

**3-I.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]**

*Head of household* means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

HACA Policy

The family may request a change of head of household. The head of household must have the legal capacity to enter into a lease under state and local law. An emancipated minor under state law may be designated as head of household. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

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HACA may deny the request to change the head-of-household if it determines that the requested change is for the purpose of circumventing the HCV wait list or other limitations and requirements of the HCV program, federal statute, regulation or HACA Policy.

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~~The family may designate any qualified family member as the head of household.~~

~~The head of household must have the legal capacity to enter into a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.~~

**3-I.E. SPOUSE, CO-HEAD, AND OTHER ADULT**

A family may have a spouse or co-head, but not both [HUD-50058 IB, p. 13].

*Spouse* means the marriage partner of the head of household.

HACA Policy

A *marriage partner* includes the partner in a "common law" marriage as defined in Texas state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

A *co-head* is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

HACA Policy

Minors who are emancipated under state law may be designated as a co-head.

*Other adult* means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

**3-I.F. DEPENDENT [24 CFR 5.603]**

A *dependent* is a family member who is under 18 years of age or a person of any age who is a

HACA's housing choice voucher program [Voucher, form HUD-52646]

A voucher can be issued to an applicant family only after HACA has determined that the family is eligible for the program based on verification of information received within the 60 days prior to issuance [24 CFR 982.201(e)] and after the family has attended an oral briefing [HCV 8-1].

#### HACA Policy

Vouchers will be issued to eligible applicants immediately following the mandatory briefing.

HACA should have sufficient funds to house an applicant before issuing a voucher. If funds are insufficient to house the family at the top of the waiting list, HACA must wait until it has adequate funds before it calls another family from the list [HCV GB p. 8-10].

#### HACA Policy

Prior to issuing any vouchers, HACA will determine whether it has sufficient funding in accordance with the policies in Part VIII of Chapter 16.

If HACA determines that there is insufficient funding after a voucher has been issued, HACA may rescind the voucher and place the affected family back on the waiting list.

### **5-II.E. VOUCHER TERM AND EXTENSIONS**

#### **Voucher Term [24 CFR 982.303]**

The initial term of a voucher must be at least 60 calendar days. The initial term must be stated on the voucher [24 CFR 982.303(a)].

#### HACA Policy

The initial voucher term will be ~~90~~ 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the ~~90~~ 120-day period unless HACA grants an extension.

#### **Extensions of Voucher Term [24 CFR 982.303(b)]**

HACA has the authority to grant extensions of search time, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. There is no limit on the number of extensions that HACA can approve. Discretionary policies related to extension and expiration of search time must be described in HACA's administrative plan [24 CFR 982.54].

PHAs must approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

The family must be notified in writing of HACA's decision to approve or deny an extension. HACA's decision to deny a request for an extension of the voucher term is not subject to informal review [24 CFR 982.554(c)(4)].

### HACA Policy

HACA may approve one 30-day extension beyond ~~120~~90 days upon written request from the family if funding is available.

HACA will consider additional extensions ~~only~~ in the following circumstances:

It is necessary as a reasonable accommodation for a person with disabilities. ~~It is necessary due to reasons beyond the family's control, as determined by HACA.~~

Following is a list of extenuating circumstances that HACA may consider in making its decision. ~~The presence of these circumstances does not guarantee that an extension will be granted.~~

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

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

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

HACA will decide whether to approve or deny an extension request within 10 calendar days of the date the request is received, and will ~~immediately~~ provide the family written notice of its decision.

There will not be extensions approved beyond ~~15~~20 days, unless as a reasonable accommodation for a person with a disability and approved in writing by the Housing Choice Voucher Director, Intake and Special Programs Director, or Assisted Housing Vice President.

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

The PHA must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for HACA approval of the tenancy until the date the HACA notifies the family in writing whether the request has been approved or denied.

*Quality Control Inspections.* HUD requires that a sample of units be inspected by a supervisor or other qualified individual to evaluate the work of the inspector(s) and to ensure that inspections are performed in compliance with HQS.

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

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

#### **Inspection Costs[Notice PIH 2016-05]**

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

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

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

#### HACA Policy

HACA ~~may~~ **will not** charge a fee for failed reinspections when the owner notifies HACA that a repair has been made but the deficiency has not been corrected.

#### **Notice and Scheduling**

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

#### HACA Policy

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

more for assisted units than for comparable units on the premises. This part explains the method used to determine whether a unit's rent is reasonable.

#### **PHA-Owned Units [24 CFR 982.352(b)]**

In cases where an HCV family is receiving assistance in a HACA-owned unit, HACA must obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements, and to assist the family in negotiating the contract rent when the family requests assistance. A HACA-owned unit is defined as a unit that is owned by HACA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by HACA). The independent agency must communicate the results of the rent reasonableness determination to the family and HACA. The independent agency must be approved by HUD, and may be the unit of general local government for HACA jurisdiction (unless HACA is itself the unit of general local government or an agency of such government).

### **8-III.B. WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED**

#### **Owner-Initiated Rent Determinations**

HACA must make a rent reasonableness determination at initial occupancy and whenever the owner requests a rent adjustment.

The owner and family first negotiate the rent for a unit. HACA (or independent agency in the case of PHA-owned units) will assist the family with the negotiations upon request. At initial occupancy, HACA must determine whether the proposed rent is reasonable before a HAP Contract is signed. The owner must not change the rent during the initial lease term. Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family. Rent increases will not be approved unless any failed items identified by the most recent HQS inspection have been corrected.

#### HACA Policy

After the initial occupancy period, the owner may request a rent adjustment ~~in accordance with the owner's lease.~~

For rent increase requests after initial lease-up, HACA may request owners to provide information about the rents charged for other units on the premises. In evaluating the proposed rents in comparison to other units on the premises, HACA will consider unit size and length of tenancy in the other units.

~~HACA will determine whether the requested increase is reasonable within 10 business days of a "Passed" HQS inspection, or if no inspection is due, within 14 business days of receipt of the request. The owner will be notified of the determination in writing. After the initial occupancy period, all rents adjustments will be effective the first of the month following 60 days after HACA's receipt of the owner's request for increase or on the date specified by the owner, and in accordance with the owner's lease.~~

Owners are required to request rent increases in writing through the method determined by HACA. HACA will determine whether the rent increase is reasonable and notify the owner in writing. HACA will process only one rent increase in a 12 month period.

Effective dates for rent increases will be determined as follows:

If the request is received 60 to 180 days before the annual recertification effective date, the rent increase will be made effective with the next annual recertification.

If the request is received less than 60 days before the annual recertification date, the rent increase will go into effect on the first of the month following the 60 day period after the owner requests the rent increase.

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#### **PHA- and HUD-Initiated Rent Reasonableness Determinations**

HUD requires HACA to make a determination of rent reasonableness (even if the owner has not requested a change) if there is a 10 percent decrease in the fair market rent that goes into effect at least 60 days before the contract anniversary date. HUD also may direct HACA to make a determination at any other time. HACA may decide that a new determination of rent reasonableness is needed at any time.

##### HACA Policy

In addition to the instances described above, HACA will make a determination of rent reasonableness at any time after the initial occupancy period if: (1) HACA determines that the initial rent reasonableness determination was in error or (2) HACA determines that the information provided by the owner about the unit or other units on the same premises was incorrect.

#### **LIHTC- and HOME-Assisted Units [24 CFR 982.507(c)]**

For units receiving low-income housing tax credits (LIHTCs) or units assisted under HUD's HOME Investment Partnerships (HOME) Program, a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

For LIHTCs, if the rent requested by the owner does exceed the LIHTC rents for non-voucher families, the PHA must perform a rent comparability study in accordance with program regulations. In such cases, the rent shall not exceed the lesser of: (1) the reasonable rent as determined from the rent comparability study; or (2) the payment standard established by the PHA for the unit size involved.

### **8-III.C. HOW COMPARABILITY IS ESTABLISHED**

#### **Factors to Consider**

HUD requires PHAs to take into consideration the factors listed below when determining rent comparability. HACA may use these factors to make upward or downward adjustments to the rents of comparison units when the units are not identical to the HCV-assisted unit.

**9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308]**

If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give HACA a copy of such changes. The lease, including any changes, must remain in accordance with the requirements of this chapter.

Generally, PHA approval of tenancy and execution of a new HAP contract are not required for changes in the lease. However, under certain circumstances, the execution of a new lease and HAP contract are required. These circumstances include:

Changes in lease requirements governing tenant or owner responsibilities for utilities or appliances

Changes in lease provisions governing the term of the lease

In these cases, if the HCV assistance is to continue, the family or owner must submit a written document reflecting the changes, signed by the tenant and owner. The following are acceptable documents to reflect changes in the lease: a new Request for Tenancy Approval (RTA), a lease addendum, or a revised lease. A new HAP Contract signed by the owner and HACA with the new terms is also required. When a family moves to a new unit, even if the unit is in the same building or complex, a new RFTA, Lease and HAP Contract would be required.

Where the owner is changing the amount of rent, the owner must notify HACA at least 60 days before any such changes go into effect [24 CFR 982.308(g)(4)]. HACA will agree to such an increase only if the amount of the rent to owner is considered reasonable according to the rent reasonableness standards discussed in Chapter 8. If the requested rent is not found to be reasonable, the owner must either reduce the requested rent increase, or give the family notice in accordance with the terms of the lease.

No rent increase is permitted during the initial term of the lease [24 CFR 982.309(a)(3)].

**HACA Policy**

Owners are required to request rent increases in writing through the method determined by HACA. Where the owner is requesting a rent increase, HACA will determine whether the requested increase is reasonable and notify the owner in writing, within 14 business days of receiving the request from the owner. The owner will be notified of the determination in writing. HACA will process only one rent increase in a 12 month period.

Effective dates for rent increases will be determined as follows:

Rent increases will go into effect on the first of the month following the 60 day period after the owner notifies HACA of the rent change or on the date specified by the owner, and in accordance with the owner's lease.

If the request is received 60 to 180 days before the annual recertification effective date, the rent increase will be made effective with the next annual recertification.

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If the request is received less than 60 days before the annual recertification date, the rent increase will go into effect on the first of the month following the 60 day period after the owner requests the rent increase.

## CHAPTER 10

### MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY INTRODUCTION

Freedom of choice is a hallmark of the housing choice voucher (HCV) program. In general, HUD regulations impose few restrictions on where families may live or move with HCV assistance. This chapter sets forth HUD regulations and PHA policies governing moves within or outside HACA's jurisdiction in two parts:

Part I: Moving with Continued Assistance. This part covers the general rules that apply to all moves by a family assisted under HACA's HCV program, whether the family moves to another unit within HACA's jurisdiction or to a unit outside HACA's jurisdiction under portability.

Part II: Portability. This part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into HACA's jurisdiction. This part also covers the special responsibilities that HACA has under portability regulations and procedures.

### PART I: MOVING WITH CONTINUED ASSISTANCE

#### 10-I.A. ALLOWABLE MOVES

HUD lists six regulatory conditions under which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-I.B.

The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.35(b)(3)]. If the family terminates the lease on notice to the owner, the family must give HACA a copy of the notice at the same time [24 CFR 982.35(d)(1)].

The lease for the family's unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.35(b)(1)(ii)].

#### HACA Policy

The following defines HACA's policy on approving moves with continued assistance:

If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give the HACA a copy of the termination agreement.

The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the

**Zero HAP Families Who Wish to Move [24 CFR 982.455]**

A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. The PHA must issue a voucher to move unless it has grounds to deny assistance under the program regulations. However, if the PHA determines no subsidy would be paid at the new unit, the PHA may refuse to enter into a HAP contract on behalf of the family.

HACA Policy

If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, HACA will not enter into a HAP contract on behalf of the family for the new unit.

### Notification of and Participation in the Annual Reexamination Process

HACA is required to obtain the information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of HACA. However, PHAs should give tenants who were not provided the opportunity the option to complete Form HUD-92006 at this time [Notice PIH 2009-36].

#### HACA Policy

##### **Annual reexamination interviews**

~~Families generally are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse, or co-head. If participation in an in-person interview poses a hardship, the family should contact HACA to request to complete the annual reexamination by mail. If the reexamination is conducted by mail the policy below will apply.~~

HACA may choose to conduct annual reexaminations in person, by mail, or through an on-line certification process. Notification of the annual reexamination will be sent by mail, email or through the certification portal. Documents will be accepted by mail, by fax, email, though the on-line certification portal or in-person.

~~Approximately, 90 days prior to the family's reexamination anniversary date, notification of annual reexamination interviews will be sent by first class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.~~

If the notice is returned by the post office with no forwarding address, a notice of termination (see Chapter 12) will be sent to the family's address of record, as well as to any alternate address provided in the family's file.

If the family is unable to attend a scheduled interview, the family should contact HACA at least 2 business days in advance of the interview to schedule a new appointment or request an alternative reexamination method. If a family does not attend the first scheduled interview, HACA will automatically send a second reexamination notification with a new interview appointment time.

If a family fails to attend two scheduled reexamination interviews without HACA approval, or if the notice is returned by the post office with no forwarding address, a notice of termination will be sent to the family's address of record in accordance with the policies in Chapter 12.

An advocate, interpreter, or other assistant may assist the family in the interview process. The family and HACA must execute a certification attesting to the role and the assistance provided by any such third party.

**Annual reexamination ~~conducted by mail~~**

~~HACA may choose to conduct reexaminations by mail for some participants and in person for others. HACA may decide to conduct reexaminations by mail for elderly or disabled participants, or for participants with specified income sources (for example, participants whose only source of income is Social Security/SSI or TANF). Notification of the annual reexamination will be sent by first-class mail and will inform the family of the information and documentation that must be provided to HACA, and the deadline for providing it. Documents will be accepted by mail, by fax, or in person.~~

~~If the notice is returned by the post office with no forwarding address, a notice of termination (see Chapter 12) will be sent to the family's address of record, as well as to any alternate address provided in the family's file.~~

~~An interview will be scheduled if the family requests assistance in providing information or documentation requested by HACA.~~

~~If the family is unable to attend a scheduled interview, the family should contact HACA in advance of the interview to schedule a new appointment. If a family does not attend the scheduled interview, HACA will send a second notification with a new interview appointment time.~~

~~Families that fail to attend two scheduled interviews without HACA approval will be sent a notice of termination in accordance with policies contained in Chapter 12.~~

~~An advocate, interpreter, or other assistant may assist the family in the interview process. The family and the PHA must execute a certification attesting to the role and assistance of any such third party.~~

**11-I.D. CONDUCTING ANNUAL REEXAMINATIONS**

As part of the annual reexamination process, families are required to provide updated information to HACA regarding the family's income, expenses, and composition [24 CFR 982.551(b)].

**HACA Policy**

~~Each participant resident will be required re-certify using HACA's current recertification form or other format required by HACA, at the time of reexamination to submit a signed HCV certification packet on HACA's current form. All entries in the form are to be made in ink or by typewriter. Corrections or changes are to be made by lining through the original entry and substituting the correct data. Such changes are to be dated and initialed by the person recording the changed data, the resident, the reasons, and authority for such changes incorporated in the record. If someone assisted the head of household or co-head in completing the certification packet, it should be noted in writing and signed by the~~

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~~individual who assisted.~~

Families ~~must bring~~ will be asked to bring all required information, ~~(as described in the reexamination notice) to the reexamination appointment. The required information will include a HACA designated reexamination certification packet, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documents or related to the family's income, expenses, and family composition.~~

Any required documents ~~or information that the family is unable to provide at the time of the interview~~ must be provided within 14 calendar days of the recertification interview. A 14-day letter that details what documentation or information must be submitted will be issued to the head of household ~~at the interview~~. If the family is unable to obtain the information or materials within the required time-frame, the family may request one extension in writing addressed to the housing eligibility specialist. If the family does not provide the required documents or information within the required time-frame plus any approved extensions, the family will be sent a notice of termination in accordance with the policies in Chapter 12.

Additionally, HUD recommends that at annual reexaminations PHAs ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state [Notice PIH 2012-28].

#### HACA Policy

At the annual reexamination, HACA will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. HACA Staff will periodically conduct a sex offender search by using the Texas Public Sex Offender Registry and/or the National Sex Offender Public Website (NSOPW).

If HACA proposes to terminate assistance based 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 tenant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)]. (See Chapter 12.)

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers

*vulnerable youth* based on the policies in Sections 3-II.E and 7-II.E, the parents' income will not be reviewed.

If the student is no longer income eligible based on his/her own income or the income of his/her parents, the student's assistance will be terminated in accordance with the policies in Section 12-I.D.

If the student continues to be income eligible based on his/her own income and the income of his/her parents (if applicable), HACA will process a reexamination in accordance with the policies in this chapter.

#### **11-I.F. EFFECTIVE DATES**

HACA must establish policies concerning the effective date of changes that result from an annual reexamination [24 CFR 982.516].

##### HACA Policy

In general, an *increase* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 days in advance.

If less than 30 days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.

If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no 30-day notice is required.

If HACA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by HACA, but will always allow for the 30-day notice period.

If the family causes a delay in processing the annual reexamination, *increases* in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family's tenant file will be documented to reflect how the family caused the delay in processing and explain why the family did not receive the full 30 days notice of increase. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date.

If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.

If HACA chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by HACA.

If the family causes a delay in processing the annual reexamination, *decreases* in the family share of the rent will be applied the first of the month after the

~~documents have been provided prospectively, from the first day of the month following completion of the reexamination processing.~~ The family's tenant file will be documented to reflect how the family caused the delay in processing.

Delays in reexamination processing are considered to be caused by the family if one or more of the following occurs: the family fails to attend the scheduled annual reexamination interview; the family fails to attend the rescheduled annual reexamination interview; the family fails to sign paperwork or provide information and/or documentation requested by HACA by the date specified, and

this delay prevents HACA from completing the reexamination as scheduled.

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## **PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]**

### **11-II.A. OVERVIEW**

Family circumstances may change between annual reexaminations. HUD and PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances HACA must process interim reexaminations to reflect those changes. HUD regulations also permit HACA to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition changes. HACA must complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and PHA policies describing what changes families are required to report, what changes families may choose to report, and how HACA will process both PHA- and family-initiated interim reexaminations.

### **11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION**

The family is required to report all changes in family composition. HACA must adopt policies prescribing when and under what conditions the family must report changes in income and family composition. However, due to family obligations under the program, HACA has limited discretion in this area.

#### HACA Policy

HACA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations. All changes in family composition must be reported in writing within 30 days from the date of occurrence. The participant must complete an update form and provide necessary documentations to support the change.

#### **New Family Members Not Requiring Approval**

The addition of a family member as a result of birth, adoption, or court-awarded custody does

residence. (4) custodial affidavit signed by one of the parents authorizing the head of household to maintain custody of the minor and one of the documents identified in 1-3 above.

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A letter from the head of household's landlord agreeing to add family member(s).

All the add-on's immigration information if they were not born in the U.S. (Any INS documents with your registration number, such as: Passports, Permanent or Temporary Resident Cards, I-94, Arrival-Departure Records, Work Permits, or Temporary Registration Cards, etc.)

For a Live-in Aide provide documentation from a physician to indicate the need for a live-in aide is required. The live-in aide's presence must be determined essential for the care and well being of the elderly or disabled family member and the live-in aide would not be living in the unit except to provide the necessary care.

Relatives or family members may qualify as live-in aides, however, a pre-existing household member does not qualify as a live-in aide.

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~~For a blood-related adult (except for head of household's children) — require legal guardianship paperwork, proof of disability or age (62 or older), or a letter from a doctor stating the person requires assistance because of health reasons.~~

HACA will not approve the addition of a new family or household member unless the individual meets HACA's admissions eligibility screening criteria (see Chapter 3)

HACA will not approve the addition of new family or household members other than by birth, adoption, court-awarded custody or marriage, if it will require the family to receive a larger voucher size, unless the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation that should be considered by HACA. Exceptions will be made on a case-by-case basis.

HACA will not approve requests for additions to family composition where the request intends to provide housing assistance to extended families or multiple households. Information will be provided to the participant regarding other housing alternatives for the second household. ~~For the addition of children, the head of household must provide documentation to reflect legal custody, a letter from the parents or school records to indicate the address of the child/children and responsible guardian.~~

If HACA determines that a unit does not meet the HQS space standards (two persons per living/sleeping space) because of an increase in family size or change in family composition, HACA may issue the family a new voucher, based on the subsidy standards, and process the family to move.

HACA will notify the family in writing of the approval or denial of the additional family or household member within 15 calendar days of receiving all information required to verify the individual's eligibility. If HACA denies approval, the reasons for the denial will be provide in the written notice.

### Departure of a Family or Household Member

Families must promptly notify HACA if any family member no longer lives in the unit [24 CFR 982.551(h)(3)]. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], HACA also needs to know when any live-in aide, foster child, or foster adult ceases to reside in the unit.

#### HACA Policy

Program participants must report to HACA in writing within 30 calendar days, any members absent from the household for a period more than 30 consecutive days. This includes any household member, live-in aides, foster child, foster adult who ceases to reside in the unit.

Household members will be removed at the request of the Head of Household, unless the reason for removal, in HACA's sole discretion, is to attempt to circumvent a limitation or requirement of federal statute, regulation, or PHA Policy, such as an imminent increase in rent portion due to new income.

In such cases, documentation of the removal of the family member may include one of the following:

A new lease showing a new address for the removed family member.

Any documentation (such a bill, agency, employment records, school, etc) showing a new address for the removed family member.

Written and signed noticed by the head of household explaining the reason for the removal.

If the change in family size requires a decrease in payment standard, this will occur at the next scheduled re-examination.

#### Head-of-Household Changes

The family may request a change of head of household. The head of household must have the legal capacity to enter into a lease under state and local law. An emancipated minor under state law may be designated as head of household. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

HACA may deny the request to change the head-of-household if it determines that the requested change is for the purpose of circumventing the HCV wait list or other limitations and requirements of the HCV program, federal statute, regulation or HACA Policy.

#### **Family absent from the Unit**

A family receiving Housing Choice Voucher (HCV) assistance may be absent from their unit for brief periods. However, at no time shall a family be absent from their HCV subsidized unit for a period exceeding (90) days. This includes families facing work-related transfers, incarceration, rehabilitation, or hospitalization. If the assisted family leaves the unit for 90 consecutive days, their (HCV) subsidy will be processed for termination.

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

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## 11-IL.C. CHANGES AFFECTING INCOME OR EXPENSES

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

### PHA-Initiated Interim Reexaminations

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

#### HACA Policy

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

#### Interims as a result of Earned Income Disallowance (EID)

For families receiving the Earned Income Disallowance (EID), HACA will conduct an interim reexamination at the start and conclusion of the 24-month eligibility period.

#### Zero Income

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

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#### Seasonal or cyclic income

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

#### Other examples of HACA initiated Interim Reexaminations

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

## Method of Reporting

### HACA Policy

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

### Effective Dates

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

### HACA Policy

#### **If the family share of the rent is to increase:**

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

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

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

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

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

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

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

If a family reports an increase in income within 4 months of their next annual re-

examination, HACA will include the interim change at the annual re-examination.

If HACA experiences a change in HCV administrative fees or staffing, the Vice President of Assisted Housing, with the approval of the President and CEO, has the discretion to make changes regarding the procedures to process interim increases by providing a written notice to staff outlining which interim increases will be processed and when to process interims.

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

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

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

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

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

#### **If the family share of the rent is to decrease:**

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

If the family causes a delay in processing the interim by not providing the requested documentation, decreases in the family share of the rent will be applied the first of the month after the documents have been provided. The family's tenant file will be documented to reflect how the family caused the delay in processing.

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

No adjustments will be made for temporary family conditions not exceeding 30 days. Families experiencing a temporary loss of income shall be referred to various social service agencies for possible assistance.

### **PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT**

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

#### **Exception Payment Standards [982.503(c)]**

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

#### **Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]**

PHAs that administer vouchers in a metropolitan area where the adoption of small area FMRs (SAFMRs) is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

##### HACA Policy

HACA will not voluntarily adopt the use of SAFMRs.

~~de more than 50 percent of the population of the FMR area.~~

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

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

When needed as a reasonable accommodation, the PHA may make an exception to the payment standard without HUD approval if the exception amount does not exceed 120 percent of the applicable FMR for the unit size [24 CFR 982.503(b)]. The PHA may request HUD approval for an exception to the payment standard for a particular family if the required amount exceeds 120 percent of the FMR.

##### HACA Policy

A family that requires a reasonable accommodation may request a higher payment

**Owner Referral Preference:** HACA will give preference to households (including individuals) referred by the project owner who have completed a Coordinated Assessment administered by a member of the Austin/Travis County Continuum of Care (CoC) and been verified by the CoC Lead Agency as the highest priority eligible household as required by the project's funding sources.

**Project-Specific Supportive Services Need Preference:** HACA will give preference to households (including individuals) with disabilities that significantly interfere with their ability to obtain and maintain housing, who without appropriate supportive services will not be able to obtain or maintain housing, and for whom such services cannot be provided in a non-segregated setting. HACA will verify qualification for this preference with the PBV owner's on-site clinical staff. Disabled residents shall not be required to accept particular services offered at the project. HACA is prohibited from granting preferences to persons with specific disabilities (24 CFR 982.207(b)(3)).

**Disability:** 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.

**Chronically Homeless Preference:** HACA will give preference to households (including individuals) who meet the HUD definition of chronically homeless defined in the Final Rule published December 4, 2015 (24 CFR Part 91).

When notified of a vacancy in a non-specified voucher unit, HACA will first draw applicants that meet and score the highest site-based preferences based on date and time of application. HACA will then draw all other applicants based on the date and time of application.

#### Pathways at Chalmers Court East

HACA will project-base 50 vouchers at Chalmers Court East, eight (8) will be Project-based VASH Vouchers. The property is located at 1700 E 3<sup>rd</sup> Street, Austin Texas.

#### Tenant Selection

Eight (8) Project-based VASH Vouchers

For the eight PBV VASH vouchers. HACA will accept HUD-VASH applicants for vacant units in the order received from the Veterans Affairs Austin Outpatient Clinic in accordance with HUD-VASH Operating Requirements.

Forty-two (42) regular Project-based Vouchers

HACA will use the same selection preferences that are used for the HCV tenant-base voucher program for the 42 regular PBV units.

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Applicants on the Housing Choice Voucher programs tenant-base waiting list will be given the opportunity to be added to Pathways at Chalmers Court East project-based voucher waiting list. If the Housing Choice Voucher waiting list doesn't provide enough referrals to fill the available project-based voucher units, referrals would come directly from Pathways at Chalmers Court East to be added to the project-based voucher waiting list. Households who meet the Housing Choice Voucher initial eligibility requirements will be referred to Pathways at Chalmers Court East for a project-based voucher unit.

Eligible applicants must meet Pathways at Chalmers Court East tenant selection screening criteria.

If the applicant was previously on the Housing Choice Voucher waiting and decides not to lease a unit at Pathways at Chalmers Court East, the applicant will remain on the HCV tenant-base voucher waiting list.

If the applicant was not previously on the Housing Choice Voucher waiting list and was referred to apply by Pathways at Chalmers Court East and refuses an offer of PBV assistance or does not meet Pathways at Chalmers Court East's screening criteria, they will not be eligible to remain on the regular tenant-base Housing Choice Voucher waiting list.

#### **Cambrian East Riverside**

HACA will project-base 8 vouchers at Cambrian East Riverside located at 1806 Clubview Avenue, Austin TX 78741

HACA will use the same selection preferences that are used for the HCV tenant-base voucher program.

Applicants on the Housing Choice Voucher programs tenant-base waiting list will be given the opportunity to be added to the Cambrian East Riverside project-based voucher waiting list. If the Housing Choice Voucher waiting list does not provide enough referrals to fill the available project-based voucher units, referrals would come directly from Cambrian East Riverside to be added to the project-based voucher waiting list. Households who meet the Housing Choice Voucher initial eligibility requirements will be referred to Cambrian East Riverside for a project-based voucher unit.

Eligible applicants must meet meet Cambrian East Riverside's tenant selection screening criteria.

If the applicant was previously on the Housing Choice Voucher waiting and decides not to lease a unit at Cambrian East Riverside, the applicant will remain on the waiting list for HCV tenant-

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