

Family

To be eligible for assistance, an applicant must qualify as a family. *Family* as defined by HUD includes, but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes, but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. The PHA has the discretion to determine if any other groups of persons qualify as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

HACA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application and must notify HACA if the family's composition changes.

~~A family also includes two or more individuals who are related by blood, marriage (either licensed or Texas common law), consensual sexual relationship, legal adoption or other operation of law, who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family and will be living in the same dwelling unit. .~~

~~Notwithstanding anything to the contrary, in order to qualify as a family in the context of a~~

~~head of household with~~ For minors who are not the head of household's children, the head of household must provide either:

- (1) A court order establishing custody, or
- (2) An affidavit from the parent, which establishes custody with the head of household, is required.
- (3) If the parent or legal guardian is deceased, their whereabouts are unknown, or they are unresponsive, the head of household must provide an affidavit declaring one of the foregoing and that the child(ren) is/are residing with him/her and also provides proof of kinship care by producing documents relating to school, TANF, Medicaid or medical records.

~~A family does not include:~~

- ~~(1) A group of unrelated non-elderly and/or disabled persons under 62 years of age living together;~~
- ~~(2) A housekeeper or live-in aide; or~~
- ~~(3) foster children and/or foster adults.~~

~~Each family must identify the individuals to be included in the family at the time of application, and must update this information if the family's composition changes.~~

Household

Household is a broader term that includes additional people who, with HACA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

3-I.C. FAMILY BREAK-UP AND REMAINING MEMBER OF TENANT FAMILY

Family Break-up [24 CFR 982.315]

Except under the following conditions, HACA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault or stalking, HACA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault and stalking, see section 16-IX.D of this plan.)
- If a court determines the disposition of property between members of the assisted family, HACA is bound by the court's determination of which family members continue to receive assistance.

HACA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted. The family may request a change of Head of Household unless HACA determines, in its sole discretion that the requested change is for the purpose of the family obtaining a benefit by circumventing a limitation or requirement of the housing program, federal statute, regulation or other PHA Policy.

If a court determines the disposition of property between members of the applicant or resident family in a divorce or separation decree, HACA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, HACA will determine which family will retain their placement on the waiting list or continue to receive assistance. In making its determination, HACA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3)

Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR 5.2005(b)]

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

Age, disability, race, color, religion, sex, or national origin (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)

Where a family lives prior to admission to the program

Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside HACA's jurisdiction under portability. (See Chapter 10.)

Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock

Whether the family includes children

Whether a family decides to participate in a family self-sufficiency program

Whether or not a qualified applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking if the applicant is otherwise qualified for assistance (See section 3-III.G.)

3-III.B. MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HUD requires HACA to deny assistance in the following cases:

Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD also permits public housing authorities to adopt a policy to deny admissions or terminate assistance if any member of the family has been evicted from federally assisted housing in the last five years (24 CFR 982.552 (c) (1) (ii)). HUD also permits, but does not require, HACA to admit an otherwise-eligible family if the household member has completed HACA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

HACA Policy

For families evicted from federally-assisted housing, HACA will deny assistance if they were evicted from federally-assisted housing in the last five years.

~~If HACA determines that any household member is currently engaged in the use of illegal drugs. Drug means a controlled substance as defined in section 102 of the Controlled Substances Act [21 U.S.C. 802]. Currently engaged in the illegal use of a drug means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member.~~

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

~~If HACA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.~~

HACA Policy

~~In determining reasonable cause, HACA will consider all credible evidence, including but not limited to, any record of convictions, arrests or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. HACA may, at its discretion, also consider evidence from treatment providers or community-based organizations providing services to household members.~~

~~HUD requires denial of Any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally-assisted housing.~~

HACA Policy

HUD requires denial of any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing. In accordance with and furtherance of HUD's requirements, HACA will deny ~~if~~ any household member that has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing, ~~and the family will be denied admission.~~

~~Any household member is subject to a lifetime registration requirement under a state sex offender registration program.~~

HACA Policy

If any household member is currently registered as a sex offender under any State registration requirement, regardless of whether it is for lifetime or not, the family will be denied admission.

3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE

HUD permits, but does not require, HACA to deny assistance for the reasons discussed in this section.

—HACA will conduct an individualized assessment of each candidate's application. In ~~a~~ making ~~its~~ a decision to deny admission, 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 admission.

—HACA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

Preliminary Eligibility Criteria

All applications will be screened for preliminary eligibility before they are added to the HACA voucher waiting list. If an applicant is found to be preliminarily ineligible, their application will not be added to the program's waiting list. The following criteria shall be used to determine preliminary ineligibility.

An applicant is deemed preliminarily ineligible and shall be rejected and not placed on the HACA HCV waiting list if currently housed in this same program and listed as the head of household or co-head of household.

If the head of household, spouse, or co-head in the applicant family owes a move-out balance or debt to HACA, the family will be notified in writing that they owe this debt. The written notification will inform them that they have been placed on the waiting list and the outstanding debt must be paid in full before they are eligible to receive any form of housing assistance. The notice will also explain how they may establish a repayment agreement and begin making payments. This notice will be sent in all cases in which the debt is not barred by a statute of limitations. There is a four-year statute of limitation, which ends the latter of:

- Four years from the date the debt became delinquent, or
- Four years from the date the final payment would have been due if a repayment agreement was signed by the former tenant.

HACA complies with all Fair Housing laws. Applicants have the right to request a Reasonable Accommodation. HACA will consider all Reasonable Accommodation requests under the Fair Housing Act and Section 504 of the American Disabilities Act. Information related to the Fair Housing Act, Section 504 and Requests for Reasonable Accommodation will be included in the denial letters.

If the basis for the denial relates to family violence, the applicant may qualify for an exception under the VAWA Amendments. Information related to VAWA will be included in the denial letters.

–Criminal Activity [24 CFR 982.553]

HACA is responsible for screening family behavior and suitability for tenancy. In doing so, HACA may consider an applicant's history of criminal activity involving crimes of physical violence to persons or property and other criminal acts that would adversely affect the health, safety or welfare of other tenants.

HACA Policy

If any household member has been convicted of the following criminal activities, during the designated review (look back) period, the family will be denied admission. The designated review period commences as of the date of the criminal offense.:

If any household member has been convicted of ~~engaged in or attempted~~ any of the following

criminal activities **regardless of the date** committed the family will be denied admission:

- ~~Ceapital m~~ murder
- Kidnapping
- ~~R~~ape or crimes of a sexual nature
- ~~A~~arson
- ~~i~~ndecency with a child
- ~~F~~irst degree felony injury to a child
- Crimes involving terrorism
- Crimes involving explosives- **felony conviction**

~~If any household member has been convicted is currently engaged in, or has engaged in any of the following criminal activities, during the designated review period, the family will be denied admission:~~

Five year review (look back) period

If any household member has been convicted is of the following criminal activities, the family will be denied admission:

- Manslaughter – felony conviction
- Criminally Negligent Homicide – felony conviction

Four year review (look back) period

If any household member has been convicted is of the following criminal activities, **within the past four years**, the family will be denied admission:

- Drug-related offenses for Manufacture, distribution, or possession with intent to distribute – felony conviction
- Robbery-related offenses – felony conviction
- Illegal possession/discharge/display/carrying of firearm or illegal weapon/ deadly weapon - felony conviction
- Physical violence to persons that has one of its elements the use or threatened use of physical force against the person or property of another such as assault, aggravated assault, assault by threat, terroristic threat and domestic violence

offenses – felony conviction.

- Physical violence to property to include vandalism – felony conviction
- Fraud committed against a government entity – felony conviction
- Burglary of a habitation – felony conviction
- Unlawful Restraint – felony conviction

Three year review (look back) period

If any household member has been convicted ~~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 misdemeanor possession of marijuana (two ounces or less).~~
Stalking – felony conviction
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- ~~2. A pattern of~~ Theft or fraud committed against a non-government entity – felony conviction.
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- ~~3. Public lewdness and indecent exposure offenses – felony conviction~~
- ~~3. A pattern of organized criminal activity.~~
- ~~4. A pattern of prostitution.~~
- ~~5. A pattern of misdemeanor harassment.~~
- ~~6. A pattern (for the purposes listed above) consists of three or more incidences, with a minimum of two or more incidences occurring within the last three years.~~

Two year review (look back) period

If any household member has been convicted of the following criminal activities, the family will be denied admission:

- Drug-related offenses for possession – felony conviction

One year review (look back) period

If any household member has been convicted of the following criminal activities, the family will be denied admission:

- DWI/DUI – felony conviction

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If any household member has been convicted of or has a pattern of engaging in any of the following criminal activities the family will be denied admission. A pattern consists of three or more incidences, with a minimum of two or more incidences occurring within the last three years.

- 1. A pattern of organized criminal activity
—A pattern of prostitution
- 2.
—
- 3. ~~2~~—A pattern of misdemeanor harassment or domestic violence offenses
—
- 4. ~~3~~—A pattern of misdemeanor terroristic threat offenses

If an applicant has one ~~offense of a Class C misdemeanor~~ misdemeanor offense within the past four years, HACA will not deny the applicant. More than one ~~Class C~~ misdemeanor ~~will~~ may 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.

HACA will not deny an application solely on the basis of an arrest. If, however, HACA receives arrest information for a disqualifying activity, in addition to a prior conviction within a respective look-back period, it may take that arrest into consideration in making a decision with regard to an applicant’s assistance. Additional information may be considered, if available, including police reports, statements, disposition of criminal charges such as abandonment, plea, dismissal, prosecution or acquittal, and any other evidence relevant to determining whether or not the applicant engaged in the disqualifying activity. In sum, any evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety of residents and/or property.

Individualized Assessment

In making its decision to deny assistance, HACA will consider the ~~factors~~ criminal background discussed in Sections 3-III.E and 3-III.F, on an individual and case-by-case basis taking into consideration the nature and gravity of the offense and any other mitigating factors known and available. 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 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. Any amounts owed to HACA or other federally subsidized programs will have to be repaid by the applicant before Admissions approval.

HACA will not deny admissions if the head or co-head are moving from the HACA Public Housing program to the HACA Section 8 program (or vice versa) and are in compliance with their HACA repayment agreements. There is a four-year statute of limitations that ends the latter of:

- a) Four years from the date the debt became delinquent, or
 - b) Four years from the date the final payment would have been due if a repayment agreement was signed by the former tenant.
- 2) Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition or rent.

- 3) Any family member has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program. This includes intentional misrepresentation of citizenship or immigration status within the last four years.
- 4) Refuses to sign and submit consent forms for obtaining information necessary to determine eligibility and continued eligibility for housing assistance.
- 5) Any family member has been evicted from federally-assisted housing in the last five years.
- 6) Has engaged in or threatened violent or abusive behavior **that 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, subcontractors or agents toward HACA personnel** within the last four years.

–Abusive or violent behavior towards HACA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

3-III.D. SCREENING

Screening for Eligibility

HACA is authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists HACA in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records HACA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903].

HACA Policy

HACA requires criminal background checks for all applicant household and family members 17 years of age or older. HACA will use a third party vendor or other government agency to provide the criminal history reports. The report will be requested after a consent form has been signed. The report encompasses a national criminal history search.

If the applicant and/or household member 17 years of age or older or the live-in aide applicant has not resided in the state of Texas for the most recent 2 years from the date of application, HACA will require a FBI criminal history report that includes information from the National Crime Information Center (NCIC), in addition to reviewing the criminal history report provided by HACA's third party vendor or other government agency.

HACA is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

HACA Policy

An online National Sex Offender check covering sex offender registries in all states is performed for all adults.

Additionally, HACA must ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state [Notice PIH 2012-28].

Applicants' ~~Greivance~~Grievance Procedure

If HACA proposes to deny admission based on a criminal record or on ~~lifetime~~ sex offender registration information, HACA must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission [24 CFR 5.903(f) and 5.905(d)]. ~~Individuals denied admissions based on criminal record or sex offender registration information will be permitted to present mitigating and extenuating reasons for why they should be considered in light of a conviction including ~~include~~ facts and circumstances surrounding criminal conduct, age at the time of conviction, evidence of good tenant history, employment, or rehabilitation.~~

HACA Criminal Record Policy & Process

- ~~HACA does not obtain criminal conviction records directly from law enforcement agencies.~~

HACA complies with HUD requirements, including 24 CFR 5.903(f) and 5.905(d) in the following manner:

- Authorization -- HACA will require each household member age 17 and older to sign a consent form
 - allowing HACA to request the criminal history report.
- Criminal Records -- Once the consent is signed, HACA will request the criminal history report from its third party vendor or other government agency. HACA does not obtain criminal conviction records directly from law enforcement agencies.

— Information Sharing --

Upon review of the criminal history report, if there is information on the report that may be grounds for denial, HACA will share the information with the applicant and provide an opportunity for the family to dispute the accuracy of the information or provide additional

relevant information.

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—Notice of Denial—

- After review of the report and any information provided by the family, HACA will determine if a denial is applicable. If a denial is warranted, a written notice of denial will be given to the family if they are present or mailed if they are not. The notice will provide the detailed summary of the criminal history that caused the reason for the proposed denial.

—Right to Appeal --

- Additionally, the denial notice will advise the applicant of the right to request an informal hearing to dispute the accuracy of the data and the basis for the denial. The request must be made in writing within 15 calendar days of the date of the denial notice. If the family fails to request an informal hearing within 15 calendar days of the date of the official denial letter, the denial shall become final.

~~If the family fails to request an informal hearing within 15 calendar days of the date of the official denial letter, the denial shall become final.~~

Screening for Suitability as a Tenant [24 CFR 982.307]

HACA has no liability or responsibility to the owner for the family's behavior or suitability for tenancy. HACA has the authority to conduct additional screening to determine whether an applicant is likely to be a suitable tenant.

HACA Policy

HACA will not conduct additional screening to determine an applicant family's suitability for tenancy.

The owner is responsible for screening and selection of the family to occupy the owner's unit. HACA must inform the owner that screening and selection for tenancy is the responsibility of the owner. An owner may consider a family's history with respect to factors such as: payment of rent and utilities, caring for a unit and premises, respecting the rights of other residents to the peaceful enjoyment of their housing, criminal activity that is a threat to the health, safety or property of others, and compliance with other essential conditions of tenancy.

HUD requires HACA to provide prospective owners with the family's current and prior address (as shown in HACA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits HACA to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.

HACA may not disclose to the owner any confidential information provided to HACA by the family in response to a PHA request for documentation of domestic violence, dating violence, sexual assault or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(a)(4)].

near the end of the HAP contract term.

Targeted Funding [24 CFR 982.204(e)]

HUD may award HACA funding for a specified category of families on the waiting list. HACA must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, HACA may skip families that do not qualify within the targeted funding category. Within this category of families, the order in which such families are assisted is determined according to the policies provided in Section 4-III.C.

HACA Policy

HACA administers the following types of targeted funding:

Mainstream Vouchers for Persons with Disabilities

Mainstream Vouchers for non-elderly persons with disabilities who are homeless or who are transitioning out of institutions or other segregated settings

VASH – Veterans Affairs for Supportive Housing

Family Unification Program

Non-elderly Disabled

Order of Selection – specified category vouchers

When HACA resumes voucher issuance after a funding shortfall, HACA will first issue vouchers to specified category vouchers until HACA is assisting the required number of special purpose families.

Regular HCV Funding

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 4-III.C.

4-III.C. SELECTION METHOD

PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that HACA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]

PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits HACA to establish other local preferences, at its discretion. Any local preferences established must be consistent with HACA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

HACA Policy

Families can claim eligibility for any local preference any time from the date they applied up until the time their name is drawn off the waiting list. Preference claims will be verified once they have been drawn off the waiting list during the interview process. If HACA is unable to verify a preference claim, the family will be placed back on the waiting list without the preference.

HACA will open the waiting list or leave the waiting list open for certain preference groups as needed to meet the preference caps listed below.

1. Non-specified category vouchers will use the following local preferences for purposes of establishing priority. The local preferences are weighted differently, with the higher number representing a higher ranking. Each applicant family can be granted a maximum of one local preference plus the residency preference (if they qualify). Weights for each preference are as follows:

Elderly	= 2
Disabled	= 2
Involuntarily Displaced	= 2
Homeless	= 3
Families with Minor Children	= 2
Residency	= 1
RAD Choice Mobility	= 3
PH Special Accommodation	= 3
FUP Youth	= 3
NED+Homeless/Institutionalized	= 2
RAD Relocation	= 4
HACA VAWA Emergency	= 5

- (A) **Elderly Preference:** HACA will give preference to elderly families. An elderly family is a family in which the head, spouse or co-head is age 62 or older.
- (B) **Disabled Preference:** HACA will give preference to disabled families. A disabled family is a family in which the head, spouse or co-head is disabled using the current HUD definition of disability.
- (C) **Involuntary Displacement Preference:** HACA will give preference to families displaced as a result of natural disaster or government action. The following documentation will be used to verify displacement status:

Certification from a unit of government concerning displacement due to natural disaster; or

Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit.

The displacement must have occurred within six months of requesting the involuntary displacement preference. Also, HACA will offer a preference to any

voucher assistance, the FUP Youth will lack adequate housing. Receipt of this preference is not a guarantee of uninterrupted voucher assistance, as issuance of vouchers is dependent on funding availability.

- J) **RAD Relocation Preference:** HACA may give preference to families currently housed in Public Housing properties that are undergoing significant renovation or redevelopment through RAD and would require long term (more than 6 months) relocation of residents. If HACA chooses to exercise this option for valid business purposes, HACA will have a special opening of the waiting list only for the identified properties. Families that select this option and apply during the open period will receive this preference.
- (K) **HACA VAWA Emergency Preference:** HACA will give preference to families living in a HACA owned Public Housing property or Project Based Rental Assistance (PBRA) property, who are victims of domestic violence, dating violence, sexual assault or stalking and meet the eligibility requirements outlined in HACA’s VAWA Emergency Transfer Move Plan. Due to the potentially life-threatening nature of a VAWA emergency, this preference is the most heavily weighted preference.

(L)

Non-Elderly Disabled Preference for those transitioning from institutions or are homeless: HACA will provide a preference in its administrative plan for non-elderly persons with disabilities transitioning out of institutional and other congregate settings, or who are non-elderly persons with disabilities who are homeless.

- 2. Specified category vouchers waiting list selection criteria.
 - A. **Family Unification Program Vouchers** (targeted funding) Waiting list policy:

Placing FUP eligible families referred by CPS on HACA’s HCV waiting list:

The waiting list will remain open for FUP eligible referrals. 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 DFPS. When HACA receives a completed application and referral from the Texas Department of Family and Protective Service (DFPS), the applicant will be placed on the waiting list in order according to the date and time when HACA first received both documents. FUP eligible applicants are granted a preference over all other applicants not eligible for FUP vouchers. Applicants certified eligible for the FUP vouchers will be coded as such on HACA’s waiting list. This preference will be granted only for the issuance of FUP vouchers and not any other voucher. If FUP vouchers are not available, FUP eligible families will maintain their original place on the waiting list for the issuance of non-FUP vouchers. All families granted a FUP preference will be prioritized based on date and time of being certified eligible and any other applicable preference (elderly, disable, displaced, homeless, residency).

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.

(H) **Public Housing Special Accommodation Preference:** HACA will give

preference to families that are currently housed in Public Housing or Project-Based Rental Assistance developments (PBRA) and waiting on the transfer list for a unit with an accessible accommodation as well as to families that have been certified eligible off the Public Housing or PBRA waiting list and are waiting for a unit with an accessible accommodation. To qualify for this preference, the family must meet all of the following criteria:

For current Public Housing or PBRA families waiting on the transfer list to be eligible, they must:

- a) Be currently housed in Public Housing or PBRA and waiting on the transfer list for a unit with the needed special accommodation;
- b) Have a documented need for a reasonable accommodation which requires a specific type of housing unit (including but not limited to wheelchair accessibility, no stairs, etc).
- c) Have waited more than 9 months since the reasonable accommodation was approved and they were placed on the transfer waiting list without receiving a housing offer specifically because the availability of the needed accommodation is limited within HACA's portfolio and all units with that accommodation are occupied by families needing that accommodation.

If the needed accommodation is not structurally or economically feasible in HACA's existing Public Housing or PBRA portfolio, the family will not be required to wait 9 months.

- d) Have verified income at the time of their last annual or interim recertification which was below the current income limit for the Housing Choice Voucher program.

For families drawn off the Public Housing or PBRA waiting list and waiting for their first housing offer, they must:

- a) Have a current application on the Public Housing **or PBRA** waiting list which was drawn according to the regular rules and guidelines of the Public Housing **or PBRA** waiting list.
- b) Have completed eligibility certification and are eligible for the Public Housing **or PBRA** program.
- c) Have a documented need for a reasonable accommodation which requires a specific type of housing unit (including but not limited to wheelchair accessibility, no stairs, etc).
- d) Have waited more than 9 months since completing the eligibility process for Public Housing **or PBRA** without receiving a housing offer specifically due to either
 1. The needed accommodation is not economically feasible to be done in HACA's existing Public Housing **or PBRA** portfolio; or
 2. The availability of the needed accommodation is limited within HACA's portfolio and all units with that accommodation are occupied by families needing that accommodation.
- e) Had verified income at the time of their eligibility processing which was below the current income limit for the Housing Choice Voucher program.

For both current Public Housing **or PBRA** families and families drawn off the Public Housing waiting list:

- a) If the family chooses the special accommodation preference for HCV, they will be placed on the HCV waiting list with the special accommodation preference.
 - b) When the family's name is drawn from the waiting list, they will be required to meet the eligibility requirements for the HCV program at that time in order to receive a voucher.
 - c) The total number of families (from the combination of both the current Public Housing **or PBRA** families and families drawn off the Public Housing **or PBRA** waiting list) eligible to receive this preference will be capped at no more than 10 families per calendar year.
- (I) **FUP Youth Preference:** HACA will give preference to FUP youth whose ~~18-36~~ month FUP voucher is expiring and they will lack adequate housing as a result of voucher expiration. To be eligible for this voucher, the FUP Youth must be referred by the Texas Department of Family Protective Services (TDFPS), Lifeworks or another social service agency. The referral must indicate that without continued

If a youth or family coded as FUP ceases to meet the criteria for FUP eligibility before the family has moved into an assisted unit, HACA will remove the FUP coding. If the family or youth was previously on the Housing Choice Voucher waiting list, they will maintain their original place on the waiting list. If the youth or family was only on the waiting list due to a FUP referral, they will be removed from the waiting list or lose their voucher if already issued.

B. Non-Elderly Disabled Program vouchers (targeted funding) waiting list policy:

For the issuance of Non-Elderly Disabled (NED) vouchers, only applicants certified eligible for NED Vouchers will be issued a NED voucher. To be an eligible application for a NED voucher, HACA will have to receive both (1) a completed application and (2) a completed referral from the Texas Department of Aging and Disability Services (DADS) through their service provider ARCIL (Area Resource Center for Independent Living) or verification of age, verification of disability, verification of residence in an eligible institution, and confirmation from another independent agency or organization that routinely provides care and case management services to persons transitioning from institutions that the agency will provide such services to the applicant. Until both are received, the application will not be considered an eligible application. The applicant will only be placed on the waiting list once both documents have been received.

Therefore, NED eligible applicants are granted a preference over all other applicants not eligible for NED vouchers. Applicants certified eligible for the NED vouchers will be coded as such on HACA's waiting list. This preference will be granted only for the issuance of NED vouchers and not any other voucher. If NED vouchers are not available, NED eligible families will maintain their original place on the waiting list for the issuance of non-NED vouchers. All families granted a NED preference will be prioritized based on date and time of being certified eligible and any other applicable preference (elderly, disable, displaced, homeless, residency).

- (a.) Identifying NED eligible families currently on HACA's HCV waiting list
 - (i) Upon receipt of the list of NED families referred by Texas DADS through ARCIL, HACA will compare the names with those of families already on HACA's HCV waiting list. Any family currently on the HCV waiting list that matches the referral list, will be coded as NED, and will be granted a NED preference for NED vouchers. For issuance of non-NED vouchers, these applicants will be assisted in order of their original position on HACA's HCV waiting list in accordance with HACA's admissions policies. Therefore they will not lose their original position on the waiting list as a result of receiving a NED preference.

- (b.) Placing NED eligible families referred by ARCIL or by direct application with necessary supplemental documentation on HACA's HCV waiting list:

Those eligible applicants on the current waiting list will have priority over families not on the waiting list. If additional funding is available, and all eligible families on the waiting list are exhausted, the waiting list will remain open for NED eligible families. Eligibility for the NED vouchers will be based on the respective HUD Notice of Funding ~~Availability and may be limited to referrals from the Texas Department of Aging and Disability Services and their service partners~~. When HACA receives a completed application and referral from ARCIL or necessary supplemental documents, the applicant will be placed on the waiting list after all lottery applicants and in order according to the date and time when HACA first had received both documents.

If a family coded as NED ceases to meet the criteria for NED eligibility before the family has moved into an assisted unit, HACA will remove the NED coding. If the family was previously on the waiting list, they will maintain their original place on the waiting list. If the family was only on the waiting list due to a NED referral, or direct application for an NED voucher, they will be removed from the waiting list or lose their voucher if already issued.

- C. **Veterans Affairs Supportive Housing (VASH):** HACA accepts VASH applicants as referrals in the order received from the Veterans Affairs administration.
- D. **Mainstream:** HACA will assist the minimum number of families defined in the original grant and will replace any vacancies with eligible disabled households from the HCV waiting list.
- E. **Mainstream NED for homeless or institutional transitions (targeted funding) waiting list policy:**
For the issuance of Mainstream NED vouchers, only applicants certified eligible for Mainstream NED Vouchers will be issued a Mainstream NED voucher. To be an eligible application for a Mainstream NED voucher, HACA will have to receive both (1) a completed application and (2) a completed referral from ECHO, Integral Care, ARCIL, or verification of age, verification of disability, and verification of homelessness or verification of residence in an eligible institution or eligible segregated setting. Until both are received, the application will not be considered an eligible application. The applicant will only be placed on the waiting list once both documents have been received.

Therefore, Mainstream NED eligible applicants are granted a preference over all other applicants not eligible for Mainstream NED vouchers. Applicants certified eligible for the Mainstream NED vouchers will be coded as such on HACA's

waiting list. This preference will be granted only for the issuance of Mainstream NED vouchers and not any other voucher. If Mainstream NED vouchers are not available, Mainstream NED eligible families will maintain their original place on the waiting list for the issuance of other vouchers. All families granted a Mainstream NED preference will be prioritized based on date and time of being certified eligible and any other applicable preference (elderly, disable, displaced, homeless, residency).

(a.) Placing Mainstream NED eligible families referred by ECHO, Integral Care, or ARCIL, or by direct application with necessary supplemental documentation on HACA's HCV waiting list:

waiting list:

Those eligible applicants on the current waiting list will have priority over families not on the waiting list. If additional funding is available, and all eligible families on the waiting list are exhausted, the waiting list will remain open for Mainstream NED eligible families. Eligibility for the Mainstream NED vouchers will be based on the respective HUD Notice of Funding. When HACA receives a completed application and referral from ECHO, Integral Care, ARCIL, or necessary supplemental documents, the applicant will be placed on the waiting list after all lottery applicants and in order according to the date and time when HACA first had received both documents.

If a family coded as Mainstream NED ceases to meet the criteria for Mainstream NED eligibility before the family has moved into an assisted unit, HACA will remove the Mainstream NED coding. If the family was previously on the waiting list, they will maintain their original place on the waiting list. If the family was only on the waiting list due to a Mainstream NED referral or a direct application for a ~~Mainstream~~ Mainstream NED voucher, they will be removed from the waiting list or lose their voucher if already issued.

Income Targeting Requirement [24 CFR 982.201(b)(2)]

HUD requires that extremely low-income (ELI) families make up at least 75 percent of the families admitted to the HCV program during HACA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income, whichever number is higher. To ensure this requirement is met, HACA may skip non-ELI families on the waiting list in order to select an ELI family.

Low income families admitted to the program that are "continuously assisted" under the 1937 Housing Act [24 CFR 982.4(b)], as well as low-income or moderate-income families admitted to the program that are displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes [24 CFR 982.201(b)(2)(v)].

verifying any one of the following exemption criteria:

The student is enrolled at an educational institution that does not meet the definition of *institution of higher education* in the Higher Education Act of 1965 (see Section Exhibit 3-2).

The student is at least 24 years old.

The student is a veteran, as defined in Section 3-II.E.

The student is married.

The student has at least one dependent child, as defined in Section 3-II.E.

The student is a person with disabilities, as defined in Section 3-II.E, and was receiving assistance prior to November 30, 2005.

If the HACA cannot verify at least one of these exemption criteria, the HACA will conclude that the student is subject to the restrictions on assistance at [24 CFR 5.612]. In addition to verifying the student's income eligibility, the HACA will then proceed to verify either the student's parents' income eligibility (see Section 7-III.J) or the student's independence from his/her parents (see below).

Independent Student

HACA Policy

The HACA will verify a student's independence from his/her parents to determine that the student's parents' income is not relevant for determining the student's eligibility by doing all of the following:

Either reviewing or verifying previous address information to determine whether the student has established a household separate from his/her parents for at least one year or reviewing and verifying documentation relevant to determining whether the student meets the U.S. Department of Education's definition of *independent student* (see Section 3-II.E)

Reviewing the student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of *independent student* (see section 3-II.E) ~~whether a parent has claimed the student as a dependent~~

~~Reviewing prior year income tax returns to verify whether a parent has claimed the student as a dependent~~

Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is \$0, ~~except in cases in which the PHA determines that the student is a vulnerable youth~~ (see section 3-II.E)

Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.

Absence of a functioning toilet in the unit

Any other serious deficiency deemed to be potentially life threatening.

If an owner fails to correct life threatening conditions as required by HACA, HACA will enforce the HQS in accordance with HUD requirements. See 8-II-G.

If a family fails to correct a family caused life threatening condition as required by HACA, HACA will enforce the family obligations. See 8-II.H.

8-I.D. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]

Family Responsibilities

The family is responsible for correcting the following HQS deficiencies:

Tenant-paid utilities not in service

Failure to provide or maintain appliances owned by the family.

Damage to the unit or premises caused by a household member or guest beyond normal wear and tear that result in a breach of HQS. "Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

Owner Responsibilities

The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation). However, if the family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL [24 CFR 35.1225;FR Notice 1/13/17; NoticePIH 2017-13]

If HACA is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than 6 years of age, living in an HCV-assisted unit has been identified as having an environmental intervention blood lead level, HACA must complete a risk assessment of the dwelling ~~unit~~ **unit within 15 calendar days after being notified by a public health department or other medical health care provider**. The risk assessment must be completed in accordance with program requirements, and the result of the risk assessment must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

Within 30 days after receiving the risk assessment report from HACA, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-

Two streamlining options are available, depending upon the percentage of the family's income that is received from fixed sources. If at least 90 percent of the family's income is from fixed sources, the PHA may streamline the verification of fixed income and may choose whether to verify non-fixed income amounts in years where no fixed-income review is required. If the family receives less than 90 percent of its income from fixed sources, the PHA may streamline the verification of fixed income and must verify non-fixed income annually.

HACA Policy

HACA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. ~~HACA~~~~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.

Third-party verification of non-fixed income will be obtained annually regardless of the percentage of family income received from fixed sources.

11-I.C. 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].

HACA Policy

HACA will schedule annual reexaminations to coincide with the family's anniversary date. HACA will begin the annual reexamination process approximately 90-120 days in advance of its scheduled effective date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission).

If the family moves to a new unit, HACA will perform a new annual reexamination, and the anniversary date will change based on the new lease effective date.

HACA may also schedule an annual reexamination for completion prior to the

repayment agreement, HACA will ban the owner from future participation in the program and pursue other modes of collection.

Family Debts to HACA

HACA Policy

Any amount due to HACA by an HCV participant must be repaid by the family. If the family is unable to repay the debt within 30 days, HACA may offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, HACA will terminate the assistance in accordance with the policies in Chapter 12 and pursue other modes of collection.

Repayment Agreement [24 CFR 792.103]

The term *repayment agreement* refers to a formal document signed by a tenant or owner and provided to HACA in which a tenant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

Repayment Agreement Guidelines

Payment Thresholds

Notice PIH ~~2010-19~~2017-12 recommends that the total amount that a family must pay each month—the family’s monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family’s monthly adjusted income. However, a family may already be paying 40 per cent or more of its monthly adjusted income in rent. Moreover, Notice PIH ~~2010-19~~2017-12 acknowledges that PHAs have the discretion to establish “thresholds and policies” for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

HACA Policy

For fraud cases, any amounts owed in the amount of more than \$5,000, HACA will not enter into repayment agreement, unless approval is granted by the Vice President of Assisted Housing. HACA may pursue termination of assistance and refer the case to HUD’s Office of Inspector General for prosecution.

For all balances owed under HACA’s established threshold, repayment timeframes will be established as listed below:

Amounts between \$4,000 and \$5,000 must be repaid within 48 months.

Amounts between \$3,000 and \$3,999 must be repaid within 36 months.

Amounts between \$2,000 and \$2,999 must be repaid within 24 months.

Amounts between \$1,000 and \$1,999 must be repaid within 18 months.

Amounts between \$500 and \$999 must be repaid within 12 months.

Amounts under \$500 must have a minimum monthly payment of \$50 and cannot exceed 12 months.

Exceptions to this schedule may be made at the discretion of the Vice President of Assisted Housing.

Execution of the Agreement

HACA Policy

The head of household and spouse/co-head (if applicable) must sign the repayment agreement.

Due Dates

HACA Policy

All payments are due by the close of business on the 5th day of the month. If the 5th does not fall on a business day, the due date is the close of business on the first business day after the 5th.

Non-Payment

HACA Policy

If the family fails to make any payment as required by the terms set forth within the repayment agreement, HACA retains the right to demand immediate payment of the remaining unpaid balance. If the family fails to make payment of the full balance, it will be considered a breach of the agreement and HACA will terminate tenancy in accordance with the policies in Chapter 12.

No Offer of Repayment Agreement

HACA Policy

HACA will not enter into a new repayment agreement if there is already a current repayment agreement in place with the family, or the amounts owed by the family exceed the Federal or State threshold for criminal prosecution and/or HACA's established threshold under fraud cases.

Repayment Agreements Involving Improper Payments

Notice PIH ~~2010-19~~2017-12 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the family briefing packet that state the family's obligation to provide true and complete information at every reexamination and the grounds on which the PHA may terminate assistance because of a family's action or failure to act
- A statement clarifying that each month the family not only must pay to the PHA the monthly payment amount specified in the agreement but must also pay to the owner the family's monthly share of the rent to owner
- A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of assistance

PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

16-V.A. OVERVIEW

The Section 8 Management Assessment Program (SEMAP) is a tool that allows HUD to measure PHA performance in key areas to ensure program integrity and accountability. SEMAP scores translate into a rating for each PHA as high performing, standard, or troubled. Scores on individual SEMAP indicators, as well as overall SEMAP ratings, can affect HACA in several ways.

High-performing PHAs can be given a competitive advantage under notices of funding availability [24 CFR 985.103].

PHAs with deficiencies on one or more indicators are required to correct the deficiencies and report to HUD [24 CFR 985.106].

PHAs with an overall rating of "troubled" are subject to additional HUD oversight, including on-site reviews by HUD staff, a requirement to develop a corrective action plan, and monitoring to ensure the successful implementation of the corrective action plan. In addition, PHAs that are designated "troubled" may not use any part of the administrative fee reserve for other housing purposes [24 CFR 985.107].

HUD may determine that HACA's failure to correct identified SEMAP deficiencies or to prepare and implement a corrective action plan required by HUD constitutes a default under the ACC [24 CFR 985.109].

16-V.B. SEMAP CERTIFICATION [24 CFR 985.101]

PHAs must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year. The certification must be approved by PHA board resolution and signed by HACA executive director. If HACA is a unit of local government or a state, a resolution approving the certification is not required, and the certification must be executed by the Section 8 program director.

PHAs with less than 250 voucher units are only required to be assessed every other PHA fiscal year. HUD will assess such PHAs annually if HACA elects to have its performance

Eligible Immigration Status Documents

The following documents will be retained for a minimum of 5 years if provided as part of the INS appeal or informal hearing process: the application; form completed by family for family reexamination; photocopies of any original documents (front and back), including original INS documents; signed verification consent form; INS verification results (primary and secondary); request for an INS appeal; final INS determination; request for an informal hearing; and final informal hearing decision.

PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL

16-VII.A. OVERVIEW

HACA has certain responsibilities relative to children with environmental intervention blood lead levels that are receiving HCV assistance. The notification, verification, and hazard reduction requirements are discussed in Chapter 8. This part deals with the reporting requirements, and data collection and record keeping responsibilities that HACA is subject to.

16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e); Notice PIH 2017-13]

The PHA owner must report the name and address of a child identified as having an elevated blood lead level to the public health department within five business days of being so notified by any other medical health care professional. The owner must also notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five business days. The PHA may collaborate with the owner on the notification process, such as by agreeing with the owner to provide the required notifications on the owner's behalf.

~~HACA must report the name and address of a child identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional.~~

HACA Policy

Upon notification by the owner, HACA will provide the public health department written notice of the name and address of any child ~~under 6 years of age~~ identified as having ~~an elevated blood lead level within five business days.~~ ~~n environmental intervention blood lead level within 5 business days of being so notified by any other medical health care professional.~~

Upon notification by the owner, HACA will notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five business days.

~~HACA will provide written notice of each known case of a child under 6 years of age with an environmental intervention blood lead level to the HUD field office~~

receive under this program.

PART I: GENERAL REQUIREMENTS

17-I.A. OVERVIEW [24 CFR 983.5; FR Notice 1/18/17; Notice PIH 2017-21]

The project-based voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to 20 percent of its authorized units and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHA's Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

HACA Policy

HACA may operate a project-based voucher program that utilizes up to ~~4200~~ tenant based vouchers.

HACA may decide to project-base vouchers above the ~~4200~~ voucher limit (but no more than 20 percent of its ~~allocated authorized~~ units), if HUD publishes a notice making available PBV for HUD-VASH vouchers or other PBV special purpose vouchers or for a project that would provide affordable housing for low-income or homeless veterans.

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, the PHA is not required to reduce the number of these units if the amount of budget authority is subsequently reduced. However, the PHA is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC, **regardless of whether the PHA has vouchers available for project-basing [FR Notice 1/18/17].**

~~[24 CFR 983.6].~~

Additional Project-Based Units [FR Notice 1/18/17; Notice PIH 2017-21]

The PHA may project-base an additional 10 percent of its units above the 20 percent program limit, ~~if the units:~~ **The units may be distributed among one, all, or a combination of the categories as long as the total number of units does not exceed the 10 percent cap. Units qualify under this exception if the units:**

- *Ownership interest* means that the PHA or its officers, employees, or agents are in an entity that holds any direct or indirect interest in the building, including, but not limited to an interest as: titleholder; lessee; stockholder; member, or general or limited partner; or a member of a limited liability corporation.
- Further, the PHA must be planning rehabilitation or construction on the project with a minimum of \$25,000 per unit in hard costs.
- The PHA must include in the administrative plan what work it plans to do on the property or site and how many PBV units will be added to the site.

PHA Policy

HACA is currently undertaking a complete redevelopment and expansion of its Chalmers Courts public housing property in east Austin. In accordance with HUD requirements, this redevelopment and expansion will exceed the required minimum of \$25,000 in per unit hard costs. This property is a high priority for HACA – it is in an area of expanding opportunity that is rapidly gentrifying and where there is a significant need for additional affordable housing to meet the needs of current residents of the area and others moving to Austin. The first phase of the redevelopment is the construction of 86 new affordable housing units south of the existing Chalmers Courts site (**Chalmers South**). **HACA may elect to project-base vouchers not to exceed 43 units at Chalmers South or no more than half of the total units at Chalmers South.** Once complete, HACA will relocate residents from either the east or west side of the existing Chalmers Courts site, minimizing displacement and disruption to families. A redevelopment will then begin on either the east or west side of the site. The exact order of redevelopment is dependent on the financing tools which ultimately will be available, including use of the Low Income Housing Tax Credit program.

The east side and west side redevelopments of Chalmers Courts will involve the construction of approximately 160 units on each side. Once fully completed, the new Chalmers Courts – south, west and east – will total approximately 400 units, significantly helping address Austin’s affordable housing needs.

HACA has determined that the placement of up to 81 project-based Housing Choice Vouchers, as well as the placement of a to-be-determined number of project-based HUD VASH vouchers, will significantly benefit HACA’s ability to meet its mission of serving the lowest income persons in our community, including seniors, persons with disabilities, transitioning homeless, and families with children.

Solicitation and Selection of PBV Proposals [24 CFR 983.51(c)]

PHA procedures for selecting PBV proposals must be designed and actually operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by the PHA. The public notice procedures may include publication of the public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice. The public notice of the PHA request for PBV proposals must specify the submission deadline. Detailed application and selection information must be provided at the request of interested parties.

- Are specifically made available to house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.
- Are specifically made available to house families that are comprised of or include a veteran.
 - *Veteran* means an individual who has served in the United States Armed Forces.
- Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.
- Are located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year Estimates.

PHA Policy

The PHA will not set aside units above the 20 percent program limit.

Units Not Subject to the PBV Program Limitation [FR Notice 1/18/17]

PBV units under the RAD program and HUD-VASH PBV set-aside vouchers do not count toward the 20 percent limitation when PBV assistance is attached to them.

In addition, units that were previously subject to certain federal rent restrictions or were receiving another type of long-term housing subsidy provided by HUD are not subject to the cap. **The unit must be covered under a PBV HAP contract that first became effective on or after 4/18/17.**

In order to be excepted, the unit must meet the following conditions:

- ~~The unit must be covered under a PBV HAP contract that first became effective on or after 4/18/17; and~~
- ~~In the five years prior to the date the PHA either issued the RFP or selected the project, the unit either:~~
 - ~~— Received Public Housing Capital or Operating Funds, Project-Based Rental Assistance, Housing for Elderly (Section 202), Housing for Persons with Disabilities (section 811), Rent Supplement (Rent Supp), or Rental Assistance Program (RAP); or~~
 - ~~— The unit was subject to a rent restriction through a loan or insurance program as a result of Section 236, Section 221(d)(3) or (d)(4) BMIR, Housing for Elderly Persons (Section 202), or Housing for Persons with Disabilities (Section 811)~~

~~Units that have previously received either PBV or HCV assistance are not covered under the exception.~~

PHA Policy

HACA will not project-base any ~~of the above unit types~~ units not subject to the 20 percent cap.

~~The PHA may project base the unit types that meet the requirements described above.~~

17-I.B. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]

Much of the tenant-based voucher program regulations also apply to the PBV program. Consequently, many of the PHA policies related to tenant-based assistance also apply to PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

HACA Policy

Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, HACA's policies for the tenant-based voucher program contained in this administrative plan also apply to the PBV program and its participants.

17-I.C. RELOCATION REQUIREMENTS [24 CFR 983.7]

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.

The cost of required relocation assistance may be paid with funds provided by the owner, local public funds, or funds available from other sources. PHAs may not use voucher program funds to cover relocation costs, except that PHAs may use their administrative fee reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes must also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR 982.155 and other official HUD issuances.

The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. It is the responsibility of the PHA to ensure the owner complies with these requirements.

17-I.D. EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8]

The PHA must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, the PHA must comply with the PHA Plan certification on civil

rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).

PART II: PBV OWNER PROPOSALS

17-II.A. OVERVIEW

With certain exceptions, the PHA must describe the procedures for owner submission of PBV proposals and for PHA selection of PBV proposals [24 CFR 983.51]. Before selecting a PBV proposal, the PHA must determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing [24 CFR 983.53 and 983.54], complies with the cap on the number of PBV units per project [24 CFR 983.56], and meets the site selection standards [24 CFR 983.57]. The PHA may not commit PBVs until or unless it has followed the proposal selection requirements defined in 24 CFR 983.51 [Notice PIH 2011-54].

17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51(b)]

The PHA must select PBV proposals in accordance with the selection procedures in the PHA administrative plan. The PHA must select PBV proposals by either of the following two methods.

PHA request for PBV Proposals. The PHA may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to the PHA request. The PHA may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.

The PHA may select proposal that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition in accordance with the requirements of the applicable program, community development program, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance. The PHA need not conduct another competition.

Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21]

For certain public housing projects where the PHA has an ownership interest or control and will spend a minimum amount per unit on rehabilitation or construction, the PHA may select a project without following one of the two processes above.

- This exception applies to projects in which the PHA is engaged in an initiative to improve, develop, or replace a public housing property or site.

The PHA may provide PBV assistance only in accordance with HUD subsidy layering regulations [24 CFR 4.13] and other requirements.

The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

Subsidy layering requirements do not apply to existing housing. A further subsidy layering review is not required for new construction or rehabilitation if HUD's designee has conducted a review that included a review of PBV assistance in accordance with the PBV subsidy layering guidelines.

The PHA must submit the necessary documentation to HUD for a subsidy layering review. Except in cases noted above, the PHA may not enter into an agreement to enter into a HAP contract or a HAP contract until HUD, or a HUD-approved housing credit agency (HCA), has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements. The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT

25 Percent per Project Cap [24 CFR 983.56, FR Notice 1/18/17, and Notice PIH 2017-21]

In general, the PHA may not select a proposal to provide PBV assistance for units in a project or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a project, if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than the greater of 25 units or 25 percent of the number of dwelling units (assisted or unassisted) in the project.

Exceptions to 25 Percent per Project Cap [FR Notice 1/18/17; Notice PIH 2017-21]

As of April 18, 2017, ~~Exceptions are allowed and PBV~~ units are not counted against the 25 percent or 25-unit per project cap if:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project
- ~~If~~ The project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, ~~the~~

project cap is the greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) eliminated the project cap exemption for projects that serve disabled families and modified the exception for supportive services. Projects where these caps were implemented prior to HOTMA (HAP contracts executed prior to 4/18/17) may continue to use the former ~~exceptions~~exemptions and may renew their HAP contracts under the old requirements, unless the PHA and owner agree to change the conditions of the HAP contract. However, this change may not be made if it would jeopardize an assisted family's eligibility for continued assistance in the project.

Supportive Services

PHAs must include in the PHA administrative plan the type of services offered to families for a project to qualify for the exception and the extent to which such services will be provided. As of 4/18/17, ~~the~~ project must make supportive services available to all families receiving PBV assistance in the project, but the family does not actually have to accept and receive supportive services for the exception to apply to the unit. It is not necessary that the services be provided at or by the project, but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible. A PHA may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered.

~~If a family at the time of initial tenancy is receiving, and while the resident of an excepted unit has received, FSS supportive services or any other supportive services as defined in the PHA administrative plan, and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.~~

HACA Policy

HACA ~~may~~will develop housing for occupancy by families in need of services. This may include disabled families, families in need of particular supportive services, or families participating in the Family Self-Sufficiency (FSS) program. Families will not be required to accept and receive supportive services for the exception to apply to the unit.

The following types of services will be provided depending on the needs of the family:

Supportive Services

The types of supportive services that will be offered include, but are not limited to:

Job readiness / Job training: Includes preparation and counseling, job development and placement, follow-up assistance after placement, completion of FSS “Contract of Family Participation;

Education: Includes education for the completion of GED, post-secondary education, or computer training classes for children and adults.;

Household Training: Includes homemaking, parenting skills, financial literacy and stability programs;

Self-Sufficiency Services and Resources: Includes participating in the FSS program and accessing all appropriate services to assist the family to achieve economic independence and self-sufficiency.

Substance Abuse Treatment: Includes counseling, treatment for substance abuse and participation in ongoing support groups.

Projects not Subject to a Project Cap [FR Notice 1/18/17; Notice PIH 2017-21]]

PBV units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are exempt from the project cap. In other words, 100 percent of the units in these projects may receive PBV assistance. ~~To qualify for the exception, the unit must:~~

- ~~• Be covered by a PBV HAP contract that first became effective on or after 4/18/17; and~~
- ~~• In the five years prior to the date the PHA either issued the RFP under which the project was selected or the PHA selected the project without competition, the unit met at least one of the two following conditions:~~
 - ~~— The unit received Public Housing Capital or Operating Funds, Project-Based Rental Assistance, Housing for the Elderly (Section 303), Housing for Persons with disabilities (Section 811), the Rental Supplement program;~~
 - ~~— The unit was subject to a rent restriction as a result of one of the following HUD loans or insurance programs: Section 236, Section 221(d)(3) or (d)(4) BMIR, Housing for the Elderly (Section 202), or Housing for Persons with Disabilities (Section 811)~~

~~Units that were previously receiving PBV assistance are not covered by the exception. Both existing and rehabilitation units are eligible for this exception. Newly constructed units qualify if they meet the definition of replacement unit described in FR Notice 1/18/17.~~

PHA Policy

The PHA does not have any PBV units that are subject to the per project cap exception.

Promoting Partially-Assisted Projects [24 CFR 983.56(c)]

must determine whether the units substantially comply with HQS. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, the PHA may not execute the HAP contract until the units fully comply with HQS, ~~unless the PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions.~~

Pre-HAP Contract Inspections [24 CFR 983.103(b); FR Notice 1/18/17]

The PHA must inspect each contract unit before execution of the HAP contract. The PHA may not enter into a HAP contract covering a unit until the unit fully complies with HQS, ~~unless the PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions.~~

PHA Policy

~~The PHA will not enter into a PBV HAP contract until all units that will be under contract fully comply with HQS.~~

Turnover Inspections [24 CFR 983.103(c), FR Notice 1/18/17, and Notice PIH 2017-20]

Before providing assistance to a new family in a contract unit, the PHA must inspect the unit. The PHA may not provide assistance on behalf of the family until the unit fully complies with HQS, ~~unless the PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions or if the unit passed an alternative inspection.~~

PHA Policy

The PHA will not provide assistance in turnover units until the unit fully complies with HQS.

Annual/Biennial Inspections [24 CFR 983.103(d); FR Notice 6/25/14]

At least once every 24 months during the term of the HAP contract, the PHA must inspect a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement.

HACA Policy

HACA will inspect on an annual basis a random sample consisting of at least 20 percent

family's control such as death, serious illness, or other medical emergency of a family member.

Family Right to Move [24 CFR 983.261]

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to the PHA. If the family wishes to move with continued tenant-based assistance, the family must contact the PHA to request the rental assistance prior to providing notice to terminate the lease.

HACA Policy

PBV participants may be eligible to move when all the following criteria are true:

- The PBV participant family has completed 1 full year of occupancy;
- The participant family has no outstanding debts to the owner and / or HACA; and
- The participant family has given advance notice of intent to vacate to the owner and HACA in accord with any terms of the lease.

If the family terminates the lease in accordance with these requirements, the PHA is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If voucher or other comparable tenant-based assistance is not immediately available upon termination of the family's lease in the PBV unit, the PHA must give the family priority to receive the next available opportunity for continued tenant-based assistance.

If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.262]

As of April 17, 2018, the PHA may not pay housing assistance under a PBV HAP contract for more than the greater of 25 units or 25 percent of the number of dwelling units in a project unless the units are [24 CFR 983.56]:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project

If the project is located in a census tract with a poverty rate of 20 percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the

greater of 25 units or 40 percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].

If a family at the time of initial tenancy is receiving and while the resident of an excepted unit has received Family Self-Sufficiency (FSS) supportive services or any other service as defined by the PHA and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit. However, if the FSS family fails to successfully complete the FSS contract of participation or supportive services objective and consequently is no longer eligible for the supportive services, the family must vacate the unit within a reasonable period of time established by the PHA, and the PHA shall cease paying HAP on behalf of the family.

Further, when a family (or remaining members of a family) residing in an excepted unit that no longer meets the criteria for a “qualifying family” because the family is no longer an elderly family due to a change in family composition the PHA has the discretion to allow the family to remain in the excepted unit. . If the PHA does not exercise this discretion, the family must vacate the unit within a reasonable period of time established by the PHA, and the PHA must cease paying housing assistance payments on behalf of the non-qualifying family.

Individuals in units with supportive services who choose to no longer participate in a service or who no longer qualify for services they qualified for at the time of initial occupancy cannot subsequently be denied continued housing opportunity because of this changed circumstance. A PHA or owner cannot determine that a participant’s needs exceed the level of care offered by qualifying services or require that individuals be transitioned to different projects based on service needs.

If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit in the building in accordance with program requirements; or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations to comply with supportive services requirements must be terminated by the PHA.

The PHA may allow a family that initially qualified for occupancy of an excepted unit based on elderly family status to continue to reside in a unit, where through circumstances beyond the control of the family (e.g., death of the elderly family member or long-term or permanent hospitalization or nursing care), the elderly family member no longer resides in the unit. In this case, the unit may continue to be counted as an excepted unit for as long as the family resides in that unit. Once the family vacates the unit, in order to continue as an excepted unit under the

FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent, if HACA determines it is necessary due to PHA budgetary constraints.

Use of Small Area FMRs (SAFMRs) [24 CFR 888.113(h)]

While small area FMRs (SAFMRs) do not apply to PBV projects, PHAs that operate a tenant-based program under SAFMRs (~~either by HUD-designation or because the PHA requested HUD approval to use SAFMRs~~) may apply SAFMRs to all future PBV HAP contracts. If the PHA adopts this policy, it must apply to all future PBV projects and the PHA's entire jurisdiction. The PHA and owner may not subsequently choose to revert back to use of the FMRs once the SAFMRs have been adopted, even if the PHA subsequently changes its policy.

Further, the PHA may apply SAFMRs to current PBV projects where the notice of owner selection was made on or before the effective dates of ~~both the SAFMR designation and the PHA administrative plan policy,~~ implementation, provided the owner is willing to mutually agree to doing so and the application is prospective. The PHA and owner may not subsequently choose to revert back to use of the FMRs once the SAFMRs have been adopted, even if the PHA subsequently changes its policy. If rents increase as a result of the use of SAFMRs, the rent increase may not be effective until the first anniversary of the HAP contract.

PHA Policy

The PHA will not apply SAFMRs to the PHA's PBV program.

Redetermination of Rent [24 CFR 983.302]

The PHA must redetermine the rent to owner upon the owner's request or when there is a five percent or greater decrease in the published FMR.

Rent Increase

If an owner wishes to request an increase in the rent to owner from the PHA, it must be requested at the annual anniversary of the HAP contract (see Section 17-V.D.). The request must be in writing and in the form and manner required by the PHA. The PHA may only make rent increases in accordance with the rent limits described previously. There are no provisions in the PBV program for special adjustments (e.g., adjustments that reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs).

HACA Policy

An owner's request for a rent increase must be submitted to HACA 60 days prior to the anniversary date of the HAP contract, and must include the new rent amount the owner is proposing.

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.

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.~~

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

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.

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 [Choice Mobility Voucher application](#) ~~voucher request form~~ provided at the property. ~~(See Appendix 2).~~
 - The [application](#) ~~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:**
 - 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).
 - This is the family's confirmation that they are on the Choice Mobility

waiting list.

- The acknowledgement of request will be sent to the family within 5 business days of receipt of the request.

- **Random Sorting:**

- Once there are families on the Choice Mobility waiting list, ~~HACA will select~~ 1/3 of the total ~~its~~ monthly vouchers issued ~~draw~~ will come from the Choice Mobility waiting list.
- Before each draw, HACA will conduct a random sort of the Choice Mobility waiting list.
- 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 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