foreclosed upon during the lease term prior to the sale of that property. However, if the new owner of the property will occupy the unit as a primary residence and the lease is not in the initial term, the new owner may terminate the tenancy following at least a ninety days notice to vacate to the tenant family.~~

~~If the lease is in the initial term, the new owner must wait until the end of the lease term to terminate the tenancy. [24 C.F.R. § 982.310(d)(2)(2012)] (Limits owner's right to terminate the tenancy during the initial term only to something the family did or failed to do.)~~

~~Further information on the protections afforded to tenants in the event of foreclosure can be found in Section 13-II.G and Notice PIH 2010-49].~~

12-III.C. EVICTION [24 CFR 982.310(e) and (f) and Form HUD-52641-A, Tenancy Addendum]

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given

Formatted: Font: Not Bold, Font color: Auto, Not Expanded by / Condensed by

owner must be in writing and in a form that HACA finds acceptable. The new owner must provide HACA with a copy of the executed agreement.

HACA Policy

Assignment of the HAP contract will be approved only if the new owner is qualified to become an owner under the HCV program according to the policies in Section 13-I.D. of this chapter.

HACA must receive a signed, written request from the existing owner stating the name and address of the new HAP payee and the effective date of the assignment in order to change the HAP payee under an outstanding HAP contract.

Within 10 business days of receiving the owner’s request, HACA will inform the current owner in writing whether the assignment may take place.

The new owner must provide a written certification to HACA 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; and
- A certification that the new owner is not a prohibited relative.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, HACA 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, HACA will process the leasing in accordance with the policies in Chapter 9.

13-II.G. FORECLOSURE [HUD-52641 and Notice PIH 2010-49]

Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA). Specifically, the HAP contract now contains language stating that in the case of any foreclosure, the immediate successor in interest in the property pursuant to the foreclosure will assume such interest subject to the lease between the prior owner and the tenant, and to the HAP contract between the prior owner and the PHA for the occupied unit. This provision of the HAP contract does not affect any state or local law that provides longer time periods or other additional protections for tenants.

If HACA learns that a property is in foreclosure, it must take the following actions:

Make all reasonable efforts to determine the status of the foreclosure and ownership of the

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0"

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0"

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0", Line spacing: single

~~property. (Further guidance on how to obtain this information can be found in Notice PIH 2010-49.)~~

~~Continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract.~~

~~Attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. The written agreement should include a request for owner information, such as a tax identification number, and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.~~

~~Following a foreclosure sale, the tenant is not obligated to pay the rent to a buyer at the sale until five days after receiving written notice of the name and address of the purchaser that requests payment. See Tex. Prop. Code Ann. § 24.005 (b) (Vernon Supp. 2012). If~~

~~the tenant has paid the rent to the prior owner before receiving this notice, then the tenant's obligation to pay the new owner begins with the next rent payment due under the lease. In order to protect tenants from fraudulent real estate seammers, the tenant should be advised to set rent aside and to pay the new owner only after receiving the required written notice.~~

~~Inform the tenant in the event that HACA is unable to make HAP payments to the successor in interest due an action or inaction by the successor that prevents such payments (e.g., rejection of payments or failure to maintain the property according to HQS), or due to an inability to identify the successor. HACA should also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant's rights and enforcement of the successor in interest's performance under the HAP contract.~~

~~Make reasonable inquiries to determine whether the unit, in addition to having a tenant receiving HCV assistance, will be or has been assisted under the Neighborhood Stabilization Program (NSP). (For further guidance on cases in where the units have been assisted under the NSP, see Notice PIH 2010-49.)~~

~~HACA is also required to notify HCV applicants who have been issued a voucher, participant heads of household, and current and prospective owners of HCV-assisted housing of the protections afforded to tenants under the PTFA.~~

HACA Policy

~~HACA will provide all HCV applicants that have been issued a voucher with information regarding the PTFA at admission (see Section 5-I.B) and to participant heads of household at annual reexamination.~~

~~HACA will provide information regarding the PTFA to prospective owners when they begin their participation in the HCV program and to current HCV owners one time with the monthly HAP.~~

Formatted: Heading 2, Indent: Left: 0", Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0", Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Left, Indent: Left: 0", Right: 0", Line spacing: single

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Font: Not Bold

Formatted: Heading 2, Indent: Left: 0", First line: 0", Right: 0", Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0"

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0"

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Font: Not Bold

Formatted: Heading 2, Indent: Left: 0", First line: 0", Right: 0", Line spacing: single

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0", Space Before: 0 pt

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0"

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0"

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Indent: Left: 0", Right: 0"

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

~~Information to the tenants and owners will include a statement that the new owner must honor any remaining lease term and give at least a ninety days' notice to vacate. Also, that if the buyer intends to occupy the unit as a personal residence, the buyer may not terminate the tenancy during the initial term except for something the tenant does or fails to do.~~

Formatted: Heading 2, Indent: Left: 0", Right: 0"

~~Note that the foreclosure provision of the HAP contract and additional tenant protections under the Protecting Tenants at Foreclosure Act will sunset December 31, 2014. See Section 12-III.B for a discussion of foreclosure as it pertains to owner termination of tenancy.~~

Formatted: Heading 2, Indent: Left: 0", Right: 0", Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Space Before: 0 pt, Line spacing: single

Formatted: Heading 2, Left, Indent: Left: 0", Right: 0"

**CHAPTER 14
PROGRAM INTEGRITY INTRODUCTION**

HACA is committed to ensuring that subsidy funds made available to HACA are spent in accordance with HUD requirements.

This chapter covers HUD and PHA policies designed to prevent, detect, investigate and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents PHA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures HACA must and may take when errors or program abuses are found.

**PART I: PREVENTING, DETECTING, AND
INVESTIGATING ERRORS AND PROGRAM
ABUSE**

14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

HUD created the Enterprise Income Verification (EIV) system to provide PHAs with a powerful tool for preventing errors and detecting program abuse. PHAs are required to use the EIV system in its entirety in accordance with HUD administrative guidance [24 CFR 5.233]. PHAs are further required to:

Provide applicants and participants with form HUD-52675, "Debts Owed to PHAs and Terminations"

Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file

HACA Policy

To ensure that HACA's HCV program is administered effectively and according to the highest ethical and legal standards, HACA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

Updating Payment Standards

When HUD updates its FMRs, HACA must update its payment standards if the standards are no longer within the basic range [24 CFR 982.503(b)]. HUD may require HACA to make further adjustments if it determines that rent burdens for assisted families in HACA's jurisdiction are unacceptably high [24 CFR 982.503(g)].

HACA Policy

HACA will review the appropriateness of the payment standards on an annual basis when the new FMRs are published, and at other times as determined necessary. In addition to ensuring the payment standards are always within the "basic range" HACA will consider the following factors when determining whether an adjustment should be made to the payment standard schedule:

Funding Availability: HACA will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served.

Average rental amounts for unassisted units – HACA will review the average rental amounts from HACA's available units list and Multiple Listing Service for leased units.

Any changes to payment standard amounts will be approved by the Board of Commissioners and the effective date will be provided in writing to staff and program participants.

Exception Payment Standards [982.503(c)]

The HACA must request HUD approval to establish payment standards that are higher than the basic range. At HUD's sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the FMR area. HUD may approve an exception payment standard amount (in accordance with program requirements) for all units, or for all units of a given size, leased by program families in the exception area. Any PHA with jurisdiction in the exception area may use the HUD-approved exception payment standard amount. The total population of all HUD-approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area.

Unit-by-Unit Exceptions [24 CFR 982.503(e)(2)(ii), 24 CFR 982.505(d), Notice PIH 2010-26, Streamlining Rule 3/8/2016 and Notice PIH 2016-05]

Unit-by-unit exceptions to HACA's payment standards are generally not permitted. However, an exception may be made as a reasonable accommodation for a family that includes a person with disabilities. (See Chapter 2 for a discussion of reasonable accommodations.) This type of exception does not affect HACA's payment standard schedule.

When needed as a reasonable accommodation, the PHA may make an exception to the payment

standard without HUD approval if the exception amount does not exceed ~~110~~-120 percent of the applicable FMR for the unit size [~~HCV GB 7-9~~24 CFR 982.503(b)]. The PHA may request HUD approval for an exception to the payment standard for a particular family if the required amount ~~falls between 110 and~~exceeds 120 percent of the FMR.

~~When needed as a reasonable accommodation, HACA may make an exception to the payment standard without HUD approval if the exception amount does not exceed 110 percent of the applicable FMR for the unit size [HCV GB 7-9]. HACA may request HUD approval for an exception to the payment standard for a particular family if the required amount falls between 110 and 120 percent of the FMR.~~

HACA Policy

A family that requires a reasonable accommodation may request a higher payment standard at the time the Request for Tenancy Approval (RFTA) is submitted.

The family must submit a written request for a reasonable accommodation for an exception (higher) payment standard;

The family must provide supporting documentation from a medical professional which defines the need for the exception payment standard; and ~~document the need for the exception.~~

The family must provide a written explanation of why the features of the unit meet the needs of a family member with disabilities. For example, a unit may be suitable because of its physical features or proximity to a health care provider, accessible employment, or other required services.

In order to approve an exception payment standard, ~~or request an exception from HUD,~~ HACA must determine that:

There is a shortage of affordable units that would be appropriate for the family;

The family's TTP would otherwise exceed 40 percent of adjusted monthly income;

The rent for the unit is reasonable as determined by a rent reasonableness analysis conducted in accordance with HACA's rent reasonableness certification policy and in compliance with 24 CFR 982.507;

The unit has features that meet the needs of a family member with disabilities.;

Formatted: Indent: Left: 0.81"

Formatted: Indent: Left: 0.81", First line: 0"

"Success Rate" Payment Standard Amounts [24 CFR 982.503(e)]

If a substantial percentage of families have difficulty finding a suitable unit, HACA may request a "success rate payment standard" that applies to the entire jurisdiction. If approved by HUD, a success rate payment standard allows HACA to set its payment standards at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, HACA must demonstrate that during the most recent 6-month period for which

At least quarterly, HACA must also report an updated list of the addresses of units receiving assistance under the HCV program to the same public health department(s), unless the public health department(s) states that it does not wish to receive such a report.

HACA Policy

The public health department(s) has stated they **do not** wish to receive a report of an updated list of the addresses of units receiving assistance under the HCV program, on a quarterly basis. Therefore, HACA is not providing such a report.

PART VIII: DETERMINATION OF INSUFFICIENT FUNDING

16-VIII.A. OVERVIEW

The HCV regulations allow PHAs to deny families permission to move and to terminate Housing Assistance Payments (HAP) contracts if funding under the consolidated ACC is insufficient to support continued assistance [24 CFR 982.314(e)(1) and 982.454]. If a PHA denies a family a portability move based on insufficient funding, the PHA is required to notify the local HUD office within 10 business days [24 CFR 982.354]. Insufficient funding may also impact HACA's ability to issue vouchers to families on the waiting list. This part discusses the methodology HACA will use to determine whether or not HACA has sufficient funding to issue vouchers, approve moves, and to continue subsidizing all families currently under a HAP contract.

16-VIII.B. METHODOLOGY

HACA Policy

HACA will determine whether there is adequate funding to issue vouchers, approve moves to higher cost units and areas, and continue subsidizing all current participants by comparing HACA's annual budget authority to the annual total HAP needs on a monthly basis. The total HAP needs for the calendar year will be projected by establishing the actual HAP costs year to date. To that figure, HACA will add anticipated HAP expenditures for the remainder of the calendar year. Projected HAP expenditures will be calculated by multiplying the projected number of units leased per remaining months by the most current month's average HAP. The projected number of units leased per month will take into account the average monthly turnover of participant families. If the total annual HAP needs equal or exceed the annual budget authority, or if HACA cannot support the cost of the proposed subsidy commitment (voucher issuance or move) based on the funding analysis, HACA will be considered to have insufficient funding.

If it is determined that there is insufficient funding, HACA may suspend issuing vouchers, discontinue approving moves, discontinue entering into any new HAP Contracts, and may also terminate existing HAP contracts.

PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

16-IX.A. OVERVIEW

The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws ~~take precedence over~~ apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and HACA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and HACA policies are located primarily in the following sections: 3-I.C, "Family Breakup and Remaining Member of Tenant Family"; 3-III.G, "Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking"; 10-I.A, "Allowable Moves"; 10-I.B, "Restrictions on Moves"; 12-II.E, "Terminations Related to Domestic Violence, Dating Violence, or Stalking"; and 12-II.F, "Termination Notice."

16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925]

As used in VAWA:

The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

The term *domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

The term affiliated individual *member* means, with respect to a person:

- A spouse, parent, brother or sister, or child of that individual , or an individual to whom that individual stands in the position or place of a parent; or
- Any other individual tenant or lawful occupant living in the household of that ~~individual~~ : the victim of domestic violence, dating violence, sexual assault, or stalking.

The term *sexual assault* means:

- Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent

The term *stalking* means:

- ~~To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or~~
- ~~To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and~~
- ~~In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.~~ To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Formatted: Indent: Left: 0.36", Hanging: 0.25", Space Before: 0 pt, Line spacing: single, Tab stops: 0.61", Left

Formatted: Indent: Left: 0.36", Hanging: 0.25", Space Before: 0 pt, Line spacing: single, Tab stops: 0.61", Left

Formatted: Line spacing: single

16-IX.C. NOTIFICATION [24 CFR 5.2005(a)] Notification to Public

HACA adopts the following policy to help ensure that all actual and potential beneficiaries of its HCV program are aware of their rights under VAWA.

HACA Policy

HACA will post the following information regarding VAWA in its offices and on its Web site. It will also make the information readily available to anyone who requests it.

A summary of the rights and protections provided by VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault or stalking (see sample notices in Exhibits 16-1 and 16-2)

The definitions of *domestic violence*, *dating violence*, *sexual assault* and *stalking* provided in VAWA (included in Exhibits 16-1 and 16-2)

16-IX.D. DOCUMENTATION [24 CFR 5.2007]

HACA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse may—but is not required to request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. HACA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy HACA’s request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

- (1) A completed and signed HUD-approved certification form (HUD-50066, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim.
- (2) A federal, state, tribal, territorial, or local police report or court record, [or administrative record](#)
- (3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; [a mental health professional](#); or a medical professional. ~~Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional.~~ The person signing the documentation must attest under penalty of perjury to the person’s belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

HACA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under “Conflicting Documentation,” nor may it require certification in addition to third-party documentation [VAWA final rule].

HACA Policy

Any request for documentation of domestic violence, dating violence, sexual assault or stalking [will be in writing](#), will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

HACA may, in its discretion, extend the deadline for 10 business days. Any extension granted by HACA will be in writing.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where HACA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, HACA may determine which is the true

VAWA defines *stalking* as ~~(A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.~~ person engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies:

VAWA defines *domestic violence* to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse or intimate partner of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction

VAWA defines *dating violence* as violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim AND (2) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

VAWA defines *sexual assault* as “any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent” (42 U.S.C. 13925(a)).

VAWA defines *stalking* as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress (A) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

Formatted: No widow/orphan control

The Austin Chronicle

The Villager

El Mundo

Nokoa

Ahora Si

HACA may also advertise the RFPs in other trade journals and industry sources, including electronic advertising, as HACA determines is appropriate for the project.

In addition to, or in place of advertising, HACA may, on an ongoing basis, also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance. Any awards of PBV units selected under this method will be published in the Austin American Statesman within 30 days of the award.

Proposals will be reviewed on a first-come first-serve basis. HACA will evaluate each proposal on its merits using the following factors:

Owner experience and capability to build or rehabilitate housing as identified in the RFP;

Extent to which the project furthers HACA's goal of deconcentrating poverty and expanding housing and economic opportunities; and

Projects that will provide affordable housing and support services to individuals or families experiencing homelessness.

Projects which will provide affordable housing and support services to low-income or homeless veterans.

PHA-Owned Units [24 CFR 983.51(e) and 983.59, and Notice PIH 2015-05]

A PHA-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that the PHA-owned units were appropriately selected based on the selection procedures specified in the PHA administrative plan. If the PHA selects a proposal for housing that is owned or controlled by the PHA, the PHA must identify the entity that will review the PHA proposal selection process and p

In the case of PHA-owned units, the term of the HAP contract and any HAP contract renewal must be agreed upon by the PHA and a HUD-approved independent entity. ~~the initial contract rent must be approved by an independent entity~~ In addition, an independent entity must determine the rent to owner, the redetermined rent to owner, and reasonable rent. ~~H~~~~in addition, housing~~

quality standards inspections must also be conducted by an independent entity.

Perform specific functions with respect to rent determinations and inspections.

The independent entity that performs these program services may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.

HACA Policy

HACA may submit a proposal for project-based housing that is owned or controlled by HACA or its subsidiary. If the proposal for HACA-owned or controlled housing is selected, the HUD field office or a HUD-approved independent entity will review the selection process to determine if the HACA owned or controlled units were appropriately selected based on the selection procedures specified in HACA's administrative plan. HACA will make documentation available for public inspection regarding the basis of selection of a PVB proposal.

For HACA-owned or controlled housing, the initial contract rent will be approved by an independent entity. In addition, housing quality standards inspections will be conducted by an independent entity.

The PHA may only compensate the independent entity from PHA ongoing administrative fee income (including amounts credited to the administrative fee reserve). The PHA may not use other program receipts to compensate the independent entity for its services. The PHA and independent entity may not charge the family any fee for the appraisal or the services provided by the independent entity.

PHA Notice of Owner Selection [24 CFR 983.51(d)]

The PHA must give prompt written notice to the party that submitted a selected proposal and must also give prompt public notice of such selection. Public notice procedures may include publication of public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

HACA Policy

Within 15 business days of HACA making the selection, HACA will notify the selected owner in writing of the owner's selection for the PBV program. HACA will also notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

In addition, HACA will publish its notice for selection of PBV proposals for two consecutive days in the same newspapers and trade journals HACA used to solicit the proposals. The announcement will include the name of the owner that was selected for

Chapter 18

Formatted: Centered

Choice Mobility Policy

As part of the Rental Assistance Demonstration (RAD), HUD requires Housing Authorities to give residents the choice to request a Housing Choice Voucher after living in a Project Based Rental Assistance (PBRA) property for 24 months. HUD calls this "Choice Mobility". When HACA transitions Public Housing properties to PBRA, the Choice Mobility policy would be followed as outlined in this Chapter.

I. Definitions:

1. *Covered Project*: Any Public Housing property that has converted to the Project Based Rental Assistance (PBRA) program through RAD.
2. *Choice Mobility*: The opportunity for families to request a Housing Choice Voucher (HCV) and move into the private rental market with voucher assistance.
3. *Turnover Caps*: The maximum number of families that can receive a voucher in a calendar year. PHAs can establish caps for the maximum number of families that can receive a voucher from each property in the calendar year. PHAs can also establish caps for the maximum number of vouchers from all properties combined that can receive a voucher in a calendar year.

Formatted: Font: Not Bold, Font color: Auto

Formatted: Font: Not Bold, Font color: Auto

II. Eligibility and Voucher Caps

Formatted: Font: Font color: Auto

HUD seeks to provide all residents of Covered Projects with viable Choice Mobility options. The Housing Choice Voucher (HCV) program provides the most options for families to choose where they want to live within that housing authority's jurisdiction.

Formatted ... [1]

PHAs that are applying to convert the assistance of a project to PBRA are required to provide a Choice-Mobility option to residents of Covered Projects in accordance with the following:

Formatted ... [2]

- A. *Resident Eligibility*. Residents have a right to move with tenant-based rental assistance (e.g., Housing Choice Voucher (HCV)) the later of: (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-in date.
- B. *Voucher Inventory Turnover Cap*. Recognizing the limitation on the availability of turnover vouchers from year to year, a voucher agency would not be required, in any year, to provide more than one-third of its turnover vouchers to the residents of Covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented the voucher agency must create and maintain a waiting list in the order in which the requests

Formatted ... [3]

Formatted ... [4]

from eligible households were received.

HACA Policy

HACA will provide all residents the opportunity to request a Housing Choice Voucher after the later of a) 24 months from the date of the execution of the HAP contract, or b) 24 months from the date of move in.

- If a family moves from one covered project to another covered project, their 24 month clock resets. These families will have to wait for 24 months from the date of move in to the new property, before they can exercise Choice Mobility.
- If a family transfers within the same covered project, their 24 month clock does not reset. They will be eligible to request a Choice Mobility voucher at the later of: (a) 24 months from the date of execution of the HAP or (b) 24 months after the move-in date.
- A family may request the choice mobility voucher at any time after completing the 24 month requirement. They remain eligible as long as they continue living at the same covered project.
- A family that receives a Choice Mobility voucher, but allows it to expire without using it, can request another Choice Mobility voucher. However, they must wait 1 year from the date of the issuance of the expired voucher before requesting another Choice Mobility voucher. When they do request again, they will start the process from the beginning and are subject to any waiting lists in place at that time.

HACA will implement the voucher inventory cap. Each calendar year, the HCV program will only make 1/3 of its turnover vouchers available to families exercising Choice Mobility from any of its 18 covered projects transitioning into PBRA through the Rental Assistance Demonstration (RAD). HACA will establish an agency-wide Choice Mobility waiting list for times when there are more requests for vouchers than vouchers available due to the cap.

HACA will not implement the project turnover cap.

The HCV program also provides the opportunity to move to other parts of the country by exercising the portability options. Families will be required to follow the housing authority's guidelines regarding when they can exercise the portability option.

HACA Policy

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: Times New Roman, 12 pt, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Indent: Left: 0.56"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

In order to be eligible for the Choice Mobility option, families have to live in Austin, in a HACA owned PBRA property for at least 2 years. These families meet HACA's HCV program requirements and are eligible to exercise portability when they first receive a voucher.

Formatted: Font: Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

III. Notification of Eligibility

In keeping with HUD's goal to provide viable Choice Mobility options to residents of all covered projects, PHAs should provide clear notification and explanation of the Choice Mobility options available to them.

Formatted ... [5]

Formatted ... [6]

Formatted ... [7]

Formatted ... [8]

Formatted ... [9]

HACA Policy

At the time of the initial lease signing, HACA will provide a copy of the Choice Mobility policy to the family and explain the Choice Mobility option. HACA will provide clear direction and guidance regarding how to request a Choice Mobility voucher. Residents will be asked to sign a certification indicating that they received the Choice Mobility policy.

Formatted: Indent: Left: 0.56"

Formatted ... [10]

Formatted ... [11]

Formatted ... [12]

Formatted: Indent: Left: 0.56"

In addition, HACA will provide a written notification to the residents as part of the 90 Day letter that each families receives before their annual recertification appointment. (See Appendix 1)

Formatted ... [13]

Formatted ... [14]

Formatted ... [15]

Formatted ... [16]

If anything changes in the method for requesting the Choice Mobility voucher, HACA will provide written notification to the residents at least 30 days in advance of the change becoming effective.

Formatted ... [17]

Formatted ... [18]

Formatted ... [19]

Formatted ... [20]

Formatted ... [21]

Formatted ... [22]

Formatted ... [23]

Formatted ... [24]

Formatted ... [25]

Formatted: Indent: Left: 0.5"

Formatted ... [26]

Formatted ... [27]

Formatted ... [28]

Formatted ... [29]

Formatted ... [30]

Formatted ... [31]

Formatted: Indent: Left: 0.5"

Formatted ... [32]

Formatted ... [33]

Formatted ... [34]

IV. Waiting Lists

PHA's that establish a voucher turnover cap are required to create a waiting list for families that request the Choice Mobility voucher.

HACA Policy

HACA will establish a Choice Mobility waiting list for all eligible families that request a voucher. The waiting list will be managed by HACA's centralized Admissions Department. Since HACA is not implementing a project turnover cap, there will be no project specific waiting lists. Eligible families that request the voucher will be placed directly onto the Choice Mobility waiting list.

HACA will remove families from the Choice Mobility waiting list who move out of the covered project before receiving a voucher.

- If a family moves out of the covered project into the private rental market after

being placed on the Choice Mobility waiting list, they are no longer eligible for the voucher and their name will be removed from the Choice Mobility waiting list.

- If a family moves from one covered project to another covered project after being placed on the Choice Mobility waiting list, their 2 year clock resets. They will be removed from the Choice Mobility waiting list. They can re-apply once they have lived at the new covered project for 2 years.

Families that are already on the regular HCV waiting list will be allowed to request a Choice Mobility voucher if they are eligible. Families will be allowed to keep their place on both lists until one of the following happens:

- The family moves out of the covered project and is no longer eligible to be on the Choice Mobility list. The family will be removed from the Choice Mobility waiting list, but maintain their position on the regular HCV waiting list.
- The family voluntarily withdraws their name from one or both lists.
- The family receives a voucher and exercises the voucher by leasing up in the voucher program. The family will then be removed from the other list.
 - If a family receives a voucher through the regular HCV waiting list, but does not exercise the voucher (i.e. lease up in the voucher program), they will remain on the Choice Mobility waiting list.

V. Exercising the Choice Mobility Option

In order to ensure that all residents at all covered projects have an equal and fair opportunity to request and receive a Choice Mobility voucher, PHAs should provide clear guidance and instructions regarding how to apply for the voucher.

HACA Policy

In order to maintain a safe, orderly and fair process for families to request a Choice Mobility voucher, HACA will implement the following:

- **Voucher Request:**
 - When a family is eligible to request a voucher, they must do so in writing using the voucher request form provided at the property (See Appendix 2).
 - The written request must be submitted to the management office at the covered property or at HACA’s Central Administration building.
 - Once received, the property management staff or central office staff will forward the request to the Admissions Department to be placed on the Choice Mobility waiting list.
- **Acknowledgement of Request:**

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Indent: Left: 1.06", No bullets or numbering

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Indent: Left: 0.5"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted ... [35]

Formatted ... [36]

Formatted ... [37]

Formatted ... [38]

Formatted ... [39]

Formatted ... [40]

Formatted ... [41]

Formatted ... [42]

Formatted ... [43]

Formatted ... [44]

Formatted ... [45]

Formatted ... [46]

Formatted ... [47]

Formatted ... [48]

Formatted ... [49]

Formatted ... [50]

Formatted: Indent: Left: 0.56"

Formatted ... [51]

Formatted ... [52]

Formatted ... [53]

Formatted ... [54]

Formatted ... [55]

Formatted ... [56]

Formatted ... [57]

Formatted ... [58]

Formatted ... [59]

Formatted ... [60]

Formatted ... [61]

Formatted ... [62]

Formatted ... [63]

Formatted ... [64]

- o Once the request is received and processed onto the Choice Mobility waiting list, the Admissions Department will send the family a notice acknowledging receipt of the voucher request (See Appendix 3).
- o This is the family’s confirmation that they are on the Choice Mobility waiting list.
- o The acknowledgement of request will be sent to the family within 5 business days of receipt of the request.

- **Random Sorting:**

- o Once there are families on the Choice Mobility waiting list, HACA will select 1/3 of its monthly draw from the Choice Mobility waiting list.
- o Before each draw, HACA will conduct a random sort of the Choice Mobility waiting list.
- o The random sort protects each individual property from high volume resident turnover, while providing each family an equal opportunity to receive a voucher.

When a family is drawn from the Choice Mobility waiting list, they will be invited to attend the Housing Choice Voucher (HCV) program eligibility interview.

VI. Screening Process for the Choice Mobility HCV Voucher

In order to receive a Housing Choice voucher, families will be required to meet all the eligibility requirements for the HCV program in effect at the time of their eligibility processing. These requirements can be found in the HCV Administrative Plan.

HACA Policy

HACA will screen all Choice Mobility families using the same criteria as for all other families. However, HACA will streamline the eligibility determination process in the following ways:

- HACA will use the certifications of identification, age, social security number and citizenship that it already has on file for the family.
- HACA will review the most recent certification and 50059 for basic information about the family composition and annual household income.
- HACA will only require new verification of income if the verifications for the most recent certification are too old to meet the criteria for the HCV program.

If eligible to receive a voucher, families will follow the HCV program rules and guidelines for using the voucher. Families are reminded of the following:

- **The voucher has an expiration date.** If extensions are available, families must follow the HCV program guidelines in effect at that time to request an extension. Failure to use the voucher before it expires will result in loss of the

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto
Formatted: Font: (Default) Times New Roman, 12 pt
Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto
Formatted ... [65]
Formatted ... [66]
Formatted ... [67]
Formatted ... [68]
Formatted ... [69]
Formatted ... [70]
Formatted ... [71]
Formatted ... [72]
Formatted ... [73]
Formatted ... [74]
Formatted ... [75]
Formatted ... [76]
Formatted ... [77]
Formatted: Indent: Left: 0.56"
Formatted ... [78]
Formatted ... [79]
Formatted ... [80]
Formatted ... [81]
Formatted ... [82]
Formatted ... [83]
Formatted ... [84]
Formatted ... [85]
Formatted ... [86]
Formatted: Indent: Left: 0.56"
Formatted ... [87]
Formatted ... [88]
Formatted ... [89]
Formatted ... [90]
Formatted ... [91]
Formatted ... [92]
Formatted ... [93]
Formatted ... [94]
Formatted ... [95]
Formatted: Indent: Left: 0.5"
Formatted ... [96]
Formatted ... [97]
Formatted ... [98]

voucher.

- *Receipt of a voucher is not a guarantee that the family will be able to find a place to use the voucher.* Landlords have their own screening criteria which families will have to meet to be able to live at that property.
- *The family's lease at their current property requires at least 30 days notice to vacate.* The family must provide this notice to their current property management staff.

VII. Transitioning from Project Based Rental Assistance to the Housing Choice Voucher Program

When transitioning from PBRA to the HCV program with a Choice Mobility voucher, program participants are required to fulfill their obligations to the terms of the PBRA lease as well as all HCV requirements. Families are not allowed to receive assistance from both programs at the same time. To assist with the transition process and prevent duplicate assistance, PHA's should develop policies and guidelines to ensure that both program requirements are met.

HACA Policy

Residents at a HACA PBRA property will be required to complete the following when transitioning to HACA's HCV program with a choice mobility voucher:

- Remain current on all rent, fees or other balances owed to the PBRA property.
 - Families with outstanding debts who are in a repayment agreement and who are current on their payments within the agreement are considered eligible.
 - Families with active repayment agreements must continue to make all payments until the balance is paid in full or risk losing their voucher assistance.
- Provide at least 30 days notice of their intent to vacate the unit to the property management.
- Participate in the move out inspection.
- Turn in their keys to the property management.
- Pay all move out expenses that may be charged after moving to their new home with voucher assistance.
 - If necessary, repayment agreements can be established to pay any outstanding move out balances.
 - Failure to pay the move out balance or to remain current in any repayment agreements that are established is grounds for termination of the family's voucher assistance.
- Pay all moving expenses related to the move from the PBRA property to their voucher assisted unit.

HACA and PBRA property staff will work to facilitate this process by doing the following:

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted	... [99]
Formatted	... [100]
Formatted	... [101]
Formatted	... [102]
Formatted	... [103]
Formatted	... [104]
Formatted	... [105]
Formatted	... [106]
Formatted	... [107]
Formatted	... [108]
Formatted	... [109]
Formatted	... [110]
Formatted	... [111]
Formatted	... [112]
Formatted	... [113]
Formatted	... [114]
Formatted	... [115]
Formatted	... [116]
Formatted	... [117]
Formatted	... [118]
Formatted	... [119]
Formatted	... [120]
Formatted	... [121]
Formatted	... [122]
Formatted	... [123]
Formatted	... [124]
Formatted	... [125]
Formatted	... [126]
Formatted	... [127]
Formatted	... [128]
Formatted	... [129]
Formatted	... [130]
Formatted	... [131]
Formatted	... [132]
Formatted	... [133]
Formatted	... [134]
Formatted	... [135]
Formatted	... [136]
Formatted: Indent: Left: 0.5"	
Formatted	... [137]

- Communicate between departments information related to the issuance of the voucher, move out notices, voucher extensions and specific dates of move out / move in.
 - Note: Coordination of communication between departments does not remove any of the family’s obligations.
- Communicate the move out date from the PBRA program to the HCV Intake Team to prevent the overlapping of assistance.
 - The move out from PBRA will not be effective until the property manager receives the keys from the resident family.
 - The family will be required to pay the full rental cost for any days that they have moved in to their new unit before returning the keys to the PBRA property management.
 - The voucher assistance will not start until the day after the family provides the keys to the PBRA property management.

For a detailed flow chart of the transition process, please see Appendix 4.

VIII. Promoting Self-Sufficiency Through Choice Mobility

The decision about where to live can have a significant impact on a family’s journey toward self-sufficiency. Through the Choice Mobility voucher option, families living in the PBRA property are given the opportunity to make that decision. Therefore PHA’s should strategize how to maximize the use of the Choice Mobility voucher as a self-sufficiency tool.

HACA Policy

Within available resources, HACA will intentionally strategize and leverage the utilization of specific supportive services to provide a solid foundation for the use of the Choice Mobility voucher as a self-sufficiency and resource building tool.

- HACA will explore how to efficiently and effectively use the 2 + years that families are living in PBRA to offer community development services that focus on preparing families for transition to use of a voucher in the private rental market. Such services may include, but are not limited to, financial literacy training, credit counseling and credit improvement, addressing rental history, increasing income through employment, financial coaching, and home maintenance and upkeep among others.
- HACA will explore how to use the resources available (i.e. opportunity mapping) to help direct families toward areas of higher opportunity when they are searching for neighborhoods and housing that meets their needs and where they can use the voucher. This will include helping families to understand how to use these tools to gain information on items such as schools, supportive services and transportation.

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: Times New Roman, 12 pt, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Font: Times New Roman, 12 pt, Not Bold, Font color: Auto

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted ... [138]

Formatted ... [139]

Formatted ... [140]

Formatted ... [141]