

THE HOUSING AUTHORITY OF THE CITY OF AUSTIN



BOARD OF COMMISSIONERS

Chairperson - Carl S. Richie, Jr.

Vice-Chairperson - Charles Bailey

2nd Vice-Chairperson - Mary Apostolou

Commissioner - Dr. Tyra Duncan-Hall

Commissioner - Edwina Carrington

Michael G. Gerber, President & CEO

BOARD OF COMMISSIONERS

Regular Meeting

Thursday, September 15, 2022

12:00 PM

HACA Central Office, 1124 S. Interstate Highway 35

To attend the meeting virtually dial: 1 346 248 7799 Meeting ID: 867 0092

0291 Passcode: 579235 <https://bit.ly/3TJZXIO>

Austin, TX

**PUBLIC NOTICE OF A MEETING
TAKE NOTICE OF A BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
OF THE HOUSING AUTHORITY OF THE CITY OF AUSTIN**

**TO BE HELD AT
HACA Central Office, 1124 S. Interstate Highway 35
To attend the meeting virtually dial: 1 346 248 7799 Meeting ID: 867 0092 0291 Passcode:
579235 <https://bit.ly/3TJZXIO>
Austin, TX
(512.477.4488)**

**Thursday, September 15, 2022
12:00 PM**

Pledge of Allegiance

CALL TO ORDER, ROLL CALL

CERTIFICATION OF QUORUM

Public Communication (Note: There will be a three-minute time limitation)

Citywide Advisory Board Update

CONSENT AGENDA

Items on the Consent Agenda may be removed at the request of any Commissioner and considered at another appropriate time on this agenda. Placement on the Consent Agenda does not limit the possibility of any presentation, discussion, or action at this meeting. Under no circumstances does the Consent Agenda alter any requirements under Chapter 551 of the Texas Government Code, Texas Open Meetings Act.

CONSENT ITEMS

1. Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on August 18, 2022

ACTION ITEMS

2. Discussion of Proposed Housing Choice Voucher Administrative Plan Revisions for Public Comment
3. Presentation, Discussion and Possible Action regarding Resolution No. 02762: Approval of Revisions to the Family Self-Sufficiency Action Plan
4. Presentation, Discussion, and Possible Action regarding Resolution No. 02763 Resolution authorizing the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary for acquisition of a drainage easement related to the development of the Pathways at Rosewood Courts East (the “Project”)
5. Presentation, Discussion, and Possible Action regarding Resolution No. 02764: Fire Damage Restoration, 8312 Nighthawk, Unit 102 @ Pathways at Thurmond Heights

6. Presentation, Discussion, and Possible Action regarding Resolution No. 02765: Approval of Amendments to HACA'S Procurement Policy

EXECUTIVE SESSION

The Board may go into Executive Session (close its meeting to the public) Pursuant to:

- a. 551.071, Texas Gov't Code, consultations with Attorney regarding legal advice, pending or contemplated litigation; or a settlement offer;
- b. 551.072, Texas Gov't Code, discussion about the purchase, exchange, lease or value of real property;
- c. 551.074, Texas Gov't Code, discuss the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.
- d. 551.087, Texas Gov't Code, discuss certain economic development negotiations.

OPEN SESSION

If there is an Executive Session, the Board will return to Open Session for discussion, consideration and possible action of matters discussed in Executive Session.

REPORTS

The Board accepts the following reports:

- President's Report
- Finance Report

ADJOURNMENT

"Pursuant to 30.06, Penal Code, (trespass by holder of license with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not attend this meeting with a concealed handgun."

"Pursuant to 30.07, Penal Code (trespass by holder of license with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not attend this meeting with a handgun that is carried openly."

"En virtud del 30.06, Código Penal, (traspaso titular de licencia con una pistola), una persona bajo el subcapítulo H, capítulo 411, código de gobierno (Ley de licencia de arma o pistola), no se permiten en esta reunión con una arma o pistola.

"En virtud de 30.07, Código Penal (prevaricación por titular de la licencia con un arma o pistola abiertamente llevado), una persona bajo el subcapítulo H, capítulo 411, código de gobierno (Ley de licencia de arma o pistola), no se permiten en esta reunión con un arma o pistola que lleva abiertamente.

*The Housing Authority of the City of Austin (HACA) Board of Commissioners reserves the right to discuss and consider items out of order on the agenda on an as needed basis.

The Housing Authority of the City of Austin is committed to compliance with the Americans with Disability Act. Reasonable modifications and equal access to the communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring Sign Language Interpreters or alternative formats, please give notice at least 2 days (48 hours) before the meeting date. Please call Nidia Hiroms at HACA at 512.477.4488, for additional information; TTY users route through Relay Texas at 711. For more information on HACA, please contact Nidia Hiroms at 512.477.4488 x 2104.

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

EXECUTIVE

ITEM NO. 1.

MEETING DATE: September 15, 2022

STAFF CONTACT: Michael Gerber, President & CEO

ITEM TITLE: Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on August 18, 2022

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to review and approve the Board Minutes Summary for the Board Meeting held on August 18, 2022.

ATTACHMENTS:

- ▣ **20220818 HACA Minutes Summary**

**THE HOUSING AUTHORITY OF THE CITY OF AUSTIN
BOARD OF COMMISSIONERS
REGULAR BOARD MEETING**

August 18, 2022

SUMMARY OF MINUTES

THE HOUSING AUTHORITY OF THE CITY OF AUSTIN (HACA) BOARD OF COMMISSIONERS REGULAR BOARD MEETING NOTICE WAS POSTED FOR 12:00 P.M. ON THURSDAY, AUGUST 18, 2022, AND WAS HELD AT THE HACA CENTRAL OFFICE, 1124 S. INTERSTATE HIGHWAY 35, AUSTIN, TX 78704 AND VIRTUALLY

As state law requires that the presiding officer be physically present at the posted meeting location, HACA 2nd Vice-Chairperson presided over the Housing Authority of the City of Austin meeting.

CALL TO ORDER, ROLL CALL, CERTIFICATION OF QUORUM

Mary Apostolou, HACA 2nd Vice-Chairperson called the Board of Commissioners Regular Board Meeting of the Housing Authority of the City of Austin, of August 18, 2022, to order at 12:03 pm. The meeting was held at the HACA Central Office, 1124 S. Interstate 35, Austin, TX 78704 and virtually.

Roll call certified a quorum was present on the call.

MEMBERS PRESENT:

Chuck Bailey, Vice-Chairperson (virtually)
Mary Apostolou, 2nd Vice-Chairperson
Edwina Carrington, Commissioner
Dr. Tyra Duncan-Hall, Commissioner

MEMBER(S) ABSENT:

Carl S. Richie, Jr., Chairperson

ALSO IN ATTENDANCE:

Orlando Cabrera, Arnall Golden Gregory Law Firm (virtually)
Wilson Stoker, Cokinos Law Firm (virtually)
Bill Walter, Coats Rose Law Firm (virtually)

STAFF PRESENT ON THE CALL:

Andrea Galloway, Barbara Chen, Leilani Lim-Villegas, Lisa Garcia, Michael Gerber, Nidia Hiroms, Ron Kowal, Suzanne Schwertner, and Sylvia Blanco

PUBLIC COMMUNICATION - (3 minute time limit)

NONE

Public communication was opened during each item on the agenda. No one provided any communication during any of the items.

CITYWIDE ADVISORY BOARD (CWAB) – Lupe Garcia. Citywide Advisory Board President reported that the July CWAB Meeting was held virtually on Tuesday, July 12, 2022. •**Michael Roth**, HACA Director of Housing Operations & Policy mentioned the heat advisory and reported that the number of COVID 19 cases have increased. **Michael** also provided updates on Rosewood Courts and HUD inspections. •**Dorothy Doolittle** and **Ann Marie Ellis** were introduced as Deputy Registrars, and are available to go to HACA properties to assist residents in registering to vote. •**Sylvia Blanco**, HACA Chief Operating Officer, encouraged residents to check on their neighbors during the heat advisory. **Sylvia** asked for residents to support management during HUD Inspections, and also announced the Low-Income Housing Waitlist openings. •**Leilani Lim-Villegas**, HACA Sr. Director of Community Development, announced that the Austin Pathways Resident Scholarship Award Ceremony is Friday, July 15th. •**Leilani** gave Bringing Health Home (BHH) updates and reported that the diaper drive for families with children 0 – 1 years old was a huge success, with 44,000 diapers donated. •**Barbara Jackson**, HACA Family Opportunity Program Design Director, provided youth education success and Rosewood homeownership program updates. •**Murphy Roland**, HACA Workforce Development Manager, provided Workforce Development, i-DADS and i-MOMS updates. •**Nancy Garcia**, HACA Jobs Plus Career Coach, reported that June 29th is the last day of the summer youth employment program. •**Evelyn Holman**, HACA Community Development Specialist reported that there will not be any resident council meetings or Citywide Advisory Board meeting in August. Evelyn reminded everyone to start planning for National Night Out. •**Lupe Garcia**, reported that over 100 women attended the Women’s Conference and it was a great event. **Lupe** also reported that the i-MOMS program is going on its sixth month.

CONSENT ITEMS

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS

ITEM 1: Presentation, Discussion, and Possible Action regarding the Approval of the Board Minutes Summary for the Board Meeting held on July 21, 2022

Vice-Chairperson Bailey moved the Approval of the Board Minutes Summary for the Board Meeting held on July 21, 2022. **Commissioner Carrington** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

ACTION ITEMS

APPROVAL OF THE FOLLOWING ITEMS PRESENTED IN THE BOARD MATERIALS

ITEM 2: Presentation, Discussion, and Possible Action on Resolution No. 02757 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) approving the issuance by Austin Affordable PFC, Inc. of Multifamily Housing Revenue Bonds (Pathways at Rosewood Courts East) Series 2022

In October 2016, the U.S. Department of HUD awarded a Commitment to Enter into a Housing Assistance Contract (CHAP) for Rosewood Courts under the Rental Assistance Demonstration (RAD) Program. In December 2018, HACA successfully converted Rosewood Courts to the RAD program. The conversion included a light scope of work that covered immediate capital needs to prolong the existing structures’ useful life. Improvements included replacement of identified tubs, reaffixing porch poles, landscaping and improvements in the Goodwill building.

Redevelopment of the site is necessary due to the obsolescence of its antiquated building systems, plumbing, electrical and gas line infrastructure. There is very little accessibility for persons with mobility needs, and there is no central air conditioning.

Now that Rosewood Courts has completed its conversion to RAD, AAHC intends to redevelop the site. AAHC submitted applications to the Texas Bond Review Board and TDHCA and was awarded an allocation of private activity bonds and 4% tax credits. With this funding a new, larger property with a total of 184 new units (164 new construction + 20 renovated) with modern, energy efficient appliances and amenities will be constructed. These 184 units will be built in three multifamily buildings and eight restored preservation buildings.

HACA and AAHC recognize the historic significance of the property and demonstrate our commitment via a robust historic preservation component. This preservation and interior renovation project will restore the exterior of eight existing buildings to harken circa 1939 features while completely renovating and modernizing the interiors with more living space, better accessibility and all new interior amenities.

These improvements will significantly improve the quality of life for the residents of Rosewood Courts and allow AAHC to provide more affordable housing by moderately increasing density.

The Rosewood master plan will also add twelve affordable homeownership units - a condominium complex to be named Prospect Heights. These units will be developed in partnership with Austin Habitat for Humanity and will be available to families making less than 80% of the Area Median Income. Residents of Rosewood Courts and other HACA-owned properties will be given priority to purchase these units.

Residents of Rosewood Courts will have the first right to return to the newly rebuilt Pathways at Rosewood Courts. Rosewood Courts residents have been supported with comprehensive relocation assistance, ensuring each household’s needs are accounted for and are offered options that minimize having to leave their east Austin community during construction.

Commissioner Carrington moved the Approval of Resolution No. 02757 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) approving the issuance by Austin Affordable PFC, Inc. of Multifamily Housing Revenue Bonds (Pathways at Rosewood Courts East) Series 2022. **Commissioner Duncan-Hall** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

ITEM 3: Presentation, Discussion, and Possible Action on Resolution No. 02758 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) authorizing the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to facilitate the development of the Pathways at Rosewood Courts East (the “Project”)

In October 2016, the U.S. Department of HUD awarded a Commitment to Enter into a Housing Assistance Contract (CHAP) for Rosewood Courts under the Rental Assistance Demonstration (RAD) Program. In December 2018, HACA successfully converted Rosewood Courts to the RAD program. The conversion included a light scope of work that covered immediate capital needs to prolong the existing structures’ useful life. Improvements included replacement of identified tubs, reaffixing porch poles, landscaping and improvements in the Goodwill building.

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Residents of Rosewood Courts will have the first right to return to the newly rebuilt Pathways at Rosewood Courts. Rosewood Courts residents have been supported with comprehensive relocation assistance, ensuring each household's needs are accounted for and are offered options that minimize having to leave their east Austin community during construction.

Commissioner Carrington moved the Approval of Resolution No. 02758 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") authorizing the Housing Authority of the City of Austin (the "Authority") to take such actions necessary or convenient to facilitate the development of the Pathways at Rosewood Courts East (the "Project"). **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

ITEM 4: Presentation, Discussion, and Possible Action on Resolution No. 02759 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take such actions necessary or convenient to facilitate the development of Vega II, a multifamily housing development (the "Project")

Austin Affordable Housing Corporation was presented with an opportunity to partner with the NRP Group to develop a second phase multi-family project called Vega II on Vega Avenue and Patton Ranch Road, on the St. Andrews campus. In June of 2020, the Board of the South Congress PFC approved phase one of the development. Phase one, now called The Markson, will provide 330 units with 165 units at rents below 80% AMI.

Once built, Phase two will provide 50% of its units to individuals and families earning 80% area median family income with 10% of these affordable units targeted to residents at 60% of area median family income. Located in the high opportunity area off Southwest Parkway, this property meets AAHC's goals of providing housing in areas of town where affordability does not exist. The property, as with all AAHC's properties will accept qualifying tenants with Housing Choice Vouchers upon completion. In addition to the Vega site, AAHC and NRP have previously partnered twice; one property being SOCO II on South Congress and another property at the Highland Mall site which is currently under construction.

Vega II Multifamily will provide 334 units: 8 studios (463-504 sq ft), 158 one bedroom/one bath (633-915 sq ft), 104 two bedroom/two bath (1091-1380 sq ft) and 64 three bedroom/three bath (1886-2054 sq ft). All three bedroom/three bath units are townhomes. Of these townhomes, seven will be affordable to tenants earning 80% AMI and seven will be affordable to tenants earning 60% AMI.

Located at 5711 Vega Avenue, Austin, TX 78735 (corner of Patton Ranch Road and Vega Avenue), community amenities will include resort style pool with cabanas, fire pit and grilling stations as well as outdoor kitchen station with fridge, sink and TV, 1,750 square foot clubhouse with cyber lounge/work from home space, state of the art fitness studio with connected toddler room and outdoor rec equipment, secondary courtyard with Bocce, dog wash station and dog park, and bike parking/repair station.

The site is adjacent to St. Andrew's Episcopal School (Austin's #2 ranked private school) and is directly across the street from Regents School (#1 ranked private school in Austin). NXP (4,000 employees), AMD (1,900 employees), corporate headquarters all reside within one mile of the property.

The PFC financing structure will facilitate a lease of both the land and the improvements to a newly formed partnership. South Congress PFC will lease the land from St. Andrew's Episcopal School on a 99 year ground lease. South Congress PFC will then turn around as landlord and sublease both the land and the improvements to the partnership for 99 years. At the end of the 99 years both the land and improvements will revert back to St. Andrew's Episcopal School.

The property will be developed using a combination of equity from NRP and JP Morgan Chase of approximately \$27,000,000 and conventional debt through PNC Bank not to exceed \$62,000,000. The anticipated closing is September 2022 with construction start in October 2022.

Commissioner Carrington moved the Approval of Resolution No. 02759 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary or convenient to facilitate the development of Vega II, a multifamily housing development (the “Project”). **2nd Vice-Chairperson Apostolou** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

ITEM 5: Presentation, Discussion, and Possible Action on Resolution No. 02760 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) to take the following actions with regard to Alister Balcones Apartments (the “Development”) in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Development; and necessary or convenient to carry out this Resolution

Austin Affordable Housing Corporation (AAHC) was presented with an opportunity to partner with Community Development Trust (CDT), to purchase a 342 unit apartment complex called the Alister Balcones Apartments. The complex is located at 12215 Hunters Chase, Austin, Texas 78729, in an extremely high area of opportunity in Northwest Austin. This would be the first asset in this corridor offering another opportunity to provide affordable units in an area that only provides market rent units.

AAHC’s proposed partner, CDT, prides itself on long term preservation of workforce housing. Located out of New York, CDT, is a real estate investment trust with a current portfolio of more than 49,000 units across the United States. Founded in 1999, CDT has invested in more than \$2.0 billion dollars in 44 states. AAHC is working with CEO, Joe Reilley, and Senior Vice President and head of acquisitions, Michael Lear. This would be AAHC’s sixth acquisition with the CDT team.

The Alister Balcones was built in 2007 and sits on 17.60 acres. Some of the property amenities include two resort style swimming pools with lounge seating, a business center with a printing lounge, a very popular indoor half-court basketball court, media lounge with plush seating and TVs, an outdoor gourmet grill with a 70-inch TV, 24-hour athletic center, and an outdoor pavilion and pet park. All units come with full size washer and dryers. The property features 82 one-car and 40 two-car direct access garages, plus 44 breezeway garages.

The property feeds into Live Oak Elementary School, Deerpark Middle School and McNeil High School. The property’s location provides fantastic access to many employers, retail shops, grocery stores and medical providers.

The property is currently 99% occupied and rents currently range from \$1,394 for a 1 bedroom to \$2,024 for a 3 bedroom.

The purchase price for the Alister Balcones is \$92,750,000. CDT will be investing approximately \$20,000,000 as a down payment. In addition, CDT and AAHC will look at a supplemental second loan not to exceed \$6,000,000 at a rate of 6% for a period of 24 months. CDT will place an additional \$2,100,000.00 for future capital needs. CPC Mortgage Company will provide a Freddie Mac affordable loan with a not to exceed \$80,000,000 at a rate of approximately 4.50% using a 10-year term. AAHC will have the opportunity to invest at closing or later an amount not to exceed \$3,000,000. AAHC will not have any liability and will not be responsible for any guarantees required by the lender.

A current lease audit is underway to determine the initial number of units already qualified under 80% AMI. AAHC and CDT are committed to leasing units to all eligible voucher holders and 10% of the affordable units will be leased to stakeholders at or below 60% AMI, equally distributed amongst the portfolio. The property will be managed by Apartment M greed to use the name “Bridge at” for naming the property once closed.

Commissioner Carrington moved the Approval of Resolution No. 02760 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) to take the following actions with regard to Alister Balcones Apartments (the “Development”) in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Development; and necessary or convenient to carry out this Resolution. **Commissioner Duncan-Hall** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

ITEM 6: Presentation, Discussion, and Possible Action on Resolution No. 02761 by the Board of Commissioners of the Housing Authority of the City of Austin (the “Authority”) to take the following actions with regard to the Rolling Oaks Apartments (the “Development”) in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Development; and necessary or convenient to carry out this Resolution

Austin Affordable Housing Corporation (AAHC) was presented with an opportunity to partner with Belveron Partners to purchase a 494 unit multi-family rental property called Preserve at Rolling Oaks Apartments. The development is located at 15450 FM 1325, Austin, Texas 78728. This would be the eleventh asset AAHC and Belveron Corporation have purchased together. This asset is located in the extremely high opportunity area of Silicon Hills off Mopac and Highway 45.

AAHC’s proposed partner, Belveron Corporation prides itself on long-term preservation of workforce housing. Located out of San Francisco, Belveron is a privately held investment firm with a current portfolio of more than 25,000 units across the United States. Founded in 2006, Belveron has invested in more than 200 properties in 32 states. AAHC works with the Managing Partner, Paul Odland, and Senior Portfolio Manager, Josh Plattner.

The Preserve at Rolling Oaks Apartments were built in 2001 and sits on 38.33 acres. Some of the property amenities include two resort-style swimming pools with lounge seating and cabanas, elegant clubhouse with gathering spaces, full kitchen, pool table and coffee bar, and business center. Residents also enjoy the newly renovated fitness center, two pet parks, attached garages and additional covered parking. The property feeds into Williams Elementary School, Deer Park Middle School and McNeil High School. The property's location provides fantastic access to major tech employers, retail shops, grocery stores and the SH-45 and Mopac area. The Howard MetroRail station is only minutes away.

The property is currently 98% occupied and rents currently range from \$1,544 for a one bedroom to \$2,257 for a three bedroom. The purchase price for the Preserve at Rolling Oaks Apartments is \$136,500,000. Belveron will be investing approximately \$30,000,000 as a down payment. In addition, \$2,500,000.00 for future capital needs. Walker Dunlop will be providing a Freddie Mac loan with a not to exceed loan amount of \$110,000,000 at a rate of approximately 4.60%.

A current lease audit is underway to determine the initial number of units already qualified under 80% AMI. The property is currently in lease up and is 98% occupied. AAHC and Belveron are committed to providing 10% of the affordable units at 60% AMI and leasing units to all eligible voucher holders. The property will be managed by Apartment Management Professionals. Belveron has agreed to use the name Bridge at Rolling Oaks for naming the property once closed.

Commissioner Carrington moved the Approval of Resolution No. 02761 by the Board of Commissioners of the Housing Authority of the City of Austin (the "Authority") to take the following actions with regard to the Rolling Oaks Apartments (the "Development") in Austin, Texas: (i) acquire the site of the Development; (ii) lease the Development site to the owner of the Development; and necessary or convenient to carry out this Resolution. **Commissioner Duncan-Hall** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

Barbara Chen, HACA Chief Financial Officer gave an update on HACA's operational and financial performance. Items discussed included HACA's FY 22 total revenue and expenses, earned Administrative fees and all non-HUD revenue.

REPORTS

The Board accepts the following reports from the President:

Mike Gerber, HACA President & CEO reported that the Grand Opening of Goodrich Place is currently scheduled for Wednesday, September 14th.

Commissioner Carrington moved to adjourn the meeting. **Commissioner Apostolou** seconded the motion. The motion Passed (4-Ayes and 0-Nays).

The meeting adjourned at 3:15 pm.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

HOUSING AUTHORITY OF THE CITY OF AUSTIN
REPORT
ASSISTED HOUSING
ITEM NO. 2.

MEETING DATE: September 15, 2022

STAFF CONTACT: Lisa Garcia, Vice President of Assisted Housing

ITEM TITLE: Discussion of Proposed Housing Choice Voucher Administrative Plan Revisions for Public Comment

BUDGETED ITEM: No

TOTAL COST: N/A

ACTION

Staff is presenting the proposed revisions to the Housing Choice Voucher Program Administrative Plan. No voting action is required at this time.

SUMMARY

Background:

The Housing Choice Voucher (HCV) Administrative Plan is required by HUD. The Administrative Plan aims to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in HACA's agency plan. The Administrative Plan is a supporting document to HACA's agency plan and is available for public review as required by CFR 24 Part 903. The HACA Board of Commissioners must approve the original policy and any subsequent changes to comply with HUD regulations.

The following summarizes the proposed changes to the HCV Administrative Plan:

Criminal Screening Criteria - Added alternative criminal background criteria for households experiencing homeless referred through the coordinated entry and for mainstream and foster youth to independent vouchers to include mandatory criminal screening criteria only.

The reasons for the proposed change are outlined below:

- Allow broader access to those experiencing homelessness referred through coordinated entry;
- Align with local strategies for ending homelessness; and
- Advance racial equity.

Deleted Mainstream voucher program criminal background screening criteria as HUD waiver expired and included in alternative criminal background screening criteria.

Rent Increase policy - Changed rent increase policy to proposed increase effective per the current lease or month-to-month renewal effective date rather than reexamination effective date.

Reexaminations – Fixed income - Revised policy regarding clients with 90% or more fixed income to allow for the cost of living adjustments for fixed income every two years, with third-party verification of fixed income and non-fixed income every two years.

Reexaminations continued – custody documentation - Revised verification requirements for custody documentation of minors who are not head of household's children to allow for custodial affidavit or declaration from at least one of the parents authorizing the head of household to maintain custody of the minor.

Reexaminations - Interims - Revised interim reporting requirements to streamline processes, so families increases in income and assets are processed at the next annual reexaminations. The exception includes processing interim increases for families on zero income, families receiving earned income disallowance, and FSS participants requesting that the increase be processed.

Special Housing Types - Changed policy to permit the use of Single Room Occupancy (SROs) and manufactured homes as an approved special housing type. This policy change will expand affordable housing options to program participants.

Administrative Policies – Per Nan McKay revision service made several suggested changes to include the use of administrative fees to facilitate leasing, the ability to increase the VASH payment standard to 120%, and slight revisions to the repayment of debts owned and retention policy.

Project-based vouchers – Added language to project-base 50 units at Rosewood Courts. Also, to seek HUD approval to add 50 project-based voucher units to the Cady Loft HAP Contract without competition. The justification for this includes HACA's commitment to expanding housing opportunities to people experiencing homelessness, and Cady Lofts received a 9% low-income housing tax credit allocation. The 9% LIHTC allocation qualifies for the selection of a proposal subject to a previous competition under a federal, state, or local housing assistance program.

Revised the name of Texas Bungalows to Bungalows at Century Park

Added PBV tenant selection criteria for Balcones Terrace, Libertad Austin at Gardner, Candlewood Suites Hotel Conversion Project at Pecan Park, and Cady Lofts.

Special Purpose Vouchers - Added Special Purpose Vouchers Chapter 19 provide by Nan McKay revision service to clarify policies per federal requirements and local policies for the Family Unification (FUP), Foster Youth to Independence (FYI), Veterans Affairs Supportive Housing (VASH), Mainstream, and Non-Elderly Disabled (NED) programs.

Process:

Proposed changes to the Housing Choice Voucher (HCV) Administrative Plan will go out for public comment for 30 days beginning Friday, September 16, 2022. The proposed changes to the HCV Administrative Plan incorporate updates summarized in Attachment 1 and reflected in Attachment 2.

Staff Recommendation:

The Board is asked to review the proposed revisions to the Housing Choice Voucher Administrative Plan. Staff will post the document for a 30-day public comment period and present the proposed revised Housing Choice Voucher Administrative Plan to the Board for final consideration and approval at the December 15, 2022, Board Meeting. At this time, no vote action is required by the Board.

ATTACHMENTS:

- ▢ **Attachment 1 HCV Admin Plan Summary of Changes**
- ▢ **Attachment 2 HCV Admin Plan proposed revisions**

| Section | Page Numbers | Summary of Changes Made in Admin Plan |
|--|----------------|---|
| Introduction | 27 | Added Reference to HUD Housing Choice Voucher Guidebook |
| 3-III.B. Revised Criminal Screening Criteria | 75-79 75 | Revised Criminal Screening Criteria policy Updated mandatory denial language to comply with federal regulations |
| 3-III.C. Other Permitted Reasons for Denial of Assistance | 78 | Added Alternative criminal background screening criteria for households experiencing homelessness referred through coordinated entry and for mainstream and foster youth to independent vouchers to include mandatory criminal screening criteria only. |
| Criminal Screening Criteria revisions | 78-79 | Deleted Mainstream voucher program criminal background screening criteria as HUD waiver expired and included in alternative criminal background screening criteria. |
| 8.III.B. When Rent Reasonableness Determinations are Required (rent increases) | 240 | Changed rent increase policy to proposed increase effective in accordance with the current lease or month-to-month renewal effective date rather than reexamination effective date. |
| Chapter 11 Reexaminations – Fixed income | 280-281 | Revised policy regarding clients with 90% or more fixed income to allow for cost of living adjustments for fixed income every 2 years, with third party verification of fixed income and non-fixed income every two years. |
| Chapter 11 Reexaminations continued – custody documentation | 286 287 | Added language regarding verification of income for new family members as recommended per Nan McKay revision service Revised verification requirements for custody documentation of minors who are not head of household's children to allow for custodial affidavit or declaration from at least one of the parents authorizing the head of household to maintain custody of the minor. |

| Section | Page Numbers | Summary of Changes Made in Admin Plan |
|---|--------------------|---|
| Chapter 11 Reexaminations continued – - Interims | 292-294 | <p>Revised interim reporting requirements to streamline processes so families report increases in income and assets at annual reexaminations.</p> <p>Cost of living adjustments and increase in earned income and assets calculated at next reexamination.</p> <p>Exception includes processing interim increases for families on zero income, families receiving earned income disallowance, and FSS participants that request that the increase be processed.</p> |
| Chapter 15 Special Housing Types | 345-361 346 | <p>Revised Special Housing Type policies are recommended per Nan McKay revision service.</p> <p>Revise policy to allow for Single Room Occupancy (SROs) and manufactured homes as approved special housing types.</p> |
| Chapter 16: Part I Administrative Fee Reserve | 363-364 | Added language per Nan McKay revision service per Notice PIH 2022-18 that allows administrative fees to facilitate successful leasing for the HCV program. |
| Chapter 16 – VASH exception payment standard | 366 | Added language per Nan Mc Kay revision service to allow PHAS to establish HUD VASH exception payment standard up to 120 percent of fair market rents. |
| Chapter 16 – Repayment for debts owned | 390-394 | Revised policy per Nan Mc Kay revision service for policies regarding family and owner repayment of debts owed to HACA. |
| Chapter 16 – Record Retention | 401 | Added policy per Nan Mc Kay revision service regarding required records retention policy. |

| Section | Page Numbers | Summary of Changes Made in Admin Plan |
|---------------------------------------|--------------|--|
| Chapter 17: Project-Based Voucher | 428 | Updated reference – per Nan Mc Kay revision service |
| | 429, 441 | Added project-based voucher policy regarding Family Unification and Family Youth to Independence vouchers as recommended per Nan Mc Kay revision service. |
| | 432-433 | Added language to project-base 50 vouchers for the redevelopment of Rosewood Courts. Also, revised PBV policy language for Chalmers East and West. |
| | 456 | Added language to seek HUD approval to add 50 project-based voucher units to the Cady Loft HAP Contract without competition. The justification for this includes HACA's commitment to expand housing opportunities to people experiencing homelessness and Cady Lofts received a 9% low income housing tax credit allocation. The 9% LIHTC allocation qualifies for selection of a proposal subject to a previous competition under a federal, state, or local housing assistance program. |
| | 465 | Revised statement PBV policy for Rosewood Courts to reflect 50 PBV units and revised the address. |
| | 469 | Revised the name of Texas Bungalows to Bungalows at Century Park |
| | 471-475 | Added PBV Tenant selection criteria for Balcones Terrace, Libertad Austin at Gardner, Candlewood Suites Hotel Conversion Project at Pecan Park, and Cady Lofts. |
| Chapter 19 – Special Purpose Vouchers | 511-577 | Added Special Purpose Voucher chapter provide by Nan McKay revision service to clarify policies per federal requirements and local policies for the Family Unification (FUP), Foster Youth to Independence (FYI), Veterans Affairs Supportive Housing (VASH), Mainstream, and Non-Elderly Disabled (NED) programs. |



HOUSING CHOICE VOUCHER PROGRAM

ADMINISTRATIVE PLAN

~~Revised December 16, 2024~~ Draft revisions September 2022

In November 2019 HUD began issuing a new version of the HCV Guidebook chapter-by-chapter. Unlike the previous version of the HCV Guidebook in which chapters were numbered, the new version of the guidebook includes chapter names, but no numbers. As the new version of the guidebook has not yet been fully released, and since the previous version of the guidebook contains guidance not found in the new version, the model policy cites both versions of the guidebook. Therefore, where the HCV Guidebook is cited in the model policy, the citation will make a distinction between the “old” and “new” versions of the guidebook. The “old” version of the guidebook will continue to be cited as *HCV GB* with a chapter/page reference (example: *HCV GB*, p. 5-4). If HUD has also released a new chapter on the same topic with information that either adds new information or updates existing information from the previous guidebook, the new guidebook will be cited as *New HCV GB* with a chapter title and page reference (example: *New HCV GB, Payment Standards*, p. 11).

Abbreviations

Throughout the model administrative plan, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited in the model administrative plan.

| Abbreviation | Document |
|---------------------|--|
| CFR | Code of Federal Regulations |
| HCV GB | Housing Choice Voucher Program Guidebook (7420.10G), April 2001 . |
| HUD-50058 IB | HUD-50058 Instruction Booklet |
| RHIIP FAQs | Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions. |
| VG | PIH Notice 2004-01 Verification Guidance, March 9, 2004. |
| HB 4350.3 | Occupancy Requirements of Subsidized Multifamily Housing Programs |

Resources and Where to Find Them

Following is a list of resources helpful to HACA or referenced in the model administrative plan, and the online location of each.

Resources and Where to Find Them

Following is a list of resources helpful to the PHA or referenced in the model administrative plan, and the online location of each.

Document and Location

~~Revised December 16, 2021~~ Draft Sept 2022

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Criminal Activity Screening Criteria [24 CFR 982.553]

This section outlines HACA's screening criteria when considering 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.

MANDATORY DENIAL OF ASSISTANCE [24 CFR 982.553(a)]

HACA Policy

- 1) Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity.
 - a) HACA may considering admitting the applicant if the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HACA or;
 - b) The circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- 2) HACA determines that a household member is currently engaging in illegal use of a drug.
- 3) HACA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- 4) Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing or any location.
- 5) Any member of the household is subject to a lifetime sex offender registration requirement under a state sex offender registration program or as required under federal law. HACA will perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the state where the housing is located and in other states where the household members are known to have resided.

Any member of the household has been evicted from federally assisted housing in the

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~~last 3 years for drug-related criminal activity or evicted from federally assisted housing for other reasons in the past 3 years.~~

~~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 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.~~

~~HUD requires denial of any household member subject to a lifetime sex offender registration requirement as required under federal law.~~

OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE FOR CRIMINAL ACTIVITY

If any household member has been convicted of any of the following criminal activities **regardless of the date** committed the family will be denied admission:

- Capital murder
- Murder
- Rape or aggravated sexual assault
- Arson
- Indecency with a child
- First degree felony injury to a child

Five year review (look back) period

If any household member has a **felony conviction** for any of the following criminal activities, the family will be denied admission:

- Manslaughter
- Kidnapping, abduction, trafficking, smuggling

Three year review (look back) period

If any household member has a **felony conviction** for any of the following criminal activities, the family will be denied admission:

- Assault, aggravated assault Use of Firearm Against a Person
- Terroristic threat
- Crimes involving explosives
- Robbery-related offenses
- Burglary of a habitation
- Drug-related offenses for manufacture, distribution, or possession with intent

- to distribute
- Fraud committed against a government entity

One year review (look back) period

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

- Non-forcible sex offences – felony conviction
- Destruction/Damage/Vandalism of Property – felony conviction
- Theft stolen property or fraud committed against a non-government entity – felony conviction
- Prostitution related offences – felony conviction
- Stalking – felony conviction
- Drug possession – felony conviction

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Alternative criminal background screening criteria for households experiencing homelessness referred through coordinated entry and for mainstream and foster youth to independent vouchers (24 CFR 982.553)

The alternative criminal screening criteria outlined below reflects HACA's commitment to respond to the community-wide effort to provide housing and support services to people experiencing homelessness. The criminal screening criteria is applicable to applicants experiencing homelessness referred through coordinated entry for a tenant-based and project-based vouchers and for applicants referred to the mainstream and foster youth to independence programs. All of these vouchers are dedicated to serving the homeless with supportive services provided by a community partner.

This alternative screening criteria includes mandatory denials described in 24 CFR 982.553 for the following reasons:

- 1) Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity.
 - a) HACA may considering admitting the applicant if the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by HACA or;
 - b) The circumstances leading to eviction no longer exist (for example, the criminal household member has died or is imprisoned).
- 2) HACA determines that a household member is currently engaging in illegal use of a drug.
- 3) HACA determines that it has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
- 4) Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing or any location.
- 5) Any member of the household is subject to a lifetime sex registration requirement under a state sex offender registration program or as required under federal law. HACA will perform criminal history background checks necessary to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and in other States where the household members are known to have resided.

Mainstream Voucher program alternative Criminal Background screening criteria

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HACA Policy

As outlined in PIH Notice 2020-22, PHAs are required to apply the same criminal background screening process to all HCV participants. However, HUD encourages PHAs to use Mainstream vouchers to prevent, prepare for, and respond to coronavirus. In Austin, there is a critical need to find long-term solutions for those transitioning out of institutional settings, rapid rehousing or emergency temporary housing into permanent supportive housing. PIH Notice 2020-22, allows PHAs to establish, as an alternative screening requirement for applicants for Mainstream vouchers, which are distinct from those in place for the HCV program. HACA must still comply with the statutory requirements to determine if applicants are subject to lifetime sex offender registration requirements and comply with the other mandatory screening and denial requirements outlined in 42 U.S.C. 13661 and 982.553 (a).

In order to help provide housing solutions to non-elderly disabled individuals and families experiencing homelessness and in an effort to respond to the coronavirus, HACA will apply an alternative criminal screening requirements for Mainstream Voucher wait list applicants, as defined below, as long as the waiver is approved by HUD. At the time the HUD waiver expires, HACA will follow the regular HCV criminal screening criteria for Mainstream Voucher applicants.

This alternative Mainstream Voucher screening criteria includes denials for applicants for the following reasons:

- 1) Any member of the household has been evicted from federally assisted housing in the last 3 years for drug-related criminal activity.
- 2) 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.
- 3) Denial of any household member subject to a lifetime sex offender registration requirement as required under federal law.
- 4) HACA determines that a household member is currently illegally using a controlled substance or such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, is determined by HACA to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

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.

have been corrected.

HACA Policy

After the initial occupancy period, the owner may request a rent adjustment.

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.

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.~~

A. The owner will provide HACA with the proposed effective date of rent change in accordance with the current lease effective date in effect or the current month-to-month renewal arrangement.

B. Rent change requests received at least 60-days prior to the proposed effective date will be effective with the proposed effective date.

C. Rent change requests received less than 60-days prior to the proposed effective date will be effective 60 days after HACA receives the rent increase requested date and then on the 1st of the following month.

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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.

sources.

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 for Fixed Income Families

Fixed Income Sources: A fixed income source includes periodic payment at reasonably predictable levels from one or more of the following sources:

- a) Social Security, Supplemental Security Income, Supplemental Disability Insurance;
 - b) Federal, state, local, or private pension plans; and
 - c) Annuities or other retirement benefits programs, insurance policies, disability or death benefits, or other similar types of periodic receipts.
1. Verifying cost of living (COLA) or interest rate - HACA will verify COLA or current interest rate from a public source or through tenant-provided, the third party generated documentation. HACA will document any fixed source of income and the applicable COLA or interest adjustment for each fixed source of income in the tenant file.
 2. For any family with at least 90 percent of the family's income from fixed sources, HACA will streamline the verification of fixed income and non-fixed income. The following policy applies.
 - a) Third-party verification of all income sources will be obtained during the intake process and at least once every two years thereafter.
 - b) Fixed Income –HACA will apply the cost of living adjustment (COLA) or current interest rate to the previously verified income.
 - c) Non-fixed income – HACA will use the previous year's calculation. However, HACA will review and follow up on discrepancies regarding income sources in EIV.
 - d) Assets and Deductions – HACA will complete verification and the calculation of assets and deductions as required for non-fixed income households.
 - e) Application of current utility allowance and payment standard will occur annually at the reexamination.
 - f) If a family member with a fixed or non-fixed income source is added to the household, HACA will use third-party verification of all new income amounts for that family member.
 3. HACA will obtain third-party verification of all income sources every two years
 4. For households that receive less than 90 percent of the family's income from fixed sources, third-party verification of non-fixed income will be obtained annually, and third-party verification of fixed income will be obtained every two years.

~~HACA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed income sources. HACA will document in the file how the determination that a source of income was fixed was made. Third party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.~~

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~~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.~~

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

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~~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.~~

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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 anniversary date for administrative purposes.

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

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-ILB. 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 not require PHA approval. However, the family is required to promptly notify HACA of the addition [24 CFR 982.551(h)(2)].

HACA Policy

The family must inform HACA in writing of the birth, adoption or court-awarded custody of a child within 30 calendar days.

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request PHA approval to add a new family member [24 CFR 982.551(h)(2)] or other household member (live-in aide or foster child) [24 CFR 982.551(h)(4)].

Although the PHA must verify aspects of program eligibility when any new family member is added, the Streamlining Final Rule removed the requirement that PHAs conduct a reexamination of income whenever a new family member is added. The PHA may state in policy that an income reexamination will be conducted.

~~When any new family member is added, HACA must make appropriate adjustments in the family share of the rent and the HAP payment at the effective date of either the annual or interim reexamination [24 CFR 982.516(e)(2)].~~

If a change in family size causes a violation of Housing Quality Standards (HQS) space standards (see Chapter 8), HACA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, HACA must terminate the HAP contract in accordance with its terms [24 CFR 982.403].

HACA Policy

Families must request HACA's approval to add a new family member, live-in aide, foster child, foster adult, or any person not on the lease who is expected to stay in the unit for more than 30 consecutive days, or 60 cumulative days, within a twelve-month period, and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by HACA prior to the individual moving into the unit.

All requests to add household members must be in writing and approved by HACA and the owner/manager of the dwelling unit. Each Prospective household member 17 years of age or older is required to provide

Consent to release criminal background information or an original D.P.S. Criminal History Report no older than 60 calendar days.

An original Social Security Card, birth certificate, citizenship verification and income verification.

A valid picture I.D. for all add-ons 16 years or older.

Custody documentation for minors who are not head of household's children:

- (1) A court order establishing custody; or
- (2) Proof that the adult is receiving income for the child; or
- (3) Records from the school or medical records which establish the unit as the child's residence; or
- (4) Records from a non-profit or government agency providing services to the child which establish the unit as the child's residence; or
- (5) A custodial affidavit or unsworn declaration from at least one of the parents authorizing the head of household to maintain custody of the minor; ~~or and one of the documents from items identified in 1-4 above; or~~
- (6) Records or a letter from the Texas Department of Family and Regulatory Services indicating current placement of the child with the head of household when the child is a blood relative of the head of household.

HACA will conduct an interim to downgrade or upgrade to the proper bedroom size.

Family-Initiated Interim Reexaminations

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

Reporting Requirements for Changes in income and family composition

HACA Policy

Required Reporting

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

1. If the family is on zero income, the family must report any changes in income, regardless of the amount.
2. ~~Families are required to report new earned income and new sources of unearned income within 30 days from the date of occurrence.~~
3. All changes in family composition must be reported in writing within 30 days from the date of occurrence.
4. ~~If the family is reporting a decrease in income, they must also report any increases in income, which have occurred.~~

Not required to report

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

1. Cost of living adjustments to recipients of Social Security, TANF and Veteran Assistance or increased amounts of other unearned income.
2. ~~2. Families are not required to report increases in current earned income sources and/or increases in assets between annual reexaminations.~~
~~Families are required to report new earned income and new sources of unearned income within 30 days from the date of occurrence.~~
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Optional Reporting Requirements

1. FSS participants may request rent increases be processed to increase the escrow account.

11-ILD. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

HACA Policy

The participant must complete an update form and provide necessary information to support the change. The participant must submit any required information or documents within 14 calendar days of receiving a request from HACA. This timeframe 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 timeframes 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.

All interim increases will be processed at the next annual re-examination.

This includes:

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).~~

The following will be processed as interims between re-examinations:

Interims as a result of Earned Income Disallowance (EID)

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

Zero Income

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

FSS Participant

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Interim increases for FSS participants will be processed upon request.

~~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

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HCV program

Committing any other corrupt or criminal act in connection with any federal housing program

14-IL.E. CRIMINAL PROSECUTION**HACA Policy**

When HACA determines that program abuse by an owner, family, or PHA staff member has occurred and the amount of overpaid subsidy meets or exceeds the threshold for prosecution under local or state law, HACA will refer the matter to the appropriate entity for prosecution. When the amount of overpaid assistance meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG).

Other criminal violations related to the HCV program will be referred to the appropriate local, state, or federal entity.

14-IL.F. FRAUD AND PROGRAM ABUSE RECOVERIES

HACA may retain a portion of program fraud losses that HACA recovers from a family or owner through litigation, court order, or a repayment agreement [24 CFR 982.163].

HACA must be the principal party initiating or sustaining the action to recover amounts due from tenants that are due as a result of fraud and abuse. [24 CFR 792.202] permits HACA to retain the greater of:

50 percent of the amount it actually collects from a judgment, litigation (including settlement of a lawsuit) or an administrative repayment agreement, or

Reasonable and necessary costs that HACA incurs related to the collection including costs of investigation, legal fees, and agency collection fees.

The family must be afforded the opportunity for an informal hearing in accordance with requirements in [24 CFR 982.555].

If HUD incurs costs on behalf of HACA related to the collection, these costs must be deducted from the amount retained by HACA.

CHAPTER 15
SPECIAL HOUSING TYPES

[24 CFR 982 Subpart M: New HCV GB, Special Housing Types]

INTRODUCTION

HACA may permit a family to use any of the special housing types discussed in this chapter. However, HACA is not required to permit families receiving assistance in its jurisdiction to use these housing types, except that PHAs must permit use of any special housing type if needed as a reasonable accommodation for a person with a disability. HACA also may limit the number of families who receive HCV assistance in these housing types and cannot require

families to use a particular housing type. No special funding is provided for special housing types.

HACA Policy

HACA will permit the use of Single Room Occupancy (SROs) and manufactured homes as an approved special housing type. Families will not be permitted to use other any special housing types, unless use is needed as a reasonable accommodation so that the program is readily accessible to a person with disabilities.

Special housing types include single room occupancy (SRO), congregate housing, group homes, shared housing, cooperative housing, manufactured homes where the family owns the home and leases the space, and homeownership [24 CFR 982.601]. A single unit cannot be designated as more than one type of special housing. The PHA cannot give preference to households that wish to live in any of these types of housing and cannot require households to select any of these types of housing [New HCV GB, Special Housing Types, p. 3].

This chapter consists of the following seven parts. Each part contains a description of the housing type and any special requirements associated with it. Except as modified by this chapter, the general requirements of the HCV program apply to special housing types.

Part I: Single Room

Occupancy Part II:

Congregate Housing Part

III: Group Homes

Part IV: Shared Housing

Part V: Cooperative Housing

Part VI: Manufactured Homes (including manufactured home space rental) Part VII: Homeownership

PART I: SINGLE ROOM OCCUPANCY

[24 CFR 982.602 through 982.605; Form HUD-52641; New HCV GB, Special Housing Types, p. 4]

15-1.A. OVERVIEW

A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation

facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the

number of units in an SRO facility, but the size of a facility may be limited by local ordinances.

When providing HCV assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used. (form HUD-52641) with the special housing type specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Single room occupancy (SRO) housing."

15-I.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION

The payment standard for SRO housing is 75 percent of the 0-bedroom payment standard amount on HACA's payment standard schedule.

The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance.

The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the TTP or the gross rent for the unit minus the TTP.

15-I.C. HOUSING QUALITY STANDARDS (HQS)

HQS requirements described in Chapter 8 apply to SRO housing except that sanitary facilities, and space and security characteristics must meet local code standards for SRO housing. In the absence of applicable local code standards for SRO housing, the following standards apply:~~HQS requirements described in Chapter 8 apply to SRO housing except as modified below.~~

Access: Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to safe and open space at ground level. The SRO unit must also have any other means of exit required by State or local law.

Fire Safety: All SRO facilities must have a sprinkler system that protects major spaces. "Major spaces" are defined as hallways, large common areas, and any other areas specified in local fire, building, or safety codes. SROs must also have hard-wired smoke detectors, and any other fire and safety equipment required by state or local law.

Sanitary facilities and space and security standards must meet local code requirements for SRO housing. In the absence of local code standards the requirements discussed below apply [24 CFR 982.605].

Sanitary Facilities: At least one flush toilet that can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six

persons (or fewer) residing in the SRO facility. If the SRO units are leased only to ~~males~~, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway to all persons sharing them; and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.

Space and Security: An SRO unit must contain at least 110 square feet of floor space, and at least four square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the deficiency. Exterior doors and windows accessible from outside the SRO unit must be lockable.

Because no children live in SRO housing, the housing quality standards applicable to lead-based paint do not apply.

PART II: CONGREGATE HOUSING

[24 CFR 982.606 through 982.609; Form HUD-52641; New HCV GB, Special Housing Types, p. 6]

15-II.A. OVERVIEW

Congregate housing is intended for use by elderly persons or persons with disabilities. A congregate housing facility contains a shared central kitchen and dining area and a private living area for the individual household that includes at least a living room, bedroom and bathroom. Food service for residents must be provided.

If approved by HACA, a family member or live-in aide may reside with the elderly person or person with disabilities. HACA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in congregate housing, a separate lease and HAP contract are executed for each assisted family. ~~And~~ the standard form of the HAP contract is used. (form HUD-52641) with the special housing type specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Congregate housing."

15-II.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION

The payment standard for an individual unit in a congregate housing facility is based on the number of rooms in the private living area for the assisted family. If there is only one room in the unit (not including the bathroom or the kitchen, if a kitchen is provided), HACA must use the payment standard for a 0- bedroom unit. If the unit has two or more rooms (other than the bathroom and the kitchen), HACA must use the 1-bedroom payment standard.

The HAP for an assisted occupant in a congregate housing facility is the lower of the applicable payment standard minus the TTP or the gross rent for the unit minus the TTP.

The gross rent for the unit for the purpose of calculating HCV assistance is the shelter portion (including utilities) of the resident's monthly housing expense only. The residents' costs for food service should not be included in the rent for a congregate housing unit.

15-II.C. HOUSING QUALITY STANDARDS

HQS requirements as described in Chapter 8 apply to congregate housing except for the requirements stated below.

Congregate housing must have ~~(1)~~ a refrigerator of appropriate size in the private living area of each resident; ~~(2)~~ a central kitchen and dining facilities located within the premises and accessible to the residents, and ~~(3)~~ food service for the residents, that is not provided by the residents themselves.

The congregate housing must contain adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

The housing quality standards applicable to lead-based paint do not apply unless a child under the age of six is expected to reside in the unit.

~~The housing quality standards applicable to lead-based paint do not apply.~~

PART III: GROUP HOME

[24 CFR 982.610 through 982.614; Form HUD-52641; and New HCV GB, Special Housing Types, p. 8] ~~p. 7-4~~

[24 CFR 982.610 through 982.614 and HCV GB p. 7-4]

15-III.A. OVERVIEW

A group home is a state approved, licensed, certified, or otherwise approved in writing by the state facility intended for occupancy by elderly persons and/or persons with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continuous medical or nursing care.

A group home consists of bedrooms for residents, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

No more than 12 persons may reside in a group home including assisted and unassisted residents and any live-in aides.

If approved by HACA, a live-in aide may live in the group home with a person with disabilities. HACA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When providing HCV assistance in a group home, a separate lease and HAP contract is executed for each assisted family, ~~and the standard form of the HAP contract is used. (form HUD-52641);~~ with the special housing type specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Group home."

15-III.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION

Unless there is a live-in aide, the family unit size (voucher size) for an assisted occupant of a group home must be 0- or 1-bedroom, ~~depending on HACA's subsidy standard.~~ If there is a live-in aide, the aide must be counted in determining the household's unit size.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the prorated share of the payment standard for the group home size. The prorated share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home. The number of persons in the assisted household equals one assisted person plus any PHA-approved live-in aide.

The HAP for an assisted occupant in a group home is the lower of the payment standard minus the TTP or the gross rent minus the TTP.

The utility allowance for an assisted occupant in a group home is the prorated ~~and~~ share of the family unit size to the utility allowance for the group home.

The rents paid for participants residing in group homes are subject to generally applicable standards for rent reasonableness. The rent for an assisted person must not exceed the prorated portion of the reasonable rent for the group home. In determining reasonable rent, HACA ~~must~~should consider whether sanitary facilities and facilities for food preparation and service are common facilities or private facilities.

15-III.C. HOUSING QUALITY STANDARDS

The entire unit must comply with HQS requirements described in Chapter 8. ~~apply to group homes except for the requirements stated below.~~

HQS requirements described in Chapter 8 apply to group homes except for the requirements stated below.

Sanitary Facilities: A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or

common bathrooms. However, no more than four residents can be required to share a bathroom.

Food Preparation and Service: Group home units must contain a kitchen and dining area with adequate space to store, prepare, and serve food. The facilities for food preparation and service may be private or may be shared by the residents. The kitchen must contain a range, an oven, a refrigerator, and a sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.

- *Space and Security:* Group homes must contain at least one bedroom of appropriate size for every two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents. Doors and windows accessible from outside the unit must be lockable.

Structure and Material: To avoid any threat to the health and safety of the residents, group homes must be structurally sound. Elevators must be in good condition. Group homes must be accessible to and usable by residents with disabilities.

Site and Neighborhood: Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from disturbing noises and reverberations, and other hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:

- Dangerous walks or steps
- Instability
- Flooding, poor drainage
- Septic tank back-ups
- Sewage hazards
- Mud slides
- Abnormal air pollution
- Smoke or dust
- Excessive noise
- Vibrations or vehicular traffic
- Excessive accumulations of trash
- Vermin or rodent infestation, and
- Fire hazards.

The housing quality standards applicable to lead-based paint do not apply unless a child under the age of six is expected to reside in the unit.

~~The housing quality standards applicable to lead-based paint do not apply.~~

PART IV: SHARED HOUSING

[24 CFR 982.615 through 982.618]; Form HUD-52641; Notice PIH 2021-05; New HCV GB, *Special Housing Types*, p. 11]

15-IV.A. OVERVIEW

Families in markets with tight rental conditions or with a prevalence of single-family housing may determine a shared housing living arrangement to be a useful way to secure affordable housing. PHAs offering shared housing as a housing solution may also experienced some reduction in the average per-unit-cost (PUC) paid on behalf of assisted families.

Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The unit may be a house or an apartment. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family.

An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons.

Shared housing may be offered in a number of ways, including for-profit co-living (such as a boarding house, single bedroom with common living room/kitchen/dining room) run by a private company [Notice PIH 2021-05].

The owner of a shared housing unit may reside in the unit, but housing assistance may not be paid on behalf of the owner. The resident owner may not be related by blood or marriage to the assisted family.

If approved by the PHA, a live-in aide may reside with the family to care for a person with disabilities. The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

When shared housing is offered as a housing option, HUD encourages PHAs to consider ways in which the families may be assisted in finding shared housing, including for-profit shared housing matching (such as roommates or single-family homes) and online sites that charge a fee for their matching services, or nonprofit shared housing matching services. HUD further encourages PHAs to include information about this housing possibility in the family's voucher briefing.

PHAs should be aware of potential local legal barriers to HCV participants using shared housing, which can create additional obstacles for shared housing:

- Municipalities may have occupancy limits for the number of unrelated persons who may share a housing unit.
- Local zoning codes for single family housing may restrict occupancy in certain areas to households whose family members are related by blood.

PHAs should work with local jurisdictions to find solutions that encourage affordable housing and are consistent with the Fair Housing Act, Title VI, and other federal, state, and local fair housing laws. PHAs should inform HUD if they encounter barriers to shared housing that may conflict with fair housing laws.

When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family. ~~T, and the~~ standard form of the HAP contract is used- (form HUD-52641) with the special housing type specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Shared housing."

~~Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family.~~

~~An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons. The owner of a shared housing unit may reside in the unit, but housing assistance may not be paid on behalf of the owner. The resident owner may not be related by blood or marriage to the assisted family.~~

~~If approved by HACA, a live-in aide may reside with the family to care for a person with disabilities. HACA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.~~

~~When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family, and the standard form of the HAP contract is used.~~

15-IV.B. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The payment standard for a family in shared housing is the lower of the payment standard for the family unit size (voucher size) or the prorated share of the payment standard for the shared housing unit size.

The prorata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private, non-shared space by the total number of bedrooms in the unit.

Example: Family holds a two-bedroom voucher.

Shared housing unit size: bedrooms available to assisted family = 2

Total bedrooms in the unit: 3

2 Bedrooms for assisted family

÷ 3 Bedrooms in the unit

.667 pro-rata share

2 BR payment standard: \$1200

3 BR payment standard: \$1695 $\$1695 \times .667$ (pro-rata share) = \$1131 \$1131 is
lower than the \$1200 payment standard for the 2 BR family unit size \$1131 is
the payment standard used to calculate the HAP

The HAP for a family in shared housing is the lower of the payment standard minus the TTP or
the gross rent minus the TTP.

The utility allowance for an assisted family living in shared housing is the lower of the utility allowance for the family unit size (voucher size) or the prorata share of the utility allowance for the shared housing unit.

Example: A family holds a 2-bedroom voucher. The family decides to occupy 3 out of 4 bedrooms available in the unit.

The utility allowance for a 4-bedroom unit equals \$200

The utility allowance for a 2-bedroom unit equals \$100

The prorata share of the utility allowance is \$150 (3/4 of \$200)

The PHA will use the 2-bedroom utility allowance of \$100.

The rents paid for families living in shared housing are subject to generally applicable standards for rent reasonableness. The rent paid to the owner for the assisted family must not exceed the pro-rata portion of the reasonable rent for the shared unit. In determining reasonable rent, the PHA ~~should~~ may consider whether sanitary and food preparation areas are private or shared.

The prorated share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private space by the total number of bedrooms in the unit.

The HAP for a family in shared housing is the lower of the payment standard minus the TTP or the gross rent minus the TTP. The utility allowance for an assisted family living in shared housing is the lower of the utility allowance for the family unit size (voucher size) or the prorata share of the utility allowance for the shared housing unit.

Example: A family holds a 2-bedroom voucher. The family decides to occupy 3 out of 4 bedrooms available in the unit.
 The utility allowance for a 4-bedroom unit equals \$200
 The utility allowance for a 2-bedroom unit equals \$100
 The prorata share of the utility allowance is \$150 (3/4 of \$200)
 The PHA will use the 2-bedroom utility allowance of \$100.

The rents paid for families living in shared housing are subject to generally applicable standards for rent reasonableness. The rent paid to the owner for the assisted family must not exceed the prorated portion of the reasonable rent for the shared unit. In determining reasonable rent, HACA should consider whether sanitary and food preparation areas are private or shared.

15-IV.C. HOUSING QUALITY STANDARDS

HACA may not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.

HQS requirements described in Chapter 8 apply to shared housing except for the requirements stated below.

Facilities Available for the Family: Facilities available to the assisted family, whether shared or private, must include a living room, a bathroom, and food preparation and refuse disposal facilities.

Space and Security: The entire unit must provide adequate space and security for all assisted and unassisted residents. The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family must not be less than the family unit size (voucher size). A 0-bedroom or 1-bedroom unit may not be used for shared housing.

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PART V: COOPERATIVE HOUSING

[24 CFR 982.619]

15-V.A. OVERVIEW

This part applies to rental assistance for a cooperative member residing in cooperative housing. It does not apply to assistance for a cooperative member who has purchased membership under the HCV homeownership option, or to rental assistance for a family that leases a cooperative housing unit from a cooperative member.

A cooperative is a form of ownership (nonprofit corporation or association) in which the residents purchase memberships in the ownership entity. Rather than being charged “rent” a cooperative member is charged a “carrying charge.”

The monthly carrying charge includes the member’s share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. It does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

The occupancy agreement or lease and other appropriate documents must provide that the monthly carrying charge is subject to Section 8 limitations on rent to owner, and the rent must be reasonable as compared to comparable unassisted units.

When providing HCV assistance in cooperative housing, the standard form of the HAP contract is used: with the special housing type specified in Part A of the HAP contract, as follows: “This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Cooperative housing.”

~~When providing HCV assistance in cooperative housing, the standard form of the HAP contract is used.~~

15-V.B. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION

The payment standard and utility allowance are determined according to regular HCV program requirements.

The HAP for a cooperative housing unit is the lower of the payment standard minus the TTP or the gross rent (monthly carrying charge for the unit, plus any utility allowance), minus the TTP. The monthly carrying charge includes the member’s share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include

down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

15-V.C. HOUSING QUALITY STANDARDS

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All standard HQS requirements apply to cooperative housing units. There are no additional HQS requirements. The PHA remedies described in 24 CFR 982.404 do not apply. Rather, if the unit and premises are not maintained in accordance with HQS, the PHA may exercise all available remedies regardless of whether the family or cooperative is responsible for the breach of HQS.

No housing assistance payment can be made unless unit meets HQS and the defect is corrected within the period as specified by the PHA and the PHA verifies correction (see Chapter 8).

In addition to regular breaches of HQS, breaches of HQS by the family include failure to perform any maintenance for which the family is responsible in accordance with the terms of the cooperative occupancy agreement [HCV GB].

PART VI: MANUFACTURED HOMES

[24 CFR 982.620 through 982.624; FR Notice 1/18/17; New HCV GB, Special Housing Types, p. 15]

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15-VI.A. OVERVIEW

A manufactured home is a manufactured structure, transportable in one or more parts that is built on a permanent chassis, and designed for use as a principal place of residence. HCV- assisted families may occupy manufactured homes in ~~three~~ different ways.

(1) ~~(4)~~ A family can choose to rent a manufactured home already installed on a space and HACA must permit it. In this instance program rules are the same as when a family rents any other residential housing, except that there are special HQS requirements as provided in 15-VI.D below.

(2) A family can purchase a manufactured home under the Housing Choice Voucher Homeownership program.

(3) HUD also permits an otherwise eligible family that owns a manufactured home to rent a space for the manufactured home and receive HCV assistance with the rent for the space as well as certain other housing expenses. PHAs may, but are not required to, provide assistance for such families.

15-VI.B. SPECIAL REQUIREMENTS POLICIES FOR MANUFACTURED HOME OWNERS WHO LEASE A SPACE

Family Income

In determining the annual income of families leasing manufactured home spaces, the value of the family's equity in the manufactured home in which the family resides is not counted as a family asset.

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Lease and HAP Contract

~~There is a designated separate HAP Contract (form HUD-52642) and designated Tenancy Addendum (form HUD 52642-Aa) and separate HAP Contract (Form 52642) for this special housing type.~~

~~There is a separate Tenancy Addendum (Form 52642-a) and separate HAP Contract (Form 52642) for this special housing type.~~

15-VI.C. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION [FR Notice 1/18/17]

Payment Standards

The PHA payment standard for manufactured homes is determined in accordance with 24 CFR 982.505 and is the payment standard used for the PHA's HCV program. It is based on the applicable FMR for the area in which the manufactured home space is located.

The payment standard for the family is the lower of the family unit size (voucher size) or the payment standard for the number of bedrooms in the manufactured home.

Utility Allowance

HACA must establish utility allowances for manufactured home space rental. For the first 12 months of the initial lease term only, the allowance must include an amount for a utility hook-up charge if the family actually incurred a hook-up charge because of a move. This allowance will not be given to a family that leases in place. Utility allowances for manufactured home space must not include the costs of digging a well or installing a septic system.

If the amount of the monthly assistance payment for a family exceeds the monthly rent for the manufactured home space (including the owner's monthly management and maintenance charges), the PHA may pay the remainder to the family, lender, or utility company.

Space Rent

The rent for the manufactured home space (including other eligible housing expenses) is the total of:

- The rent charged for the manufactured home space;
- Owner maintenance and management charges for the space;
- The monthly payments made by the family to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes; and

- The applicable allowance for tenant-paid utilities

Amortization Costs

The monthly payment made by the family to amortize the cost of purchasing the manufactured home is the debt service established at the time of application to a lender for financing the purchase of the manufactured home if monthly payments are still being made. Any increase in debt service due to refinancing after purchase of the home may not be included in the amortization cost. Debt service for set-up charges incurred by a family may be included in the monthly amortization payments made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize the charges.

Housing Assistance Payment

The HAP for a manufactured home space under the housing choice voucher program is the lower of the payment standard minus the TTP or the manufactured home space rent (including other eligible housing expenses) minus the TTP.

Rent Reasonableness

Initially, and at least annually thereafter HACA must determine that the rent for the manufactured home space is reasonable based on rents for comparable manufactured home spaces. HACA must consider the location and size of the space, and any services and maintenance to be provided by the owner. By accepting the monthly housing assistance payment ~~HAP check~~, the owner of the manufactured home space certifies that the rent does not exceed rents charged by the owner for comparable unassisted spaces in the same ~~m~~Manufactured ~~h~~Home ~~p~~Park or elsewhere.

If requested by the PHA, the owner must give the PHA information on rents charged by the owner for other manufactured home spaces.

15-VI.D. HOUSING QUALITY STANDARDS

Under either type of occupancy described in 15-VI.A above, the manufactured home must meet all HQS performance requirements and acceptability criteria discussed in Chapter 8 of this plan. In addition, the following requirement applies:

Manufactured Home Tie-Down

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down

Part III: Informal Reviews and Hearings This part outlines the requirements and procedures for informal reviews and hearings, and for informal hearings regarding citizenship status.

Part IV: Owner or Family Debts to HACA This part describes policies for recovery of monies that HACA has overpaid on behalf of families, or to owners, and describes the circumstances under which HACA will offer repayment agreements to owners and families. Also discussed are the consequences for failure to make payments in accordance with a repayment agreement.

Part V: Section 8 Management Assessment Program (SEMAP) This part describes what the SEMAP scores represent, how they are established, and how those scores affect HACA.

Part VI: Record-Keeping All aspects of the program involve certain types of record-keeping. This part outlines the privacy rights of applicants and participants and record retention policies HACA will follow.

Part VII: Reporting and Record Keeping for Children with Environmental Intervention Blood Lead Level This part describes HACA's responsibilities for reporting, data collection, and record keeping relative to children with environmental intervention blood lead levels that are less than six years of age, and are receiving HCV assistance.

Part VIII: Determination of Insufficient Funding This part describes HACA's policies for determining if there is sufficient funding to issue vouchers, to approve moves to higher cost units or areas, and to continue assistance for all participant families.

Part IX: Violence against Women Act (VAWA): Notification, Documentation, Confidentiality This part contains key terms used in VAWA and describes requirements related to notifying families and owners about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault and stalking; and maintaining the confidentiality of information obtained from victims.

PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]

HACA will maintain administrative fee reserves, or unrestricted net position (UNP) for the program to pay program administrative expenses in excess of administrative fees paid by HUD for a PHA fiscal year. HUD appropriations acts beginning with FFY 2004 have specified that administrative fee funding may be used only for activities related to the provision of HCV assistance, including related development activities. [Notice PIH 2012-9] cites two examples of related development activities: unit modification for accessibility purposes and development of project-based voucher units. The notice makes clear that other activities may also qualify as related development activities. Administrative fees that remain in the UNP account from funding provided prior to 2004 may be used for "other housing purposes permitted by state and local law," in accordance with [24 CFR 982.155(b)(1)].

In addition, as specified in Notice PIH 2022-18, PHAs may use administrative fee funding for both administrative and "other expenses" needed to employ strategies and undertake activities beyond regular administrative responsibilities to facilitate the successful leasing and use of housing choice vouchers by families, such as through the use of security deposit assistance and

landlord recruitment and incentive payments, among other allowable expenses specified in the notice. PHAs are also permitted to use UNP for these expenses [Notice PIH 2022-18].

If a PHA has not adequately administered its HCV program, HUD may prohibit use of funds in the UNP Account and may direct the PHA to use funds in that account to improve administration of the program, for HCV HAP expenses, or to reimburse ineligible expenses in accordance with the regulation at [24 CFR 982.155(b)(3)].

HUD requires the PHA Board of Commissioners or other authorized officials to establish the maximum amount that may be charged against the UNP account without specific approval.

HACA Policy

Expenditures from the UNP account will be made in accordance with all applicable federal requirements. Expenditures will not exceed \$10,000 per occurrence without the prior approval of the PHA's Board of Commissioners.

PART II: SETTING PROGRAM STANDARDS AND SCHEDULES

16-ILA. OVERVIEW

Although many of the program's requirements are established centrally by HUD, the HCV program's regulations recognize that some flexibility is required to allow HACA to adapt the program to local conditions. This part discusses how HACA establishes and updates certain schedules and standards that are used to administer the program locally. Details about how these schedules are applied to individual families are provided in other chapters. The schedules and standards discussed here include:

Payment Standards, which dictate the maximum subsidy a family can receive (application of the payment standards is discussed in Chapter 6); and

Utility Allowances, which specify how a family's payment should be adjusted to account for tenant-paid utilities (application of utility allowances is discussed in Chapter 6).

HACA Policy

Copies of the payment standard and utility allowance schedules are available for review in HACA's offices during normal business hours.

Families, owners, and members of the public may submit written comments on the schedules discussed in this part, at any time, for consideration during the next revision cycle.

HACA will maintain documentation to support its annual review of payment standards and utility allowance schedules. This documentation will be retained for at least 3 years.

Establishing and updating the PHA passbook rate, which is used to calculate imputed income from assets, is covered in Chapter 6 (see Section 6-I.G.).

16-IL.B. PAYMENT STANDARDS [24 CFR 982.503; HCV GB, Chapter 7]

The payment standard sets the maximum subsidy payment a family can receive from HACA each month [24 CFR 982.505(a)]. Payment standards are based on fair market rents (FMRs) published annually by HUD. FMRs are set at a percentile within the rent distribution of standard quality rental housing units in each FMR area. For most jurisdictions FMRs are set at the 40th percentile of rents in the market area.

HACA must establish a payment standard schedule that establishes payment standard amounts for each FMR area within HACA's jurisdiction, and for each unit size within each of the FMR areas. For each unit size, HACA may establish a single payment standard amount for the whole FMR area, or may set different payment standards for different parts of the FMR area. Unless HUD grants an exception, HACA is required to establish a payment standard within a "basic range" established by HUD – between 90 and 110 percent of the published FMR for each unit size.

Updating Payment Standards

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

HACA Policy

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

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

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

Lease-up Time and Success Rate: HACA ~~may~~will consider the percentage of families that are unable to locate suitable housing before the voucher expires and whether families are leaving the jurisdiction to find affordable housing.

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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 [24 CFR 982.503(c)(5), Notice PIH 2018-01;]
FR Notice 9/27/21**

A non-SAFMR PHA may establish an exception payment standard for a zip code area of up to and including 110 percent of the SAFMR determined by HUD for that zip code area. Regardless of the level of the exception payment standard compared to the metropolitan area FMRs (MAFMRs), the PHA must send an email to SAFMRs@hud.gov to notify HUD that it has adopted an exception payment standard based on the SAFMR. A PHA that adopts an exception payment standard pursuant to this authority must apply it to the entire ZIP code area, for both its HCV, and if applicable, its PBV program. For the PBV program, this means that the rent to owner may not exceed the new exception payment standard amount, provided the rent is still reasonable. A PHA that adopts an exception payment standard area must revise its briefing materials to make families aware of the exception payment standard and the area that it covers.

In addition, HUD allows PHAs to establish a HUD-Veterans Affairs Supportive Housing (HUD-VASH) exception payment standard. PHAs may go up to but no higher than 120 percent of the FMR or SAFMR specifically for VASH families. PHAs who want to establish a VASH exception payment standard over 120 percent must still request a waiver from HUD. (See Section 19-III.E.).

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 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 except to establish exception payment standards in certain zip code areas.

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

Retention of Documents [24 CFR 5.514(h)]

HACA must retain for a minimum of 5 years the following documents that may have been submitted to HACA by the family, or provided to HACA as part of the USCIS appeal or HACA informal hearing process:

- The application for assistance;
- Form completed by the family for income reexamination;
- Photocopies of any original documents, including original USCIS documents;
- Signed verification consent form;
- USCIS verification results;
- Request for a USCIS appeal;
- Final USCIS determination;
- Request for an informal hearing; and
- Final informal hearing decision

PART IV: OWNER OR FAMILY DEBTS TO HACA**16-IV.A. OVERVIEW**

PHAs are required to include in the administrative plan, policies concerning repayment by a family of amounts owed to HACA [24 CFR 982.54]. If the family breaches an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA, the PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement [24 CFR 982.552(c)(1)(vii). This part describes HACA's policies for recovery of monies that have been overpaid on behalf of families, or to owners.

HACA Policy

When an action or inaction of an owner or participant results in the overpayment of housing assistance, HACA holds the owner or participant liable to return any overpayments to HACA.

HACA will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

When an owner or participant refuses to repay monies owed to HACA, HACA will utilize other available collection alternatives, ~~including, but not limited to, the following:~~

~~Collection agencies~~

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~~Small claims court~~

~~Civil law suit~~

~~State income tax set-off program~~

16-IV.B. REPAYMENT POLICY

Owner Debts to HACA

HACA Policy

Any amount due to HACA by an owner must be repaid by the owner within 30 days of HACA's determination of the debt.

If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, HACA will reduce the future HAP payments by the amount owed until the debt is paid in full.

If the owner is not entitled to future HAP payments, HACA will offer to enter into a repayment agreement in accordance with the policies below.

If the owner refuses to repay the debt, enter into a repayment agreement, or breaches a repayment agreement, HACA will ban the owner from future participation in the program and pursue other modes of collection~~on~~.

including, but not limited to, the following:

Collection agencies

Small claims court

Civil lawsuit

State income tax set-off program

Family Debts to HACA

Families are required to reimburse the PHA if they were charged less rent than required because the family either underreported or failed to report income. PHAs are required to determine retroactive rent amounts as far back as the PHA has documentation of family unreported income [Notice PIH 2018-18].

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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, including, but not limited to, the following:

Collection agencies

Small claims court

Civil lawsuit

State income tax set-off program

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 ~~2018-18~~~~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 ~~2018-18~~~~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

All repayment agreements must be in writing, dated, and signed by both the family and the PHA [Notice PIH 2018-18].

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 Agreement ~~Terms Involving Improper Payments~~

All repayment agreements must be in writing, dated, signed by both the family and the PHA, include the total retroactive rent amount owed, any amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. Notice PIH ~~2017-12~~2018-18 requires certain provisions, at a minimum, ~~to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:~~

~~Notice PIH 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].

16-VI.B. RECORD RETENTION [24 CFR 982.158; 24 CFR 908.101]

During the term of each assisted lease, and for at least three years thereafter, the PHA must keep:

- A copy of the executed lease;
- The HAP contract; and
- The application from the family.

In addition, the PHA must keep the following records for at least three years:

- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;
- An application from each ineligible family and notice that the applicant is not eligible;
- HUD-required reports;
- Unit inspection reports;
- Lead-based paint records as required by 24 CFR 35, Subpart B.
- Accounts and other records supporting PHA budget and financial statements for the program;
- Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
- Other records specified by HUD.
- The PHA must keep the last three years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least three years from the end of participation (EOP) date [24 CFR 908.101].
- The PHA must maintain Enterprise Income Verification (EIV) system Income Reports in the tenant file for the duration of the tenancy but for a period not to exceed three years from the EOP date [Notice PIH 2018-18].
-
- Notice PIH 2014-20 requires PHAs to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

If an informal hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 16- III.D., Retention of Documents.

16-VI.C. RECORDS MANAGEMENT

PHAs must maintain applicant and participant files and information in accordance with the regulatory requirements described below.

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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 will operate a project-based voucher program as outlined in this chapter.

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].

Additional Project-Based Units [FR Notice 1/18/17; Notice PIH 2017-2; ~~1~~ FR Notice 1/24/22]

The PHA may project-base an additional 10 percent of its units above the 20 percent program limit. 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:~~

For units under a HAP contract that was first executed on or after April 18, 2017, uUnits qualify under this exception if the units:

- 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. Only units that are under a HAP contract that was first executed on or after April 18, 2017, may be covered by the 10 percent exception.
- PBV units that house eligible youth receiving FUPY/FYI assistance are also covered by this 10 percent exception authority if the units are under a HAP contract that became effective after December 27, 2020, and if the unit is occupied by an eligible youth receiving FUPY/FYI assistance. FYI TPVs that were awarded under Notice PIH 2019-20 are not part of this exception since PHAs are prohibited from project-basing FYI TPVs. Units added after December 27, 2020, through an amendment of a HAP contract that became effective after December 27, 2020, are eligible for this 10 percent exception authority. In contrast, units added after December 27, 2020, through an amendment of a HAP contract that became effective on or prior to December 27, 2020, are not eligible for this 10 percent exception authority [FR Notice 1/24/22]. See Chapter 19 for policies specific to project-basing FUPY vouchers.

HACA Policy

HACA may project-base up to an additional 10 percent of its authorized units, up to 30 percent, in accordance with HUD regulations and requirements.

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 April 18, 2017.

HACA Policy

HACA may project-base units not subject to the 20 percent cap in accordance with HUD regulations and requirements.

17-I.B. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE

- If the PHA is planning rehabilitation or new construction on the project, a minimum threshold of \$25,000 per unit in hard costs must be expended.
- If the PHA plans to replace public housing by attaching PBV assistance to existing housing in which the PHA has an ownership interest or control, then the \$25,000 per unit minimum threshold does not apply as long as the existing housing substantially complies with HQS.
- 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.
- *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.

HACA Policy

HACA is currently undertaking a complete redevelopment and expansion of its Rosewood Courts public housing property located at 1141 Chicon, Austin TX 78701. Rosewood Courts was previously public housing that converted to project based rental assistance through a RAD conversion on November 30, 2021. 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.

This redevelopment contemplates the new construction of approximately 184 multi-family units with modern, energy efficient appliances and amenities, which will replace 17 of the existing 25 buildings on the site. HACA and AAHC also recognize the historic significance of the property and as such the redevelopment also contemplates a robust historic preservation component consisting of the restoration of eight existing buildings. The redevelopment plan will significantly improve the quality of life for the residents of Rosewood Courts East and allow AAHC to provide more affordable housing by moderately increasing density. Additionally, the redevelopment will include an opportunity for homeownership for approximately 12 low income families. HACA will allocate 50 project-based vouchers to Rosewood Courts.

Residents of Rosewood Courts will have the first right to return to the newly rebuilt Pathways at Rosewood Courts. During construction, Rosewood Courts residents will be supported with comprehensive relocation assistance, ensuring each household's needs are accounted for and are offered options that minimize having to leave their immediate

neighborhood. It is anticipated that nearby HACA properties will also be a viable relocation option for families while Rosewood is being rebuilt.

HACA has determined that the placement of project-based Housing Choice 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.

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-based 42 regular vouchers and 8 VASH vouchers at Chalmers East not to exceed 43 units at Chalmers South or no more than half of the total units at Chalmers South. HACA will project-base 42 regular vouchers and 8 VASH vouchers at Chalmers West.~~ 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 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

~~Revised December 16, 2021~~ Draft Sept 2022

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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-ILF. 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; FR Notice 1/24/22]

As of April 18, 2017, 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.

Under the Fostering Stable Housing Opportunities (FSHO) amendments, units exclusively made available to youth receiving FUPY/FYI assistance may be excepted from the project cap for HAP contracts first effective after December 27, 2020. For more information on excepted units for FUPY, see Chapter 19.

Projects where these caps were implemented prior to HOTMA (HAP contracts executed prior to April 18, 2017) or FSHO (contract in effect on or prior to December 27, 2020) may continue to use the former exceptions and may renew their HAP contracts under the old requirements, unless

HACA will seek HUD approval to add 50 Project-based voucher units to the Cady Loft HAP Contract without competition. The justification for this is described below:

- 1) HACA's commitment to expand housing opportunities to vulnerable persons experiencing homelessness who struggle to locate affordable housing in the Austin rental market.
- 2) Cady Lofts received a 9% Low Income Housing Tax Credit (LIHTC) allocation. This qualifies for selection of proposal subject to previous competition under a federal, state, or local housing assistance program. Cady Loft's proposal was selected in accordance with the LIHTC competitive selection requirements within 3 years of the PBV proposal selection date, and the earlier competitively selected housing assistance proposal did not involve any consideration that the project would receive additional PBV assistance.

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17-V.D. HAP CONTRACT YEAR, ANNIVERSARY AND EXPIRATION DATES [24 CFR 983.207(b) and 983.302(e)]

The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates) or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

17-V.E. OWNER RESPONSIBILITIES UNDER THE HAP CONTRACT [24 CFR 983.210]

When the owner executes the HAP contract s/he certifies that at such execution and at all times during the term of the HAP contract:

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and the leases;

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.

Applicants on the Housing Choice Voucher programs tenant-base waiting list will be added to Pathways at Chalmers Court West 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 West 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 West for a project-based voucher unit.

Eligible applicants must meet Pathways at Chalmers Court West 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 West, 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 West and refuses an offer of PBV assistance or does not meet Pathways at Chalmers Court West's screening criteria, they will not be eligible to remain on the regular tenant-base Housing Choice Voucher waiting list.

Pathways at Rosewood Courts

HACA will project-base ~~up to 560~~ vouchers at Rosewood Courts. The property is located at ~~1141 Chicon Street~~ 2001 Rosewood Ave, Austin Texas.

Tenant Selection

~~Fifty~~ Up to sixty (560) regular ~~p~~Project-based ~~v~~Vouchers

HACA will use the same selection preferences that are used for the HCV tenant-base voucher program for ~~up to 650~~ regular PBV units.

Applicants on the Housing Choice Voucher programs tenant-based d waiting list will be added to Pathways at Rosewood Courts 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 Rosewood Courts 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 Rosewood Courts for a project-based voucher unit.

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.

Texas Bungalows at Century Park

HACA will project-base 50 units at ~~Texas~~ Bungalows at Century Park. The property is located at 13311 Burnet Road, Austin TX 78727.

Tenant Selection

HACA will allow the PBV owner to refer households for placement on the waiting list. HACA 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 Owner Referral preference (if they qualify). Weights for each preference are as follows:

| | |
|---|-----|
| Owner Referral | = 1 |
| Project-Specific Supportive Services Need | = 1 |
| Disability | = 1 |
| Chronically Homeless | = 2 |

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.

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 PBV 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.

Balcones Terrace

HACA will project-base 25 HCV and 25 HUD-VASH units at Balcones Terrace. The property is located at 10024 N. Capital of Texas Hwy, Austin TX 78759.

Tenant Selection

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.

For non-specified category vouchers, HACA will allow the PBV owner to refer households for placement on the waiting list. HACA 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 Owner Referral preference (if they qualify). Weights for each preference are as follows:

Owner Referral = 1

Project-Specific Supportive Services Need = 1

Disability = 1

Chronically Homeless = 2

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 PBV 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.

Libertad Austin at Gardner

HACA will project-base 25 HCV and 25 HUD-VASH units at Libertad Austin at Gardner. The property is located at 900 Gardner Rd, Austin TX 78721.

Tenant Selection

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.

For non-specified category vouchers, HACA will allow the PBV owner to refer households for placement on the waiting list. HACA 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 Owner Referral preference (if they qualify). Weights for each preference are as follows:

Owner Referral = 1

Project-Specific Supportive Services Need = 1

Disability = 1

Chronically Homeless = 2

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 PBV 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.

Candlewood Suites Hotel Conversion Project at Pecan Park

HACA will project-base 50 units at the Candlewood Suites Hotel Conversion Project at Pecan Park. The property is located at 10811 Pecan Park Blvd #2, Austin TX 78750.

Tenant Selection

HACA will allow the PBV owner to refer households for placement on the waiting list. HACA 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 Owner Referral preference (if they qualify). Weights for each preference are as follows:

| | |
|--|------------|
| <u>Owner Referral</u> | <u>= 1</u> |
| <u>Project-Specific Supportive Services Need</u> | <u>= 1</u> |
| <u>Disability</u> | <u>= 1</u> |
| <u>Chronically Homeless</u> | <u>= 2</u> |

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 PBV 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.

Cady Lofts

HACA will project-base 75 units at Cady Lofts. The property is located at 1004-1008 E. 39th St., Austin TX 78751.

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Tenant Selection

HACA will allow the PBV owner to refer households for placement on the waiting list. HACA 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 Owner Referral preference (if they qualify). Weights for each preference are as follows:

| | |
|--|------------|
| <u>Owner Referral</u> | <u>= 1</u> |
| <u>Project-Specific Supportive Services Need</u> | <u>= 1</u> |
| <u>Disability</u> | <u>= 1</u> |
| <u>Chronically Homeless</u> | <u>= 2</u> |

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 PBV 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.

- Communicate the move out date from the PBRA program to the HCV Intake Team to prevent the overlapping of assistance.
 - The move out from PBRA will not be effective until the property manager receives the keys from the resident family.
 - The family will be required to pay the full rental cost for any days that they have moved in to their new unit before returning the keys to the PBRA property management.
 - The voucher assistance will not start until the day after the family provides the keys to the PBRA property management.

VIII. Promoting Self-Sufficiency Through Choice Mobility

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

HACA Policy

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

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

Chapter 19

SPECIAL PURPOSE VOUCHERS

INTRODUCTION

Special purpose vouchers are specifically funded by Congress in separate appropriations from

regular HCV program funding in order to target specific populations. Special purpose vouchers include vouchers for the following programs:

- Family Unification Program (FUP)
- Foster Youth to Independence (FYI) program
- Veterans Affairs Supportive Housing (VASH)
- Mainstream
- Non-Elderly Disabled (NED)

PHA Policy

The PHA will administer the following types of special purpose vouchers: **FUP; FYI; VASH; Mainstream; NED**

This chapter describes HUD regulations and PHA policies for administering special purpose vouchers. The policies outlined in this chapter are organized into five sections, as follows:

Part I: Family Unification Program (FUP)

Part II: Foster Youth to Independence (FYI) program

Part III: Veterans Affairs Supportive Housing (VASH)

Part IV: Mainstream voucher program

Part V: Non-Elderly Disabled (NED) vouchers

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to special purpose vouchers.

PART I: FAMILY UNIFICATION PROGRAM (FUP)

19-I.A. PROGRAM OVERVIEW [[Fact Sheet, Housing Choice Voucher Program Family Unification Program \(FUP\)](#)]

Overview

The Family Unification Program (FUP) was authorized by Congress in 1990 to help preserve and reunify families. PHAs that administer the program provide vouchers to two different populations—FUP families and FUP youth.

Families eligible for FUP are families for whom the lack of adequate housing is a primary factor in:

- The imminent placement of the family’s child or children in out-of-home care; or
- The delay in the discharge of the child or children to the family from out-of-home care.

There is no time limitation on FUP family vouchers, and the family retains their voucher as long as they are HCV-eligible. There is no requirement for the provision of supportive services for FUP family vouchers.

Youth eligible for FUP are those who:

- Are at least 18 years old and not more than 24 years of age;
- Have left foster care or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act at age 16 and older; and
- Are homeless or at risk of becoming homeless.

FUP youth vouchers are limited by statute to a period between 36 and 60 months of housing assistance. Supportive services must also be provided to FUP-eligible youth by the Public Child Welfare Agency (PCWA) or by another agency or organization under contract with the PCWA for the period of time defined in the notice or Notice of Funding Availability/Opportunity (NOFA/O) for which funding was made available.

PHAs that wish to administer FUP vouchers must apply to HUD by submitting an application under an active Notice of Funding Opportunity (NOFO). While the FUP program is administered in accordance with HCV regulations, the FUP NOFOs issued by HUD provide specific program information and requirements.

In order to administer the program, the PHA must also form a partnership with a local PCWA who is responsible for determining the family or youth meets FUP eligibility requirements and referring them to the PHA. Once the referral is received, the PHA is responsible for placing the FUP family or youth on the PHA’s waiting list and determining whether they are eligible to

receive assistance under the PHA's HCV program.

Assigning Vouchers [FUP FAQs]

The PHA may, but is not required to, assign a specific number or percentage of FUP vouchers for FUP youths and FUP families. Unless the PHA assigns a specific number or percentage of FUP vouchers to a designated FUP population, the PHA must serve any referrals (youths or families) that meet all program eligibility requirements up to the PHA's designated FUP program size.

HACA Policy

HACA has not designated any specific number or percentage of FUP vouchers for youths or families. HACA will serve all referrals that meet program eligibility requirements, up to HACA's FUP voucher allocation.

19-I.B. PUBLIC CHILD WELFARE AGENCY (PCWA)

Families and youth do not apply directly to the PHA for FUP vouchers. They are instead referred by a PCWA with whom the PHA has entered into a Memorandum of Understanding (MOU). The partnering PCWA initially determines whether the family or youth meets the FUP program eligibility requirements listed in 19-I.C. and 19-I.D. and then refers those families or youths to the PHA.

HUD strongly encourages PHAs and PCWAs to make decisions collaboratively on the administration of the program and to maintain open and continuous communication. The PCWA must have a system for identifying FUP-eligible youth within the agency's caseload and for reviewing referrals from a Continuum of Care (COC) if applicable.

HACA Policy

HACA has entered into an MOU with the following partnering organizations: ***Texas Department of Family Protective Services (DFPS) (PCWA)***

Supportive Services

The PCWA must provide supportive services for the period of time defined in the notice or NOFA/O for which the funding was made available to all FUP-eligible youth regardless of their age. The MOU between the PHA and the PCWA should identify the period of time in which supportive services will be provided.

HACA Policy

DFPS and/or its designated contractor for its Aftercare Transitional Living Services Program (ACTS) will provide supportive services for all FUP youth for a period of no less than 18 months after lease-up.

Supportive services may be provided to FUP-eligible youth by the PCWA or by another agency or organization under agreement or contract with the PCWA, including the PHA. The organization providing the services and resources must be identified in the MOU. The following services must be offered:

- Basic life skills information or counseling on money management, use of credit, housekeeping, proper nutrition or meal preparation, and access to health care (e.g., doctors, medication, and mental and behavioral health services);
- Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance or referrals for assistance on security deposits, utility hook-up fees, and utility deposits;
- Providing such assurances to owners of rental property as are reasonable and necessary to assist a FUP-eligible youth to rent a unit with a FUP voucher;
- Job preparation and attainment counseling (where to look and how to apply, dress, grooming, relationships with supervisory personnel, etc.); and
- Educational and career advancement counseling regarding attainment of general equivalency diploma (GED), or attendance or financing of education at a technical school, trade school, or college, including successful work ethic and attitude models.

HACA Policy

The following additional supportive services will be offered as needed: self-esteem and personal relationships; parenting skills; counseling and mentoring.

A FUP-eligible youth cannot be required to participate in these services as condition of receipt of the FUP voucher.

19-I.C. FUP FAMILY VOUCHER ELIGIBILITY CRITERIA

FUP family assistance is reserved for eligible families that the PCWA has certified are a family for whom a lack of adequate housing is a primary factor in:

- The imminent placement of the family's child or children in out-of-home care, or
- The delay in the discharge of the child or children to the family from out-of-home care.

Lack of adequate housing means the family meets any one of the following conditions:

- Living in substandard housing, which refers to a unit that meets any one of the following conditions:
 - Does not have operable indoor plumbing
 - Does not have a usable flush toilet inside the unit for the exclusive use of a family or youth
 - Does not have a usable bathtub or shower inside the unit for the exclusive use of a family or youth
 - Does not have electricity, or has inadequate or unsafe electrical service
 - Does not have a safe or adequate source of heat
 - Should, but does not, have a kitchen
 - Has been declared unfit for habitation by an agency or unit of government, or in its present condition otherwise endangers the health, safety, or well-being of the family or youth
 - Has one or more critical defects, or a combination of intermediate defects in sufficient number or to the extent that it requires considerable repair or rebuilding. The defects may result from original construction, from continued neglect or lack of repair, or from serious damage to the structure
- Being homeless as defined in 24 CFR 578.3
- Living in a unit where the presence of a household member with certain characteristics (i.e., conviction for certain criminal activities) would result in the imminent placement of the family's child or children in out-of-home care, or the delay in the discharge of the child or children to the family from out-of-home care
- Living in housing not accessible to the family's disabled child or children due to the nature of the disability

- Living in an overcrowded unit, which is defined as living in a unit where one of the following conditions has been met:
 - The family is separated from its child or children and the parents are living in an otherwise standard housing unit, but, after the family is reunited, the parents' housing unit would be overcrowded for the entire family and would be considered substandard; or
 - The family is living with its child or children in a unit that is overcrowded for the entire family and this overcrowded condition may result, in addition to other factors, in the imminent placement of its child or children in out-of-home care.
 - For purposes of this definition, the determination as to whether the unit is overcrowded is made in accordance with the PHA subsidy standards in Chapter 5, Part III of this policy.

Since HUD does not define *imminent placement*, the partnering PCWA may use its discretion to determine whether the potential out of home placement of the family's child or children is imminent [[FUP FAQs](#)].

19-I.D. FUP YOUTH VOUCHER ELIGIBILITY CRITERIA

While FUP family vouchers operate as regular HCVs after the family is referred from the PCWA, there are several aspects of the FUP youth vouchers that make them distinct from the FUP family vouchers and from regular HCVs.

Eligibility Criteria

A FUP-eligible youth is a youth the PCWA has certified:

- Is at least 18 years old and not more than 24 years of age (has not yet reached their 25th birthday);
 - The FUP youth must be no more than 24 years old at the time the PCWA certifies them as eligible and at the time of HAP contract execution.
- Has left foster care or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act;
 - Foster care placement can include, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes in accordance with 24 CFR 5.576.
- Is homeless or at risk of becoming homeless at age 16 or older;
 - *At risk of being homeless* is fully defined at 24 CFR 576.2.
 - o This includes a person that is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution).
 - o Therefore, youth being discharged from an institution may be eligible for a FUP voucher [FUP FAQs].
- Has an annual income at or below 30 percent of area median income; and
- Does not have sufficient resources or support networks (e.g., family, friends, faith-based or other social networks) immediately available to prevent them from moving to a supervised publicly or privately operated shelter designed to provide temporary living arrangements.

19-I.E. ASSISTANCE PERIOD [FR Notice 1/24/22]**Maximum Assistance Period**

Although there is no time limit on FUP family vouchers, FUP youth vouchers are limited by statute. Unless the FUP youth meets an exception outlined below, after 36 months of assistance, the FUP youth voucher must be terminated. However, any period of time for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the 36-month limitation.

If the FUP youth does meet the requirements outlined below, the statutory limit on FUP assistance is a total of 60 months of FUP voucher assistance [FR Notice 1/24/22].

Extension of Assistance

FUP youth who first leased or lease a unit after December 27, 2020, may be eligible for an extension of assistance up to 24 months beyond the 36-month time limit (for a total of 60 months of assistance).

While FUP youth cannot be required to participate in the Family Self-Sufficiency (FSS) program as a condition of receipt of assistance, an eligible youth who participates in the FSS program and is in compliance with the applicable terms and conditions of the program is entitled to receive assistance for up to an additional 24 months. A FUP youth must accept an FSS slot if it is offered to them prior to the 36-month mark in order to receive an extension of assistance (unless the youth meets one of the statutory exceptions described below).

Statutory Exceptions

A FUP youth will be entitled to receive an extension of assistance for up to 24 months beyond the 36-month time limit without participating in the PHA's FSS program if they certify that they meet one of the exceptions below:

- The FUP youth is a parent or other household member responsible for the care of a dependent child under the age of six or for the care of an incapacitated person.

HACA Policy

HACA and the State of Texas defines *incapacitated person* as

- (1) a minor;
- (2) an adult who, because of a physical or mental condition, is substantially unable to:
 - (A) provide food, clothing, or shelter for himself or herself;
 - (B) care for the person's own physical health; or
 - (C) manage the person's own financial affairs; or
- (3) a person who must have a guardian appointed for the person to receive funds due

the person from a governmental source.

The PHA will apply this exception in a manner that provides extensions of FUP youth assistance to the broadest population possible consistent with the statutory requirements.

The FUP youth will be required to self-certify that they meet this exception on a PHA-provided form. This certification is the only documentation that the FUP youth must submit.

The child or incapacitated person is not required to reside in the household in order for the youth to certify they meet this exception. For example, a child in a joint custody arrangement under the age of six who resides in the household only part-time may qualify the youth for this exception.

- The FUP youth is a person who is regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program.

HACA Policy

HACA will define *regular and active participation* in a manner that provides extensions of FUP youth assistance to the broadest population possible consistent with the statutory requirements.

The FUP youth will be required to self-certify that they meet this exception on a HACA-provided form. This certification is the only documentation that the FUP youth must submit.

- The FUP youth is a person who is incapable of complying with the requirement to participate in a FSS program as described above or engage in education, workforce development, or employment activities as described below, as applicable, due to a documented medical condition.

HACA Policy

HACA will apply this requirement in a manner that provides extensions of FUP youth assistance to the broadest population possible consistent with statutory requirements.

The FUP youth will be required to self-certify that they meet this exception on a HACA-provided form. This certification is the only documentation that the FUP youth must submit.

A FUP youth that meets one of the above exceptions must still be offered an opportunity to enroll in the PHA's FSS program (if it is available to them) and receive any supportive services available to FUP youth. A FUP youth may choose to participate in an FSS program or engage in education, workforce development, or employment activities, even if they meet one of the above statutory exceptions.

Education, Workforce Development, or Employment Activities

If a PHA that carries out an FSS program is unable to offer a FUP youth an FSS slot during their first 36 months of receiving FUP youth assistance, the youth is considered to have been “unable to enroll” in the program and may have their voucher extended by meeting the education, workforce development, or employment criteria described below:

- The youth was engaged in obtaining a recognized postsecondary credential or a secondary school diploma or its recognized equivalent.

HACA Policy

HACA will use the definitions of *recognized postsecondary credential* and *secondary school diploma or its recognized equivalent* under the Workforce Innovation and Opportunity Act (WIOA). WIOA defines a *recognized postsecondary credential* as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate or baccalaureate degree (29 U.S.C. 3102). Examples of a recognized postsecondary credential include, but are not limited to, an associate’s degree, bachelor’s degree, occupational licensure, or occupational certification (see U.S. Department of Labor, Training and Employment Guidance Letter No. 10–16, Change 1). For the purpose of WIOA, the U.S. Department of Labor defines a *secondary school diploma or its recognized equivalent* as a secondary school diploma (or alternate diploma) that is recognized by a state and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirement for a high school education. Examples of a secondary school diploma or its recognized equivalent include, but are not limited to, obtaining certification of attaining passing scores on a state-recognized high school equivalency test, earning a secondary school diploma or state-recognized equivalent, or obtaining certification of passing a state-recognized competency-based assessment.

- The youth was enrolled in an *institution of higher education*, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or an institution that meets the definition of a *proprietary institution of higher education* or a *postsecondary vocational institution* under sections 102(b)(1) and (c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)(1) and (c)(1)), respectively.

HACA Policy

Youth must be enrolled in education activities on at least a half-time basis, as defined by the institution that they attend. However, HACA may make exceptions to this requirement if the youth is unable to enroll in a sufficient number of classes due to a lack of course offerings by the educational institution where the youth is enrolled.

- The youth was participating in a career pathway, as such term is defined in Section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102). The term *career pathway* means a combination of rigorous and high-quality education, training, and other services that:
 - Aligns with the skill needs of industries in the economy of the state or regional economy involved;
 - Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) (referred to individually in this Act as an *apprenticeship*, except in section 3226 of this title);
 - Includes counseling to support an individual in achieving the individual’s education and career goals;
 - Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
 - Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
 - Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and
 - Helps an individual enter or advance within a specific occupation or occupational cluster.
- The youth was employed.

HACA Policy

HACA will consider the youth to be employed if they work a minimum of 20 hours per week. HACA may make exceptions to this requirement if the youth’s hours are reduced due to circumstances beyond their control or the youth must temporarily reduce their work hours due to a verified family emergency.

FSS Enrollment at 24 Months

If the FUP youth has not been provided an opportunity to enroll in the FSS program during the first 24 months of FUP assistance, HUD encourages the PHA to remind the youth at the 24-month reexamination of the education, workforce development, and employment requirements described above so that the youth has enough time to meet these requirements prior to the expiration of the 36-month time period for FUP assistance.

HACA Policy

If the FUP youth has not been provided an opportunity to enroll in the FSS program during the first 24 months of FUP assistance, HACA will remind the youth at their second regular reexam of the education, workforce development, and employment requirements described above.

FSS Enrollment Between 36 and 48 Months

If an FSS slot becomes available between the 36-month and 48-month mark:

- The PHA must offer the slot to a FUP youth who had their voucher extended based on meeting the education, workforce development, or employment requirement listed above, or one of the statutory exceptions listed above (even if the youth previously declined an FSS slot because they met one of the statutory exceptions).
- The PHA must work with the youth to determine whether enrollment in FSS is feasible and in their best interest given any education, workforce development, or employment activities that the youth is engaged in and any statutory exceptions that apply to the youth, as well as the remaining time on their voucher.
- If the FUP youth accepts the FSS slot, the PHA must work with the youth to establish Contract of Participation goals and an Individual Training and Services Plan (ITSP) that can be accomplished within the time period left on the voucher.

If the FUP youth is offered an FSS slot prior to the 36-month mark, the youth:

- Will be required to enroll in the FSS program in order to receive an extension of assistance at the end of the 36-month time period (unless they meet one of the statutory exceptions described above).
- Will not be considered to have been “unable to enroll” in the FSS program as described above, and as a result, will not be eligible to receive an extension of assistance based on meeting the education, workforce development, or employment requirements described above.

FSS Enrollment After 48 Months

The PHA may, but is not required to, offer a FUP youth an FSS slot that becomes available between the 48-month mark and the 60-month mark, since the youth will have already received their second and final extension.

HACA Policy

If an FSS slot becomes available between the 48 and 60-month marks, HACA will not offer the FSS slot to a FUP youth.

Extensions of Assistance

At the 36-month and 48-month reexamination, the PHA must extend FUP youth assistance if the youth is participating in and in compliance with the FSS program as long as the youth is still eligible for the HCV program.

In any case, the FUP youth cannot receive more than a total of 60 months of FUP youth voucher assistance, even if the FSS Contract of Participation time period extends beyond the voucher 60-month mark.

No FSS Program or Unable to Enroll in FSS

If a PHA does not carry out an FSS program or the FUP youth has been unable to enroll in the program during the first 36 months of receiving FUP assistance, the FUP youth is entitled to receive an extension of assistance for up to two successive 12-month periods beyond the 36-month time limit provided that the youth engaged in at least one of the education, workforce development, or employment activities described above for not less than nine months of the 12-month period preceding each extension. In order to meet the nine months out of the preceding 12 months requirement, the youth may have engaged in one of the education, workforce development, or employment activities described above or a combination of these activities.

Verification Prior to Annual Reexam

In order to provide an extension of assistance, the PHA must verify compliance with the above requirements at the end of the 36-month time period and the 48-month time periods. The PHA does not need to verify compliance with these requirements at the end of the 60-month time period since the maximum length of assistance is 60 months.

To verify compliance with the education, workforce development, or employment requirement or one of the statutory exceptions, the PHA must provide the FUP youth written notification informing them that they may receive an extension of their FUP assistance and providing instructions on how the youth may demonstrate that they meet one of these conditions. This notification must be provided sufficiently in advance of the end of the 36-month or 48-month time periods, as applicable, to allow the FUP youth to demonstrate that they meet the education, workforce development, or employment requirement, or one of the statutory exceptions, and for the PHA to conduct an annual reexamination prior to the expiration of the FUP assistance.

HACA Policy

HACA will verify compliance with the education, workforce development, or employment requirement, or one of the statutory exceptions, at the end of the 36-month and 48-month time periods prior to the FUP youth's scheduled annual reexamination. HACA will not verify compliance at the end of the 60-month time period.

HACA will provide each FUP youth on HACA's program with a written notification informing them that they may receive an extension of their FUP assistance if they meet conditions outlined in this chapter and providing them with instructions on how they may demonstrate compliance at least 60 days prior to their scheduled annual reexam date. When necessary, the PHA will provide this notification in a format accessible to FUP youth with disabilities and in a translated format for FUP youth with limited English proficiency in accordance with Chapter 2.

HACA will use the following verification methods to verify a FUP youth's eligibility for voucher extensions:

To verify compliance with the FSS requirement, HACA will examine its records to confirm, or obtain confirmation from HACA's FSS program staff, that the FUP youth participant is in compliance with FSS program requirements and has not been terminated from the FSS program.

To meet the education, workforce development, or employment requirement, HACA will verify that the FUP youth was engaged in at least one education, workforce development, or employment activity for at least nine months of the 12-month period immediately preceding the end of 36-month or 48-month time period, as applicable.

Due to the timing of when the PHA verifies compliance and conducts the annual reexamination, the FUP youth may have not yet met the nine-month requirement but may be able to demonstrate that they will meet the nine-month requirement as of the end of the 36-month or 48-month time period. In such cases, the FUP youth will still be considered to have met the requirements.

In order for the FUP youth to meet one of the statutory exceptions described above, the youth must submit a certification to HACA that they meet one of these exceptions. This certification is the only documentation that the FUP youth must submit in order to demonstrate that they meet one of the statutory exceptions.

A FUP youth who received an extension of voucher assistance at the end of the 36-month time period based on meeting one of the conditions described in this chapter does not have to meet the same conditions when they reach the end of the 48-month time period. The FUP youth may demonstrate that they meet a different condition in order to receive an extension of their assistance.

If the PHA determines that the youth meets one of the statutory conditions, the PHA would then conduct an annual reexamination. If the annual reexamination determines that the youth is still eligible for the HCV program, the PHA must provide the FUP youth the extension of voucher assistance.

Termination of Assistance for Failure to Meet Conditions

Failure of the FUP youth to meet one of the above conditions will only impact their ability to receive subsequent extensions of assistance. It will not serve as a basis for terminating the FUP assistance prior to the annual reexam.

If the FUP youth does not meet any of the conditions described in in this chapter, the youth is subject to the statutory time limit of 36 months or the time limit of any extension that the youth has already received, and the FUP youth voucher must be terminated once the youth reaches this time limit. The calculation of the time limit begins from the date the first HAP contract is signed (for tenant-based vouchers) or from the date the youth entered into the initial lease agreement (for project-based vouchers). The number of months is calculated based on the number of months that HAP subsidy is being paid on behalf of the youth, not the number of months that the youth is in the FUP youth program. Prior to termination, the PHA must offer the FUP youth the opportunity to request an informal hearing, in accordance with Chapter 16.

19-I.F. REFERRALS AND WAITING LIST MANAGEMENT

Referrals

The PCWA must establish and implement a system to identify FUP-eligible families and youths within the agency's caseload and make referrals to the PHA. The PCWA must certify that the FUP applicants they refer to the PHA meet FUP eligibility requirements. The PHA is not required to maintain full documentation that demonstrates the family's or youth's FUP eligibility as determined by the PCWA but should keep the referral or certification from the PCWA.

HACA Policy

As part of the MOU, HACA and DFPS have identified staff positions to serve as lead FUP liaisons. These positions will be responsible for transmission and acceptance of FUP referrals. DFPS must commit sufficient staff and resources to ensure eligible families and youths are identified and determined eligible in a timely manner.

When FUP vouchers are available, the HACA liaison responsible for acceptance of referrals will contact the DFPS FUP liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than 10 business days from the date DFPS receives this notification, the DFPS liaison will provide HACA with a list of eligible referrals include the name, address, and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating the youth or family is FUP-eligible.

HACA will maintain a copy of the referral or certification from DFPS in the participant's file along with other eligibility paperwork.

A PHA must serve any referrals (youths or families) that meet all program eligibility requirements. If a PHA determines that it has received a sufficient number of referrals from the PCWA so that the PHA will be able to lease all FUP vouchers awarded, the PHA may request that the PCWA suspend transmission of referrals. If the PHA determines that additional referrals will be needed after it has made such a request, the PHA may request that the PCWA resume transmission of referrals [Notice PIH 2011-52].

Waiting List Placement

A family that is already participating in the regular HCV program cannot be transferred to a FUP voucher.

Once a referral is made, the PHA must compare the list of PCWA referrals to its HCV waiting list to determine if any applicants on the PCWA's referral list are already on the PHA's HCV waiting list. Applicants already on the PHA's HCV waiting list retain the order of their position on the list. Applicants not already on the PHA's HCV waiting list must be placed on the HCV waiting list.

If the PHA's HCV waiting list is closed, the PHA must open its HCV waiting list in order to accept new FUP applicants. If necessary, the PHA may open its waiting list solely for FUP applicants, but this information must be included in the PHA's notice of opening its waiting list (see section 4-II.C., Opening and Closing the Waiting List of this administrative plan).

HACA Policy

Within 10 business days of receiving the referral from DFPS, HACA will review the HCV waiting list and will send DFPS a list confirming whether or not referrals are on the waiting list.

Referrals who are already on the list will retain their position and the list will be notated to indicate the family or youth is FUP-eligible.

For those referrals not already on the waiting list, HACA will work with DFPS to ensure they receive and successfully complete a pre-application or application, as applicable. Once the pre-application or application has been completed, the PHA will place the referral on the HCV waiting list with the date and time of the original referral and an indication that the referral is FUP-eligible.

Waiting List Selection

The PHA selects FUP-eligible families or youths based on the PHA's regular HCV waiting list selection policies in Chapter 4, including any preferences that may apply.

19-I.G. PHA HCV ELIGIBILITY DETERMINATION

Once a FUP-eligible family or youth is selected from the HCV waiting list, the PHA must determine whether the family or youth meets HCV program eligibility requirements. Applicants must be eligible under both FUP family or youth eligibility requirements, as applicable, and HCV eligibility requirements as outlined in Chapter 3 of this policy.

The PCWA may, but is not obligated to, provide information to the PHA on the family's criminal history.

HACA Policy

DFPS will not provide information regarding the applicant's criminal history to HACA.

Additional FUP Eligibility Factors [FUP FAQs]

For FUP family vouchers, the family must remain FUP-eligible thorough lease-up.

- If, after a family is referred by the PCWA but prior to issuing a family FUP voucher, the PHA discovers that the lack of adequate housing is no longer a primary factor for the family not reunifying, the FUP voucher may not be issued to the family.
- Similarly, if the FUP voucher has already been issued before the PHA discovers that the reunification will not happen, but the family has not yet leased up under the voucher, the PHA must not execute the HAP contract, as the family is no longer FUP-eligible.

FUP-eligible youth must be no more than 24 years old both at the time of PCWA certification and at the time of the HAP execution. If a FUP youth is 24 at the time of PCWA certification but will turn 25 before the HAP contract is executed, the youth is no longer eligible for a FUP youth voucher.

HACA Policy

Any applicant that does not meet the eligibility criteria for the HCV program listed in Chapter 3 or any eligibility criteria listed in this section will be notified by HACA in writing following policies in Section 3-III.F., including stating the reasons the applicant was found ineligible and providing an opportunity for an informal review.

19.I.H. LEASE UP [FR Notice 1/24/22]

Once the PHA determines that the family or youth meets HCV eligibility requirements, the family or youth will be issued a FUP voucher in accordance with PHA policies.

During the family briefing, PHAs must inform the FUP youth of:

- The extension of assistance provisions and requirements;
- The availability of the FSS program and offer them an FSS slot, if available, or offer to place them on the FSS waiting list (provided the PHA has an FSS program); and
- Supportive services available to them, the existence of any other programs or services, and their eligibility for such programs and services. However, participation in supportive services cannot be required as a condition of receiving FUP youth assistance.

HACA Policy

Eligible applicants will be notified by HACA in writing following policies in Section 3-III.F. of this administrative plan. FUP families will attend a standard HCV briefing in accordance with PHA policies in Part I of Chapter 5 of this administrative plan. FUP youth will be briefed individually. The PHA will provide all aspects of the written and oral briefing as outlined in Part I of Chapter 5 but will also provide an explanation of the required items listed above, as well as discussing supportive services offered by DFPS and/or its contracted ACTS Program provider.

For both FUP youth and FUP families, vouchers will be issued in accordance with PHA policies in Chapter 5 Part II, except that the PHA will consider one additional 30-day extension beyond the first automatic extension for any reason, not just those listed in the policy in Section 5-II.E.

Once the family or youth locate a unit, the PHA conducts all other processes relating to voucher issuance and administration per HCV program regulations and the PHA's policies (including, but not limited to: HQS inspection, determination of rent reasonableness, etc.).

19-I.I. TERMINATION OF ASSISTANCE

General Requirements

With the exception of terminations of assistance for FUP youth after the statutorily required time period, terminations of FUP assistance are handled in the same way as the regular HCV program. Termination of a FUP voucher must be consistent with regulations for termination in 24 CFR Part 982, Subpart L and be in compliance with PHA policies (Chapter 12).

If the person who qualifies for the FUP voucher passes away, the family retains the FUP voucher. In the case of a FUP-youth voucher, assistance will terminate after the statutorily required time period, even if the FUP-eligible youth is no longer included in the household.

If the person who qualifies for the FUP voucher moves, the remaining family members may keep the FUP voucher based on PHA policy (see administrative plan, Section 3-I.C., Family Breakup and Remaining Member of Tenant Family).

FUP Family Vouchers

If parents lose their parental rights or are separated from their children after voucher lease-up (or their children reach adulthood), the family is still eligible to keep their FUP assistance, as the regulations do not permit HCV termination for a family losing parental rights or the children reaching adulthood. However, the PHA may transfer the assistance of a FUP family voucher holder to regular HCV assistance if there are no longer children in the household.

HACA Policy

HACA will transfer the assistance of a FUP family voucher holder to regular HCV assistance if there are no longer children in the household and there is no prospect of any minor child being returned to the household.

If the PHA has no regular HCV vouchers available at the time this determination is made, including if no vouchers are available due to lack of funding, the PHA will issue the family the next available regular HCV voucher after those being issued to families residing in PBV units claiming Choice Mobility.

FUP Youth Vouchers

A PHA cannot terminate a FUP youth's assistance for noncompliance with PCWA case management, nor may the PHA terminate assistance for a FUP youth for not accepting services from the PCWA.

The PHA may not transfer the assistance of a FUP youth voucher holder to regular HCV assistance upon the expiration of the statutorily required time period. However, the PHA may issue a regular HCV to FUP youth if they were selected from the waiting list in accordance with PHA policies and may also adopt a preference for FUP youth voucher holders who are being terminated for this reason.

HACA Policy

HACA provides a selection preference on the PHA's HCV waiting list for FUP youth who are terminated due to the time limit on assistance.

Upon the expiration of the statutorily required time period, a FUP youth voucher holder who has children and who lacks adequate housing may qualify for a FUP family voucher provided they are referred by the PCWA as an eligible family and meet the eligibility requirements for the PHA's HCV program.

9-I.J. FUP PORTABILITY

Portability for a FUP family or youth is handled in the same way as for a regular HCV family. A PHA may not restrict or deny portability for a FUP family or youth for reasons other than those specified in the HCV program regulations, as reflected in Chapter 10 of the administrative plan.

A FUP family or youth does not have to port to a jurisdiction that administers FUP.

If the receiving PHA administers the FUP voucher on behalf of the initial PHA, the voucher is still considered a FUP voucher regardless of whether the receiving PHA has a FUP program.

If the receiving PHA absorbs the voucher, the receiving PHA may absorb the incoming port into its FUP program (if it has one) or into its regular HCV program (if the receiving PHA has vouchers available to do so) and the family or youth become regular HCV participants. In either case, when the receiving PHA absorbs the voucher, a FUP voucher becomes available to the initial PHA.

Considerations for FUP Youth Vouchers

If the voucher is a FUP youth voucher and remains such upon lease-up in the receiving PHA's jurisdiction, termination of assistance must still take place once the youth has received assistance for the statutorily required time period. If the receiving PHA is administering the FUP youth voucher on behalf of the initial PHA, the two PHAs must work together to initiate termination upon expiration of the statutorily required time period.

19-I.K. PROJECT-BASING FUP VOUCHERS [Notice PIH 2017-21; FR Notice 1/24/22]

The PHA may project-base FUP vouchers without HUD approval in accordance with Notice PIH 2017-21, FR Notice 1/24/22, and all statutory and regulatory requirements for the PBV program. Project-based FUP vouchers are subject to the PBV program percentage limitation discussed in Section 17-I.A.

The PHA may limit PBVs to one category of FUP-eligible participants (families or youth) or a combination of the two.

While FUP vouchers can be used for either families or youth, a PBV unit may only be counted towards the PHA's 10 percent exception authority under the program cap and the project's income-mixing requirement if the FUP PBV assistance is provided on behalf of an eligible youth. The PHA must amend its administrative plan to include the limitation of these FUP PBV units to eligible youth.

HACA Policy

HACA may elect to project-base FUP vouchers.

PART II: FOSTER YOUTH TO INDEPENDENCE INITIATIVE

19-II.A. PROGRAM OVERVIEW [Notice PIH 2020-28; Notice PIH 2021-26; FR Notice 1/24/22]

The Foster Youth to Independence (FYI) initiative was announced in 2019. The FYI initiative allows PHAs who partner with a Public Child Welfare Agency (PCWA) to request targeted HCVs to serve eligible youth with a history of child welfare involvement that are homeless or at risk of being homeless. Rental assistance and supportive services are provided to qualified youth for a period of between 36 and 60 months.

Funding is available either competitively through an FYI NOFA or noncompetitively on a rolling basis in accordance with the application requirements outlined in Notice PIH 2020-28 or Notice PIH 2021-26, as applicable. Under the noncompetitive process, PHAs are limited to 25 vouchers in a fiscal year with the ability to request additional vouchers for those PHAs with 90 percent or greater utilization or utilization of its FUP and/or FYI vouchers, as applicable. For competitive awards, the number of vouchers is dependent on PHA program size and need.

19-II.B. PARTNERING AGENCIES [Notice PIH 2021-26; FYI Updates and Partnering Opportunities Webinar]

Public Child Welfare Agency (PCWA)

The PHA must enter into a partnership agreement with a PCWA in the PHA's jurisdiction in the form of a Memorandum of Understanding (MOU) or letter of intent. The PCWA is responsible for identifying and referring eligible youth to the PHA and providing or securing a commitment for the provision of supportive services once youth are admitted to the program.

HACA Policy

HACA will implement a Foster Youth to Independence (FYI) program in partnership with *Texas Department of Family Protective Services (DFPS)*

DFPS is responsible for:

- Identifying FYI-eligible youth;
- Developing a system of prioritization based on the level of need of the youth and the appropriateness of intervention;
- Providing a written certification to the PHA and the Austin/Travis County CoC's Coordinated Entry System that the youth is eligible; and
- Providing or securing supportive services for 36 months.

Continuum of Care (CoC) and Other Partners

HUD strongly encourages PHAs to add other partners into the partnership agreement with the PCWA such as state, local, philanthropic, faith-based organizations, and the CoC, or a CoC recipient it designates.

HACA Policy

In addition to the PCWA, the PHA will implement the FYI program in partnership with *the Ending Community Homelessness Coalition (ECHO), the Continuum of Care Lead Agency*

19-II.C. YOUTH ELIGIBILITY CRITERIA [Notice PIH 2021-26; FYI Q&As; FYI FAQs]

The PCWA is responsible for certifying that the youth has prior qualifying foster care involvement. As determined by the PCWA, eligible youth:

- Are at least 18 years of age and not more than 24 years of age (have not yet reached their 25th birthday);
 - Youth must be no more than 24 years of age at the time the PCWA certifies them as eligible and at the time of HAP contract execution.
- Have left foster care or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act;
 - Placements can include, but are not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes in accordance with 24 CFR 5.576;
- Are homeless or at risk of becoming homeless at age 16 and older;
 - *At risk of being homeless* is fully defined at 24 CFR 576.2.
 - o This includes a person that is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution). Therefore, youth being discharged from an institution may be eligible for an FYI voucher [FYI FAQs].

Eligibility is not limited to single persons. For example, pregnant and/or parenting youth are eligible to receive assistance assuming they otherwise meet eligibility requirements.

19-II.D. SUPPORTIVE SERVICES [Notice PIH 2021-26; FYI Updates and Partnering Opportunities Webinar; FYI Q&As]

Supportive services may be provided by the PHA, PCWA or a third party. The PCWA must provide or secure a commitment to provide supportive services for participating youth for the period of time defined in the NOFA/O for which the funding was made available. At a minimum, the following supportive services must be offered:

- Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation, and access to health care (e.g., doctors, medication, and mental and behavioral health services);
- Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance/referrals for assistance on security deposits, utility hook-up fees, and utility deposits;
- Providing such assurances to owners of rental property as are reasonable and necessary to assist eligible youth to rent a unit with a voucher;
- Job preparation and attainment counseling (where to look/how to apply, dress, grooming, relationships with supervisory personnel, etc.); and
- Educational and career advancement counseling regarding attainment of general equivalency diploma (GED) or attendance/financing of education at a technical school, trade school, or college, including successful work ethic and attitude models.

HACA Policy

The following additional supportive services will be offered as needed and as available: security and utility deposits; SOAR benefits application assistance; childcare; LGBTQ support; parenting education, and transportation.

Since participation in supportive services is optional, but strongly encouraged, an FYI participant may decline supportive service.

19-II.E. REFERRALS AND WAITING LIST MANAGEMENT [Notice PIH 2021-26; FYI Updates and Partnering Opportunities Webinar; FYI FAQs]

Referrals

The PCWA is responsible for certifying that the youth has prior qualifying foster care involvement. Once the PCWA sends the PHA and the Coordinated Entry System confirmation certifying the youth is program-eligible, the PHA determines HCV eligibility.

The PCWA must have a system for identifying eligible youth within the agency's caseload and reviewing referrals from other partners, as applicable. The PCWA must also have a system for prioritization of referrals to ensure that youth are prioritized for an FYI voucher based upon their level of need and appropriateness of the intervention.

Referrals may come from other organizations in the community who work with the population, but the PCWA must certify that the youth meets eligibility requirements, unless the PCWA has vested another organization with this authority.

The PHA is not required to maintain full documentation that demonstrates the youth's eligibility as determined by the PCWA but should keep the referral or certification from the PCWA. The PCWA is not required to provide the PHA with HCV eligibility documents.

HACA Policy

HACA and DFPS have identified staff positions to serve as lead FYI liaisons. These positions will be responsible for transmission and acceptance of referrals. DFPS must commit sufficient staff and resources to ensure eligible youths are identified, prioritized, and determined eligible in a timely manner.

When vouchers are available, the PHA liaison responsible for acceptance of referrals will contact the DFPS liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than 10 business days from the date DFPS receives this notification, the DFPS liaison must provide HACA with a list of eligible referrals, a completed release form, and a written certification for each referral indicating the referral is eligible. The list will include the name, address, and contact phone number for each adult individual who is being referred.

HACA will maintain a copy of each certification from DFPS in the participant's file along with other eligibility paperwork.

Waiting List Placement [Notice PIH 2021-26 and FYI FAQs]

The PHA must use the HCV waiting list for the FYI program. Youth already on the HCV program may not be transferred to an FYI voucher since they are not homeless or at-risk of homelessness.

Once a referral is made, the PHA must compare the list of PCWA referrals to its HCV waiting list to determine if any applicants on the PCWA's referral list are already on the PHA's HCV waiting list. Applicants already on the PHA's HCV waiting list retain the order of their position on the list. Applicants not already on the PHA's HCV waiting list must be placed on the HCV waiting list.

If the PHA's HCV waiting list is closed, the PHA must open its HCV waiting list in order to accept new referrals. The PHA may reopen the waiting list to accept an FYI eligible youth without opening the waiting list for other applicants; however, the requirements at 24 CFR 982.206 for giving public notice when opening and closing the waiting list apply (see section 4-II.C., Opening and Closing the Waiting List of this administrative plan).

HACA Policy

Within 10 business days of receiving the referral from DFPS, HACA will review the HCV waiting list and will send DFPS a list confirming whether or not referrals are on the waiting list.

Referrals who are already on the list will retain their position and the list will be notated to indicate the applicant is FYI-eligible.

For those referrals not already on the waiting list, HACA will work with DFPS or identified partner agency to ensure they receive and successfully complete a pre-application or application, as applicable. Once the pre-application or application has been completed, HACA will place the referral on the HCV waiting list with the date and time of the original referral and an indication that the referral is FYI-eligible.

Waiting List Selection

The PHA selects eligible youths based on the PHA's regular HCV waiting list selection policies in Chapter 4, including any preferences that may apply.

19-II.F. PHA HCV ELIGIBILITY DETERMINATION [FYI FAQs]

Once an eligible youth is selected from the HCV waiting list, the PHA must determine whether the youth meets HCV program eligibility requirements. Applicants must be eligible under both FYI eligibility requirements and HCV eligibility requirements as outlined in Chapter 3 of this policy.

The PCWA may, but is not obligated to, provide information to the PHA on the youth's criminal history.

HACA Policy

DFPS will not provide information regarding the applicant's criminal history to HACA.

Additional Eligibility Factors

Youth must be no more than 24 years old both at the time of PCWA certification and at the time of the HAP execution. If a youth is 24 at the time of PCWA certification but will turn 25 before the HAP contract is executed, the youth is no longer eligible for a FYI voucher.

HACA Policy

Any applicant that does not meet the eligibility criteria for the HCV program listed in Chapter 3 or any eligibility criteria listed in this section will be notified by HACA in writing following policies in Section 3-III.F, including stating the reasons the applicant was found ineligible and providing an opportunity for an informal review.

19-II.G. LEASE UP [FR Notice 1/24/22]

Once the PHA determines that the family or youth meets HCV eligibility requirements, the youth will be issued an FYI voucher in accordance with PHA policies.

During the family briefing, PHAs must inform the FYI voucher holder of:

- The extension of assistance provisions and requirements;
- The availability of the FSS program and offer them an FSS slot, if available, or offer to place them on the FSS waiting list (provided the PHA has an FSS program); and
- The supportive services available to them, the existence of any other programs or services, and their eligibility for such programs and services. However, participation in supportive services cannot be required as a condition of receiving FYI assistance.

HACA Policy

Eligible applicants will be notified by HACA in writing following policies in Section 3-III.F. of this policy. FYI youth will be briefed individually. The PHA will provide all aspects of the written and oral briefing as outlined in Part I of Chapter 5.

Vouchers will be issued in accordance with HACA policies in Chapter 5, Part II, except that HACA will consider one additional 30-day extension beyond the first automatic extension for any reason, not just those listed in the policy in Section 5-II.E.

Once the youth locates a unit, the PHA conducts all other processes relating to voucher issuance and administration per HCV program regulations and the PHA policy in Chapter 9.

Should a youth fail to use the voucher, the PHA may issue the voucher to another eligible youth if one has been identified [Notice PIH 2021-26].

Turnover [FYI FAQs]

For PHAs awarded FYI Tenant Protection Vouchers (TPVs) under Notice PIH 2019-20 where the recipient of the FYI TPV leaves the program, the PHA may request an FYI voucher under the requirements of Notice PIH 2021-26. (Not applicable to HACA)

For PHAs awarded FYI vouchers under Notices PIH 2020-28 and PIH 2021-26, where the recipient of the FYI voucher leaves the program, the PHA must continue to use the FYI voucher for eligible youth upon turnover. Where there are more eligible youth than available FYI turnover vouchers, the PHA may request an FYI voucher under the requirements of Notice PIH 2021-26. If another eligible youth is not available, the PHA must notify HUD, and HUD will reduce the PHA's HCV assistance to account for the removal of the FYI assistance from the PHA's HCV baseline.

19-II.H. MAXIMUM ASSISTANCE PERIOD [Notice PIH 2021-26 and FYI FAQs; FR Notice 1/24/22]

Vouchers are limited by statute to a total of between 36 months and 60 months of housing assistance. At the end of the statutory time period, assistance must be terminated. However, any period of time for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the limitation. It is not permissible to reissue another FYI TPV to the same youth upon expiration of their FYI assistance.

Participants do not “age out” of the program. A participant may continue with the program until they have received the period of assistance for which they are eligible. Age limits are only applied for entry into the program.

Extension of Assistance

FYI voucher holders who first leased or lease a unit after December 27, 2020, may be eligible for an extension of assistance up to 24 months beyond the 36-month time limit (for a total of 60 months of assistance).

While FYI voucher holders cannot be required to participate in the Family Self-Sufficiency (FSS) program as a condition of receipt of assistance, an eligible youth who participates in the FSS program and is in compliance with the applicable terms and conditions of the program is entitled to receive assistance for up to an additional 24 months. A FYI voucher holders must accept an FSS slot if it is offered to them prior to the 36-month mark in order to receive an extension of assistance (unless the youth meets one of the statutory exceptions described below).

Statutory Exceptions

FYI voucher holders will be entitled to receive an extension of assistance for up to 24 months beyond the 36-month time limit without participating in the PHA’s FSS program if they certify that they meet one of the exceptions below:

- The FYI voucher holder is a parent or other household member responsible for the care of a dependent child under the age of six or for the care of an incapacitated person.

HACA Policy

HACA and the State of Texas defines *incapacitated person* as

- (1) a minor;
- (2) an adult who, because of a physical or mental condition, is substantially unable to:
 - (A) provide food, clothing, or shelter for himself or herself;
 - (B) care for the person's own physical health; or
 - (C) manage the person's own financial affairs; or
- (3) a person who must have a guardian appointed for the person to receive funds due the person from a governmental source.

. HACA will apply this exception in a manner that provides extensions of FYI assistance to the broadest population possible consistent with the statutory requirements.

The FYI voucher holder will be required to self-certify that they meet this exception on a HACA-provided form. This certification is the only documentation that the FYI voucher holder must submit.

The child or incapacitated person is not required to reside in the household in order for the FYI voucher holder to certify they meet this exception. For example, a child in a joint custody arrangement under the age of six who resides in the household only part time may qualify the FYI voucher holder for this exception.

- The FYI voucher holder is a person who is regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program.

HACA Policy

HACA will define *regular and active participation* in a manner that provides extensions of FYI voucher holder assistance to the broadest population possible consistent with the statutory requirements.

The FYI voucher holder will be required to self-certify that they meet this exception on a HACA-provided form. This certification is the only documentation that the FYI voucher holder must submit.

- The FYI voucher holder is a person who is incapable of complying with the requirement to participate in a FSS program as described above or engage in education, workforce development, or employment activities as described below, as applicable, due to a documented medical condition.

HACA Policy

HACA will apply this requirement in a manner that provides extensions of FYI voucher holder assistance to the broadest population possible consistent with statutory requirements.

The FYI voucher holder will be required to self-certify that they meet this exception on a HACA-provided form. This certification is the only documentation that the FYI voucher holder must submit.

An FYI voucher holder that meets one of the above exceptions must still be offered an opportunity to enroll in the PHA's FSS program (if it is available to them) and receive any supportive services available to FYI voucher holders. An FYI voucher holder may choose to participate in an FSS program or engage in education, workforce development, or employment activities, even if they meet one of the above statutory exceptions.

Education, Workforce Development, or Employment Activities

If a PHA that carries out an FSS program is unable to offer a FYI voucher holder an FSS slot during their first 36 months of receiving FYI assistance, the FYI voucher holder is considered to have been “unable to enroll” in the program and may have their voucher extended by meeting the education, workforce development, or employment criteria described below:

- The FYI voucher holder was engaged in obtaining a recognized postsecondary credential or a secondary school diploma or its recognized equivalent.

HACA Policy

HACA will use the definitions of *recognized postsecondary credential* and *secondary school diploma or its recognized equivalent* under the Workforce Innovation and Opportunity Act (WIOA). WIOA defines a *recognized postsecondary credential* as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate or baccalaureate degree (29 U.S.C. 3102). Examples of a recognized postsecondary credential include, but are not limited to, an associate’s degree, bachelor’s degree, occupational licensure, or occupational certification (see U.S. Department of Labor, Training and Employment Guidance Letter No. 10–16, Change 1). For the purpose of WIOA, the U.S. Department of Labor defines a *secondary school diploma or its recognized equivalent* as a secondary school diploma (or alternate diploma) that is recognized by a state and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirement for a high school education. Examples of a secondary school diploma or its recognized equivalent include, but are not limited to, obtaining certification of attaining passing scores on a state-recognized high school equivalency test, earning a secondary school diploma or state-recognized equivalent, or obtaining certification of passing a state-recognized competency-based assessment.

- The FYI voucher holder was enrolled in an *institution of higher education*, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or an institution that meets the definition of a *proprietary institution of higher education* or a *postsecondary vocational institution* under sections 102(b)(1) and (c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)(1) and (c)(1)), respectively.

HACA Policy

The FYI voucher holder must be enrolled in education activities on at least a half-time basis, as defined by the institution which they attend. However, HACA may make exceptions to this requirement if the FYI voucher holder is unable to enroll in a sufficient number of classes due to a lack of course offerings by the educational institution where they are enrolled.

- The FYI voucher holder was participating in a career pathway, as such term is defined in Section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).
- The FYI voucher holder was employed.

HACA Policy

HACA will consider the FYI voucher holder to be employed if they work a minimum of 20 hours per week. HACA may make exceptions to this requirement if the FYI voucher holder's hours are reduced due to circumstances beyond their control or the FYI voucher holder must temporarily reduce their work hours due to a verified family emergency.

FSS Enrollment at 24 Months

If the FYI voucher holder has not been provided an opportunity to enroll in the FSS program during the first 24 months of FYI assistance, HUD encourages the PHA to remind the FYI voucher holder at the 24-month reexamination of the education, workforce development, and employment requirements described above so that they have enough time to meet these requirements prior to the expiration of the 36-month time period for FYI assistance.

HACA Policy

If the FYI voucher holder has not been provided an opportunity to enroll in the FSS program during the first 24 months of FYI assistance, HACA will remind the FYI voucher holder at their second regular reexam of the education, workforce development, and employment requirements described above.

FSS Enrollment Between 36 and 48 Months

If an FSS slot becomes available between the 36-month and 48-month mark:

- The PHA must offer the slot to an FYI voucher holder who had their voucher extended based on meeting the education, workforce development, or employment requirement listed above, or one of the statutory exceptions listed above (even if the FYI voucher holder previously declined an FSS slot because they met one of the statutory exceptions).
- The PHA must work with the FYI voucher holder to determine whether enrollment in FSS is feasible and in their best interest given any education, workforce development, or employment activities that the FYI voucher holder is engaged in and any statutory exceptions that apply to the FYI voucher holder, as well as the remaining time on their voucher.
- If the FYI voucher holder accepts the FSS slot, the PHA must work with them to establish Contract of Participation goals and an Individual Training and Services Plan (ITSP) that can be accomplished within the time period left on the voucher.

If the FYI voucher holder is offered an FSS slot prior to the 36-month mark, the FYI voucher holder:

- Will be required to enroll in the FSS program in order to receive an extension of assistance at the end of the 36-month time period (unless they meet one of the statutory exceptions described above).

- Will not be considered to have been “unable to enroll” in the FSS program, and as a result, will not be eligible to receive an extension of assistance based on meeting the education, workforce development, or employment requirements described above.

FSS Enrollment After 48 Months

The PHA may, but is not required, to offer an FYI voucher holder an FSS slot that becomes available between the 48-month mark and the 60-month mark, since the FYI voucher holder will have already received their second and final extension.

HACA Policy

If an FSS slot becomes available between the 48 and 60-month marks, HACA will not offer the FSS slot to an FYI voucher holder.

Extensions of Assistance

At the 36-month and 48-month reexamination, the PHA must extend FYI assistance if the FYI voucher holder is participating in and in compliance with the FSS program as long as the FYI voucher holder is still eligible for the HCV program.

In any case, the FYI voucher holder cannot receive more than a total of 60 months of FYI assistance even if the FSS Contract of Participation time period extends beyond the voucher 60-month mark.

No FSS Program or Unable to Enroll in FSS

If a PHA does not carry out an FSS program or the FYI voucher holder has been unable to enroll in the program during the first 36 months of receiving FYI assistance, the FYI voucher holder is entitled to receive an extension of assistance for up to two successive 12-month periods beyond the 36-month time limit provided that the FYI voucher holder engaged in at least one of the education, workforce development, or employment activities described above for not less than nine months of the 12-month period preceding each extension. In order to meet the nine months out of the preceding 12 months requirement, the FYI voucher holder may have engaged in one of the education, workforce development, or employment activities described above or a combination of these activities.

Verification Prior to Annual Reexam

In order to provide an extension of assistance, the PHA must verify compliance with the above requirements at the end of the 36-month time period and the 48-month time periods. The PHA does not need to verify compliance with these requirements at the end of the 60-month time period since the maximum length of assistance is 60 months.

To verify compliance with the education, workforce development, or employment requirement or one of the statutory exceptions, the PHA must provide the FYI voucher holder written notification informing them that they

may receive an extension of their FYI assistance and providing instructions on how the FYI voucher holder may demonstrate that they meet one of these conditions. This notification must be provided sufficiently in advance of the end of the 36-month or 48-month time periods, as applicable, to allow the FYI voucher holder to demonstrate that they meet the education, workforce development, or employment requirement, or one of the statutory exceptions, and for the PHA to conduct an annual reexamination prior to the expiration of the FYI assistance.

HACA Policy

HACA will verify compliance with the education, workforce development, or employment requirement, or one of the statutory exceptions, at the end of the 36-month and 48-month time periods prior to the FYI voucher holder's scheduled annual reexamination. HACA will not verify compliance at the end of the 60-month time period.

HACA will provide each FYI voucher holder on the PHA's program with a written notification informing them that they may receive an extension of their FYI assistance if they meet conditions outlined in this chapter and providing them with instructions on how they may demonstrate compliance at least 60 days prior to their scheduled annual reexam date. When necessary, HACA will provide this notification in a format accessible to FYI voucher holders with disabilities and in a translated format for FYI voucher holders with limited English proficiency in accordance with Chapter 2.

HACA will use the following verification methods to verify an FYI voucher holder's eligibility for voucher extensions:

To verify compliance with the FSS requirement, HACA will examine its records to confirm, or obtain confirmation from the HACA's FSS program staff, that the FYI participant is in compliance with FSS program requirements and has not been terminated from the FSS program.

To meet the education, workforce development, or employment requirement, HACA will verify that the FYI voucher holder was engaged in at least one education, workforce development, or employment activity for at least nine months of the 12-month period immediately preceding the end of the 36-month or 48-month time period, as applicable.

Due to the timing of when HACA verifies compliance and conducts the annual reexamination, the FYI voucher holder may have not yet met the nine-month requirement but may be able to demonstrate that they will meet the nine-month requirement as of the end of the 36-month or 48-month time period. In such cases, the FYI voucher holder will still be considered to have met the requirements.

In order for the FYI voucher holder to meet one of the statutory exceptions described above, the FYI voucher holder must submit a certification to HACA that they meet one of these exceptions. This certification is the only documentation that the FYI voucher holder must submit in order to demonstrate that they meet one of the statutory exceptions.

An FYI voucher holder who received an extension of voucher assistance at the end of the 36-month time period based on meeting one of the conditions described in this chapter does not have to meet the same conditions when they reach the end of the 48-month time period. The FYI voucher holder may demonstrate that they meet a different condition in order to receive an extension of their assistance.

If the PHA determines that the FYI voucher holder meets one of the statutory conditions, the PHA would then conduct an annual reexamination. If the annual reexamination determines that the FYI voucher holder is still eligible for the HCV program, the PHA must provide the FYI voucher holder the extension of voucher assistance.

Termination of Assistance for Failure to Meet Conditions

Failure of the FYI voucher holder to meet one of the above conditions will only impact their ability to receive subsequent extensions of assistance. It will not serve as a basis for terminating the FYI assistance prior to the annual reexam.

If the FYI voucher holder does not meet any of the statutory conditions described in in this chapter, the youth is subject to the statutory time limit of 36 months or the time limit of any extension that the youth has already received, and the FYI voucher must be terminated once they reach this time limit. The calculation of the time limit begins from the date the first HAP contract is signed (for tenant-based vouchers) or from the date the FYI voucher holder entered into the initial lease agreement (for project-based vouchers). The number of months is calculated based on the number of months that HAP subsidy is being paid on behalf of the FYI voucher holder, not the number of months that they are in the FYI program. Prior to termination, the PHA must offer the FYI voucher holder the opportunity to request an informal hearing, in accordance with Chapter 16.

19-II.I. TERMINATION OF ASSISTANCE [FYI FAQs]

Termination of a FYI voucher is handled in the same way as with any HCV; therefore, termination of a FYI voucher must be consistent with HCV regulations at 24 CFR Part 982, Subpart L and PHA policies in Chapter 12. Given the statutory time limit that requires FYI vouchers to sunset, a PHA must terminate the youth's assistance once the limit on assistance has expired.

A PHA cannot terminate a FYI youth's assistance for noncompliance with PCWA case management, nor may the PHA terminate assistance for a FYI youth for not accepting services from the PCWA.

The PHA may not transfer the assistance of FYI voucher holders to regular HCV assistance upon the expiration of the limit on assistance. However, the PHA may issue a regular HCV to FYI voucher holders if they were selected from the waiting list in accordance with PHA policies. The PHA may also adopt a waiting list preference for FYI voucher holders who are being terminated for this reason.

HACA Policy^[DS1]

HACA provides a selection preference on HACA's HCV waiting list for FYI voucher holders who are terminated due to the time limit on assistance.

19-II.J. PORTABILITY [FYI FAQs]

Portability for an FYI youth is handled in the same way as for a regular HCV family. A PHA may not restrict or deny portability for an FYI youth for reasons other than those specified in the HCV program regulations, as reflected in Chapter 10 of the administrative plan.

An FYI youth does not have to port to a jurisdiction that administers FYI vouchers.

If the receiving PHA absorbs the voucher, the PHA may absorb the youth into its regular HCV program if it has vouchers available to do so. If the receiving PHA absorbs the youth into its regular HCV program, that youth becomes a regular HCV participant with none of the limitations of an FYI voucher.

The initial and receiving PHA must work together to initiate termination of assistance upon expiration of the time limit on assistance.

19-II.K. PROJECT-BASING FYI VOUCHERS [FYI FAQs; FR Notice 1/24/22]

The PHA may project-base certain FYI vouchers without HUD approval in accordance with all applicable PBV regulations and PHA policies in Chapter 17. This includes FYI vouchers awarded under Notices PIH 2020-28 and PIH 2021-26. Assistance awarded under Notice PIH 2019-20 is prohibited from being project-based.

HACA Policy

HACA may elect to project-base FYI vouchers.

PART III: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM

19-III.A. OVERVIEW

Since 2008, HCV program funding has provided rental assistance under a supportive housing program for homeless veterans. The Veterans Affairs Supportive Housing (VASH) program combines HCV rental assistance with case management and clinical services provided by the Department of Veterans Affairs (VA) at VA medical centers (VAMCs) and Community-Based Outpatient Clinics (CBOCs), or through a designated service provider (DSP) as approved by the VA Secretary. Eligible families are homeless veterans and their families that agree to participate in VA case management and are referred to the VAMC's partner PHA for HCV assistance. The VAMC or DSP's responsibilities include:

- Screening homeless veterans to determine whether they meet VASH program participation criteria;
- Referring homeless veterans to the PHA;
 - The term *homeless veteran* means a veteran who is homeless (as that term is defined in subsection (a) or (b) of Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)). See 38 U.S.C. 2002.
- Providing appropriate treatment and supportive services to potential VASH participants, if needed, prior to PHA issuance of a voucher;
- Providing housing search assistance to VASH participants;
- Identifying the social service and medical needs of VASH participants, and providing or ensuring the provision of regular ongoing case management, outpatient health services, hospitalization, and other supportive services as needed throughout the veterans' participation period; and
- Maintaining records and providing information for evaluation purposes, as required by HUD and the VA.

VASH vouchers are awarded noncompetitively based on geographic need and PHA administrative performance. Eligible PHAs must be located within the jurisdiction of a VAMC and in an area of high need based on data compiled by HUD and the VA. When Congress funds a new allocation of VASH vouchers, HUD invites eligible PHAs to apply for a specified number of vouchers.

Generally, the HUD-VASH program is administered in accordance with regular HCV program requirements. However, HUD is authorized to waive or specify alternative requirements to allow PHAs to effectively deliver and administer VASH assistance. Alternative requirements are established in the HUD-VASH Operating Requirements, which were originally published in the Federal Register on May 6, 2008, and updated September 27, 2021.

Unless expressly waived by HUD, all regulatory requirements and HUD directives regarding the HCV program are applicable to VASH vouchers, including the use of all HUD-required contracts and other forms, and all civil rights and fair housing requirements. In addition, the PHA may request additional statutory or regulatory waivers that it determines are necessary for the effective delivery and administration of the program.

The VASH program is administered in accordance with applicable Fair Housing requirements since civil rights requirements cannot be waived under the program. These include applicable authorities under 24 CFR 5.105(a) and 24 CFR 982.53 including, but not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination Act and all PHA policies as outlined in Chapter 2 of this document.

When HUD-VASH recipients include veterans with disabilities or family members with disabilities, reasonable accommodation requirements in Part II of Chapter 2 of this policy apply.

19-III.B. REFERRALS [FR Notice 9/27/21 and HUD-VASH Qs and As]

VAMC case managers will screen all families in accordance with VA screening criteria and refer eligible families to the PHA for determination of program eligibility and voucher issuance. The PHA has no role in determining or verifying the veteran's eligibility under VA screening criteria, including determining the veteran's homelessness status. The PHA must accept referrals from the partnering VAMC and must maintain written documentation of referrals in VASH tenant files. Upon turnover, VASH vouchers must be issued to eligible veteran families as identified by the VAMC.

HACA Policy

In order to expedite the screening process, HACA will provide all forms and a list of documents required for the VASH application to the VAMC. Case managers will work with veterans to fill out the forms and compile all documents prior to meeting with HACA and submitting an application. When feasible, the VAMC case manager should email or fax copies of all documents to the PHA prior to the meeting in order to allow HACA time to review them and start a file for the veteran.

After the VAMC has given HACA a complete referral, HACA will perform an eligibility screening within five business days of receipt of a VAMC referral.

19-III.C. HCV PROGRAM ELIGIBILITY [FR Notice 9/27/21]

Eligible participants are homeless veterans and their families who agree to participate in case management from the VAMC.

- A *VASH Veteran* or *veteran family* refers to either a single veteran or a veteran with a household composed of two or more related persons. It also includes one or more eligible persons living with the veteran who are determined to be important to the veteran's care or well-being.
- A veteran for the purpose of VASH is a person whose length of service meets statutory requirements, and who served in the active military, naval, or air service, was discharged or released under conditions other than dishonorable, and is eligible for VA health care.

Under VASH, PHAs do not have authority to determine family eligibility in accordance with HCV program rules and PHA policies. The only reasons for denial of assistance by the PHA are failure to meet the income eligibility requirements and/or that a family member is subject to a lifetime registration requirement under a state sex offender registration program. Under portability, the receiving PHA must also comply with these VASH screening requirements.

Social Security Numbers

When verifying Social Security numbers (SSNs) for homeless veterans and their family members, an original document issued by a federal or state government agency, which contains the name and SSN of the individual along with other identifying information of the individual, is acceptable in accordance with Section 7-II.B. of this policy.

In the case of the homeless veteran, the PHA must accept the Certificate of Release or Discharge from Active Duty (DD-214) or the VA-verified Application for Health Benefits (10-10EZ) as verification of SSN and cannot require the veteran to provide a Social Security card. A VA-issued identification card may also be used to verify the SSN of a homeless veteran.

Proof of Age

The DD-214 or 10-10EZ must be accepted as proof of age in lieu of birth certificates or other PHA-required documentation as outlined in Section 7-II.C. of this policy. A VA-issued identification card may also be used to verify the age of a homeless veteran.

Photo Identification

A VA-issued identification card must be accepted in lieu of another type of government-issued photo identification. These cards also serve as verification of SSNs and date of birth.

Income Eligibility

The PHA must determine income eligibility for VASH families in accordance with 24 CFR 982.201 and policies in Section 3-II.A. If the family is over-income based on the most recently published income limits for the family size, the family will be ineligible for HCV assistance.

While income-targeting does not apply to VASH vouchers, the PHA may include the admission of extremely low-income VASH families in its income targeting numbers for the fiscal year in which these families are admitted.

HACA Policy

While income-targeting requirements will not be considered by HACA when families are referred by the partnering VAMC, HACA will include any extremely low-income VASH families that are admitted in its income targeting numbers for the fiscal year in which these families are admitted.

Screening

The PHA may not screen any potentially eligible family members or deny assistance for any grounds permitted under 24 CFR 982.552 and 982.553 with one exception: the PHAs is still required to prohibit admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. Accordingly, with the exception of denial for registration as a lifetime sex offender under state law and PHA policies on how sex offender screenings will be conducted, PHA policy in Sections 3-III.B. through 3-III.E. do not apply to VASH. The prohibition against screening families for anything other than lifetime sex offender status applies to all family members, not just the veteran.

If a family member is subject to lifetime registration under a state sex offender registration program, the remaining family members may be served if the family agrees to remove the sex offender from its family composition. This is true unless the family member subject to lifetime registration under a state sex offender registration program is the homeless veteran, in which case the family would be denied admission to the program [New HCV GB, *HUD-VASH*, p. 6].

Denial of Assistance [Notice PIH 2008-37]

Once a veteran is referred by the VAMC, the PHA must either issue a voucher or deny assistance. If the PHA denies assistance, it must provide the family with prompt notice of the decision and a brief statement of the reason for denial in accordance with Section 3-III.F. Like in the standard HCV program, the family must be provided with the opportunity for an informal review in accordance with policies in Section 3-III.F. In addition, a copy of the denial notice must be sent to the VAMC case manager.

19-III.D. CHANGES IN FAMILY COMPOSITION**Adding Family Members [FR Notice 9/27/21]**

When adding a family member after the family has been admitted to the program, PHA policies in Section 3-II.B. apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and will apply its regular screening criteria in doing so.

Remaining Family Members [HUD-VASH Qs and As]

If the homeless veteran dies while the family is being assisted, the voucher would remain with the remaining members of the tenant family. The PHA may use one of its own regular vouchers, if available, to continue assisting this family and free up a VASH voucher for another VASH-eligible family. If a regular voucher is not available, the family would continue utilizing the VASH voucher. Once the VASH voucher turns over, however, it must go to a homeless veteran family.

Family Break Up [HUD-VASH Qs and As]

In the case of divorce or separation, since the set-aside of VASH vouchers is for veterans, the voucher must remain with the veteran. This overrides the PHA's policies in Section 3-I.C. on how to determine who remains in the program if a family breaks up.

19-III.E. LEASING [FR Notice 9/27/21]**Waiting List**

The PHA does not have the authority to maintain a waiting list or apply local preferences for HUD–VASH vouchers. Policies in Chapter 4 relating to applicant selection from the waiting list, local preferences, special admissions, cross-listing, and opening and closing the waiting list do not apply to VASH vouchers.

Exception Payment Standards

To assist VASH participants in finding affordable housing, especially in competitive markets, HUD allows PHAs to establish a HUD-VASH exception payment standard. PHAs may go up to but no higher than 120 percent of the published area-wide fair market rent (FMR) or small area fair market rent (SAFMR) specifically for VASH families. PHAs who want to establish a VASH exception payment standard over 120 percent must still request a waiver from HUD through the regular waiver process outlined in Notice PIH 2018-16.

HACA Policy

HACA ~~will~~ may establish a HUD-VASH exception payment standard at 120% of the published area-wide FMR.

Voucher Issuance

Unlike the standard HCV program which requires an initial voucher term of at least 60 days, VASH vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Section 5-II.E. will apply.

HACA Policy

All VASH vouchers will have an initial term of 120 calendar days.

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

The PHA must track issuance of HCVs for families referred by the VAMC or DSP in PIC as required in Notice PIH 2011-53.

Initial Lease Term

Unlike in the standard the HCV program, VASH voucher holders may enter into an initial lease that is for less than 12 months. Accordingly, PHA policy in Section 9-I.E., Term of Assisted Tenancy, does not apply.

Ineligible Housing [FR Notice 6/18/14]

Unlike in the standard HCV program, VASH families are permitted to live on the grounds of a VA facility in units developed to house homeless veterans. This applies to both tenant-based assistance and PBV. Therefore, 24 CFR

982.352(a)(5) and 983.53(a)(2), which prohibit units on the physical grounds of a medical, mental, or similar public or private institution, do not apply to VASH for this purpose only. Accordingly, PHA policy in 9-I.D., Ineligible Units, does not apply for this purpose only.

HQS Pre-Inspections

To expedite the leasing process, PHAs may pre-inspect available units that veterans may be interested in leasing in order to maintain a pool of eligible units. If a VASH family selects a unit that passed an HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (Form HUD-52517), the unit may be approved if it meets all other conditions under 24 CFR 982.305. However, the veteran must be free to select their unit and cannot be steered to these units.

HACA Policy

To expedite the leasing process, HACA may pre-inspect available units that veterans may be interested in leasing to maintain a pool of eligible units. If a VASH family selects a unit that passed a HQS pre-inspection (without intervening occupancy) within 45 days of the date of the RTA, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305. The veteran will be free to select their unit.

When a pre-inspected unit is not selected, HACA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for both initial and any required reinspections.

19-III.F. PORTABILITY [FR Notice 9/27/21 and Notice PIH 2011-53]**General Requirements**

Portability policies under VASH depend on whether the family wants to move within or outside of the initial VA facility's catchment area (the area in which the VAMC or DSP operates). In all cases, the initial VA facility must be consulted prior to the move and provide written confirmation that case management will continue to be provided in the family's new location. VASH participant families may only reside in jurisdictions that are accessible to case management services, as determined by case managers at the partnering VAMC or DSP.

Under VASH, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied. As a result, PHA policies in Section 10-II.B. about nonresident applicants do not apply.

If the family no longer requires case management, there are no portability restrictions. Normal portability rules apply.

Portability within the Initial VAMC or DSP's Catchment Area

A VASH family can move within the VAMC's catchment area as long as case management can still be provided, as determined by the VA. If the initial PHA's partnering VAMC will still provide the case management services, the receiving PHA must process the move in accordance with portability procedures:

- If the receiving PHA has been awarded VASH vouchers, it can choose to either bill the initial PHA or absorb the family if it has a VASH voucher available to do so.
 - If the PHA absorbs the family, the VAMC or DSP providing the initial case management must agree to the absorption and the transfer of case management.
- If the receiving PHA does not administer a VASH program, it must always bill the initial PHA.

Portability Outside of the Initial VAMC or DSP's Catchment Area

If a family wants to move to another jurisdiction where it will not be possible for the initial PHA's partnering VAMC or DSP to provide case management services, the initial VAMC or DSP must first determine that the VASH family could be served by another VAMS or DSP that is participating in the VASH program, and the receiving PHA has an available VASH voucher.

In these cases, the family must be absorbed by the receiving PHA either as a new admission or as a portability move-in, as applicable. Upon absorption, the initial PHA's VASH voucher will be available to lease to a new VASH-eligible family, and the absorbed family will count toward the number of VASH slots awarded to the receiving PHA.

Portability Outside of the Initial VAMC or DSP's Catchment Area under VAWA

Veterans who request to port beyond the catchment area of the VAMC or DSP where they are receiving case management to protect the health or safety of a person who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believes they are threatened with imminent harm from further violence by remaining in the unit may port prior to receiving approval from the receiving VAMC or DSP. The initial PHA must follow its emergency transfer plan (see Exhibit 16-3). PHAs may require verbal self-certification or a written request from a participant seeing a move beyond the catchment area of the VAMC or DSP.

The verbal self-certification or written request must include either a statement expressing why the participant reasonably believes that there is a threat of imminent harm from further violence if they were to remain in the same unit or a statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-day period preceding the participants request for the move.

The participant must still port to a PHA that has a VASH program. If the receiving PHA does not have a VASH voucher available to lease, they may bill the initial PHA until a VASH voucher is available, at which point the porting veteran must be absorbed into the receiving PHA's program.

19-III.G. TERMINATION OF ASSISTANCE [FR Notice 9/27/21]

With the exception of terminations for failure to receive case management, HUD has not established any alternative requirements for termination of assistance for VASH participants. However, prior to terminating VASH participants, HUD strongly encourages PHAs to exercise their discretion under 24 CFR 982.552(c)(2) as outlined in Section 12-II.D. of this policy and consider all relevant circumstances of the specific case. This includes granting reasonable accommodations for persons with disabilities, as well as considering the role of the case manager and the impact that ongoing case management services can have on mitigating the conditions that led to the potential termination.

VASH participant families may not be terminated after admission for a circumstance or activities that occurred prior to admission and were known to the PHA but could not be considered at the time of admission due to VASH program requirements. The PHA may terminate the family's assistance only for program violations that occur after the family's admission to the program.

Cessation of Case Management

As a condition of receiving HCV rental assistance, a HUD-VASH-eligible family must receive case management services from the VAMC or DSP. A VASH participant family's assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC or DSP.

However, a VAMC or DSP determination that the participant family no longer requires case management is not grounds for termination of voucher or PBV assistance. In such a case, at its option, the PHA may offer the family continued assistance through one of its regular vouchers. If the PHA has no voucher to offer, the family will retain its VASH voucher or PBV unit until such time as the PHA has an available voucher for the family.

VAWA [FR Notice 9/27/21]

When a veteran's family member is receiving protection under VAWA because the veteran is the perpetrator of domestic violence, dating violence, sexual assault, or stalking, the victim must continue to be assisted. Upon termination of the perpetrator's VASH assistance, the victim must be given a regular HCV if one is available, and the perpetrator's VASH voucher must be used to serve another eligible veteran family. If a regular HCV is not available, the perpetrator must be terminated from assistance and the victim will continue to use the VASH voucher.

19-III.H. PROJECT-BASING VASH VOUCHERS

General Requirements [Notice PIH 2017-21 and FR Notice 9/27/21]

PHAs are authorized to project-base their tenant-based VASH vouchers without additional HUD review or approval in accordance with Notice PIH 2017-21 and all PBV program requirements provided that the VAMC will continue to make supportive services available. In addition, since 2010, HUD has awarded VASH vouchers specifically for project-based assistance in the form of PBV HUD-VASH set-aside vouchers. While these vouchers are excluded from the PBV program cap as long as they remain under PBV HAP contract at the designated project, all other VASH vouchers are subject to the PBV program percentage limitation discussed in Section 17-I.A. Note that VASH supportive services only need to be provided to VASH families receiving PBV assistance in the project, not all families receiving PBV assistance in the project. If a VASH family does not require or no longer requires case management, the unit continues to count as an excepted PBV unit as long as the family resides in the unit.

If the PHA project-bases VASH vouchers, the PHA must consult with the partnering VAMC or DSP to ensure approval of the project or projects. PHAs may project-base VASH vouchers in projects alongside other PBV units and may execute a single HAP contract covering both the VASH PBVs and the other PBVs. The PHA must refer only VASH families to PBV units exclusively made available to VASH families and to PBV units funded through a HUD set-aside award.

If a VASH family is referred to the PHA and there is an available PBV unit that is not exclusively made available to VASH families, the PHA may offer to refer the family to the owner if allowable under the selection policy for that project, and the owner and PHA may amend the HAP contract to designate the PBV unit as a VASH PBV unit.

The PHA and owner may agree to amend a PBV HAP contract to redesignate a regular PBV unit as a unit specifically designated for VASH families so long as the PHA first consults with the VAMC or DSP. Additionally, the PHA and owner may agree to amend a PBV HAP contract to redesignate a unit specifically designated for VASH families as a regular PBV unit, so long as the unit is not funded through a VASH PBV set-aside award and is eligible for regular PBV (i.e., the unit is not on the grounds of a medical facility and the unit is eligible under the PHA's program and project caps).

Policies for VASH PBV units will generally follow PHA policies for the standard PBV program as listed in Chapter 17, with the exception of the policies listed below.

Failure to Participate in Case Management [FR Notice 9/27/21]

Upon notification by the VAMC or DSP of the family's failure to participate, without good cause, in case management, the PHA must provide the family a reasonable time period to vacate the unit. The PHA must terminate assistance to the family at the earlier of either the time the family vacates or the expiration of the reasonable time period given to vacate.

HACA Policy

Upon notification by the VAMC or DSP that a VASH PBV family has failed to participate in case management without good cause, HACA will provide written notice of termination of assistance to the family and the owner within 10 business days. The family will be given 60 days from the date of the notice to move out of the unit.

HACA may make exceptions to this 60-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

If the family fails to vacate the unit within the established time, the owner may evict the family. If the owner does not evict the family, the PHA must remove the unit from the HAP contract or amend the HAP contract to substitute a different unit in the project if the project is partially assisted. The PHA may add the removed unit to the HAP contract after the ineligible family vacates the property.

Moves [HUD-VASH Qs and As, FR Notice 9/27/21]

When a VASH PBV family is eligible to move from its PBV unit in accordance with Section 17-VIII.C. of this policy, but there is no other comparable tenant-based rental assistance, the following procedures must be implemented:

- If a VASH tenant-based voucher is not available at the time the family wants (and is eligible) to move, the PHA may require a family who still requires case management to wait for a VASH tenant-based voucher for a period not to exceed 180 days;
- If a VASH tenant-based voucher is still not available after that period, the family must be allowed to move with its VASH voucher. Alternatively, the PHA may allow the family to move with its VASH voucher without having to meet this 180-day period. In either case, the PHA is required to replace the assistance in the PBV unit with one of its regular vouchers, unless the PHA and owner agree to temporarily remove the unit from the HAP contract; and
- If a VASH veteran is determined to no longer require case management, the PHA must allow the family to move with the first available tenant-based voucher if not VASH voucher is immediately available and cannot require the family to wait for a VASH voucher to become available.

PART IV: MAINSTREAM VOUCHER PROGRAM

19-IV.A. PROGRAM OVERVIEW [Notice PIH 2020-01]

Mainstream vouchers assist non-elderly persons with disabilities and their families in the form of either project-based or tenant-based voucher assistance.

Aside from separate funding appropriations and serving a specific population, Mainstream vouchers follow the same program requirements as standard vouchers. The PHA does not have special authority to treat families that receive a Mainstream voucher differently from other applicants and participants. For example, the PHA cannot apply different payment standards, establish conditions for allowing portability, or apply different screening criteria to Mainstream families.

The Mainstream voucher program, (previously referred to as the Mainstream 5-Year program or the Section 811 voucher program) was originally authorized under the National Affordable Housing Act of 1990. Mainstream vouchers operated separately from the regular HCV program until the passage of the Frank Melville Supportive Housing Investment Act of 2010. Funding for Mainstream voucher renewals and administrative fees was first made available in 2012. In 2017 and 2019, incremental vouchers were made available for the first time since the Melville Act (in addition to renewals and administrative fees), and PHAs were invited to apply for a competitive award of Mainstream vouchers under the FY17 and FY19 NOFAs. In 2020, Notice PIH 2020-22 provided an opportunity for any PHA administering an HCV program to apply for Mainstream vouchers noncompetitively, while Notice PIH 2020-09 authorized an increase in Mainstream voucher units and budget authority for those PHAs already awarded Mainstream vouchers under the FY17 and FY19 NOFAs.

Funds for Mainstream vouchers may be recaptured and reallocated if the PHA does not comply with all program requirements or fails to maintain a utilization rate of 80 percent for the PHA's Mainstream vouchers.

19-IV.B. ELIGIBLE POPULATION [Notice PIH 2020-01 and Notice PIH 2020-22]

All Mainstream vouchers must be used to serve non-elderly persons with disabilities and their families, defined as any family that includes a person with disabilities who is at least 18 years old and not yet 62 years old as of the effective date of the initial HAP contract. The eligible disabled household member does not need to be the head of household.

The definition of person with disabilities for purposes of Mainstream vouchers is the statutory definition under section 3(b)(3)(E) of the 1937 Act, which is the same as is used for allowances and deductions in the HCV program and is provided in Exhibit 3-1 of this policy.

Existing families receiving Mainstream vouchers, where the eligible family member is now age 62 or older, will not “age out” of the program as long as the family was eligible on the day it was first assisted under a HAP contract.

The PHA may not implement eligibility screening criteria for Mainstream vouchers that is different from that of the regular HCV program.

19-IV.C. PARTNERSHIP AND SUPPORTIVE SERVICES [Notice PIH 2020-01]

PHAs are encouraged but not required to establish formal and informal partnerships with a variety of organizations that assist persons with disabilities to help ensure eligible participants find and maintain stable housing.

HACA Policy

The PHA will implement a Mainstream program, in partnership with *Integral Care, ARCIL, and other agencies throughout the Austin/Travis County Continuum of Care.*

19-IV.D. WAITING LIST ADMINISTRATION

General Waiting List Requirements [[Notice PIH 2020-01](#) and Mainstream Voucher Basics Webinar, 10/15/20]

PHAs must not have a separate waiting list for Mainstream voucher assistance since the PHA is required by the regulations to maintain one waiting list for tenant-based assistance [24 CFR 982.204(f)]. All PHA policies on opening, closing, and updating the waiting list, as well as waiting list preferences in Chapter 4, apply to the Mainstream program.

When the PHA is awarded Mainstream vouchers, these vouchers must be used for new admissions to the PHA's program from the waiting list. The PHA must lease these vouchers by pulling the first Mainstream-eligible family from its tenant-based waiting list. PHAs are not permitted to reassign existing participants to the program in order to make regular tenant-based vouchers available. Further, the PHA may not skip over Mainstream-eligible families on the waiting list because the PHA is serving the required number of Mainstream families.

Upon turnover, vouchers must be provided to Mainstream-eligible families. If a Mainstream turnover voucher becomes available, the PHA must determine if the families at the top of the waiting list qualify under program requirements.

Admission Preferences [[Notice PIH 2020-01](#); [FY17 Mainstream NOFA](#); [FY19 Mainstream NOFA](#)]

If the PHA claimed points for a preference in a NOFA application for Mainstream vouchers, the PHA must adopt a preference for at least one of the targeted groups identified in the NOFA.

HACA Policy

HACA claimed a preference for a targeted group as part of an application for Mainstream vouchers under a NOFA. The PHA will offer the following preference:

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.

19-IV.E. PORTABILITY [Notice PIH 2020-01 and Mainstream Voucher Basics Webinar, 10/15/20]

Mainstream voucher participants are eligible for portability under standard portability rules and all PHA policies regarding portability in Chapter 10, Part II apply to Mainstream families.

The following special considerations for Mainstream vouchers apply under portability:

- If the receiving PHA has a Mainstream voucher available, the participant may remain a Mainstream participant.
 - If the receiving PHA chooses to bill the initial PHA, then the voucher will remain a Mainstream voucher.
 - If the receiving PHA chooses to absorb the voucher, the voucher will be considered a regular voucher, or a Mainstream voucher if the receiving PHA has a Mainstream voucher available, and the Mainstream voucher at the initial PHA will be freed up to lease to another Mainstream-eligible family.
- If the receiving PHA does not have a Mainstream voucher available, the participant may receive a regular voucher.

19-IV.F. PROJECT-BASING MAINSTREAM VOUCHERS [FY19 Mainstream Voucher NOFA Q&A]

The PHA may project-base Mainstream vouchers in accordance with all applicable PBV regulations and PHA policies in Chapter 17. PHAs are responsible for ensuring that, in addition to complying with project-based voucher program requirements, the project complies with all applicable federal nondiscrimination and civil rights statutes and requirements. This includes, but is not limited to, Section 504 of the Rehabilitation Act (Section 504), Titles II or III of the Americans with Disabilities (ADA), and the Fair Housing Act and their implementing regulations at 24 CFR Part 8; 28 CFR Parts 35 and 36; and 24 CFR Part 100. Mainstream vouchers are subject to the PBV program percentage limitation discussed in Section 17-I.A.

PART IV: NON-ELDERLY DISABLED (NED) VOUCHERS

19-V.A. PROGRAM OVERVIEW [Notice PIH 2013-19]

NED vouchers help non-elderly disabled families lease suitable, accessible, and affordable housing in the private market. Aside from separate funding appropriations and serving a specific population, NED vouchers follow the same program requirements as standard vouchers. The PHA does not have special authority to treat families that receive a NED voucher differently from other applicants and participants.

Some NED vouchers are awarded to PHAs through competitive NOFAs. The NOFA for FY2009 Rental Assistance for NED made incremental funding available for two categories of NED families:

- **Category 1** vouchers enable non-elderly persons or families with disabilities to access affordable housing on the private market.
- **Category 2** vouchers enable non-elderly persons with disabilities currently residing in nursing homes or other healthcare institutions to transition into the community. PHAs with NED Category 2 vouchers were required to partner with a state Medicaid or health agency or the state Money Follows the Person (MFP) Demonstration agency.

Since 1997, HCVs for NED families have been also awarded under various special purpose HCV programs: Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans (Designated Housing), Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments (Certain Developments), One-Year Mainstream Housing Opportunities for Persons with Disabilities, and the Project Access Pilot Program (formerly Access Housing 2000).

- **Designated Housing** vouchers enable non-elderly disabled families, who would have been eligible for a public housing unit if occupancy of the unit or entire project had not been restricted to elderly families only through an approved Designated Housing Plan, to receive rental assistance. These vouchers may also assist non-elderly disabled families living in a designated unit/project/building to move from that project if they so choose. The family does not have to be listed on the PHA's voucher waiting list. Instead, they may be admitted to the program as a special admission. Once the impacted families have been served, the PHA may begin issuing these vouchers to non-elderly disabled families from their HCV waiting list. Upon turnover, these vouchers must be issued to non-elderly disabled families from the PHA's HCV waiting list.

- **Certain Developments** vouchers enable non-elderly families having a person with disabilities, who do not currently receive housing assistance in certain developments where owners establish preferences for, or restrict occupancy to, elderly families, to obtain affordable housing. These non-elderly families with a disabled person do not need to be listed on the PHA's HCV waiting list in order to be offered and receive housing choice voucher rental assistance. It is sufficient that these families' names are on the waiting list for a covered development at the time their names are provided to the PHA by the owner. Once the impacted families have been served, the PHA may begin issuing these vouchers to non-elderly disabled families from their HCV waiting list. Upon turnover, these vouchers must be issued to non-elderly disabled families from the PHA's HCV waiting list.
- **One-Year Mainstream Housing Opportunities for Persons with Disabilities (One-Year Mainstream)** vouchers enable non-elderly disabled families on the PHA's waiting list to receive a voucher. After initial leasing, turnover vouchers must be issued to non-elderly disabled families from the PHA's voucher waiting list.

19-V.B. ELIGIBLE POPULATION

General Requirements [Notice PIH 2013-19]

Only eligible families whose head of household, spouse, or cohead is non-elderly (under age 62) and disabled may receive a NED voucher. Families with only a minor child with a disability are not eligible.

In cases where the qualifying household member now qualifies as elderly due to the passage of time since the family received the NED voucher, existing NED participant families do not "age out," as the family was eligible on the day it was first assisted under a housing assistance payments (HAP) contract.

The definition of person with disabilities for purposes of NED vouchers is the statutory definition under Section 3(b)(3)(E) of the 1937 Act, which is the same as is used for allowances and deductions in the HCV program and is provided in Exhibit 3-1 of this policy.

The PHA may not implement eligibility screening criteria for NED vouchers that is different from that of the regular HCV program.

NED Category 2 [Notice PIH 2013-19 and NED Category 2 FAQs]

In addition to being eligible for the PHA's regular HCV program and a non-elderly person with a disability, in order to receive a Category 2 voucher, the family's head, spouse, cohead, or sole member must be transitioning from a nursing home or other healthcare institution and provided services needed to live independently in the community.

Nursing homes or other healthcare institutions may include intermediate care facilities and specialized institutions that care for those with intellectual disabilities, developmentally disabled, or mentally ill, but do not include board and care facilities (e.g., adult homes, adult day care, adult congregate living).

The PHA cannot limit who can apply to just those persons referred or approved by a Money Follows the Person (MFP) Demonstration agency or state health agency. Other individuals could be placed on the waiting list if they can show, with confirmation by an independent agency or organization that routinely provides such services (this can be the MFP or partnering agency, but need not be), that the transitioning individual will be provided with all necessary services, including care or case management.

For each Category 2 family, there must be documentation (e.g., a copy of a referral letter from the partnering or referring agency) in the tenant file identifying the institution where the family lived at the time of voucher issuance.

19-V.C. WAITING LIST

General Requirements [Notice PIH 2013-19]

Families must be selected for NED vouchers from the PHA's waiting list in accordance with all applicable regulations and PHA policies in Chapter 4.

Regardless of the number of NED families the PHA is required to serve, the next family on the waiting list must be served. Further, the PHA may not skip over NED-eligible families on the waiting list because the PHA is serving the required number of NED families.

NED Category 2 Referrals [NED Category 2 FAQs]

For NED Category 2 families, the partnering agency may make referrals of eligible families to the PHA for placement on the waiting list. The PHA will then select these families from the waiting list for voucher issuance. Because language in the NOFA established that vouchers awarded under the NOFA must only serve non-elderly disabled families transitioning from institutions, the PHA does not need to establish a preference in order to serve these families ahead of other families on the PHA's waiting list.

PHAs must accept applications from people living outside their jurisdictions or from people being referred from other Medicaid or MFP service agencies in their state.

If the PHA's waiting list is closed, the PHA must reopen its waiting list to accept referrals from its partnering agency. When opening the waiting list, PHAs must advertise in accordance with 24 CFR 982.206 and PHA policies in Section 4-II.C. In addition, the PHA must ensure that individuals living in eligible institutions are aware when the PHA opens its waiting list by reaching out to social service agencies, nursing homes, intermediate care facilities and specialized institutions in the local service area.

Reissuance of Turnover Vouchers [Notice PIH 2013-19]

All NED turnover vouchers must be reissued to the next NED family on the PHA's waiting list with the following exception: A Category 2 voucher must be issued to another Category 2 family upon turnover if a Category 2 family is on the PHA's waiting list. If there are no Category 2 families on the PHA's waiting list, the PHA must contact its partnering agency as well as conduct outreach through appropriate social service agencies and qualifying institutions to identify potentially eligible individuals. Only after all means of outreach have been taken to reach Category 2 families can the PHA reissue the voucher to another Category 2 NED family on the PHA's waiting list. Any subsequent turnover of that voucher must again be used for a Category 2 family on the PHA's waiting list, and the PHA is under the same obligation to conduct outreach to Category 2 families if no such families are on the PHA's waiting list.

For PHAs that received both Category 1 and Category 2 vouchers, if at any time the PHA is serving fewer Category 2 families than the number of Category 2 HCVs awarded under the NOFA, when a Category 2 family applies to the waiting list and is found eligible, the PHA must issue the next NED voucher to that family. HUD monitors the initial leasing and reissuance of Category 2 HCVs. These vouchers may be recaptured and reassigned if not leased properly and in a timely manner.

All NED vouchers should be affirmatively marketed to a diverse population of NED-eligible families to attract protected classes least likely to apply. If at any time following the turnover of a NED HCV a PHA believes it is not practicable to assist NED families, the PHA must contact HUD.

19-V.D. LEASE UP [Notice PIH 2013-19]

Briefings

In addition to providing families with a disabled person a list of accessible units known to the PHA, HUD encourages, but does not require, PHAs to provide additional resources to NED families as part of the briefing.

HACA Policy

HACA's referral partners will provide NED families with housing search assistance and other support services or referrals to support services.

Voucher Term

While the PHA is not required to establish different policies for the initial term of the voucher for NED vouchers, HUD has encouraged PHAs with NED vouchers to be generous in establishing reasonable initial search terms and subsequent extensions for families with a disabled person.

HACA Policy

All NED vouchers will have an initial term of 120 calendar days.

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

All other HACA policies on extensions and suspension of vouchers in Section 5-II.E. will apply.

Special Housing Types [Notice PIH 2013-19 and NED Category 2 FAQs]

In general, a PHA is not required to permit families to use any of the special housing types and may limit the number of families using such housing. However, the PHA must permit the use of a special housing type if doing so provides a reasonable accommodation so that the program is readily accessible to and usable by a person with disabilities.

Such special housing types include single room occupancy housing, congregate housing, group homes, shared housing, cooperative housing, and manufactured homes when the family owns the home and leases the manufactured home space.

Persons with disabilities transitioning out of institutional settings may choose housing in the community that is in a group or shared environment or where some additional assistance for daily living is provided for them on site. Under HUD regulations, group homes and shared housing are considered special housing types and are not excluded as an eligible housing type in the HCV program. Assisted living facilities are also considered eligible housing under the normal HCV program rules, as long as the costs for meals and other supportive services are not included in the housing assistance payments (HAP) made by the PHA to the owner, and as long as the person does not need continual medical or nursing care.

19-V.E. PORTABILITY [NED Category 2 FAQs]

NED voucher participants are eligible for portability under standard portability rules and all PHA policies regarding portability in Chapter 10, Part II apply to NED families. However, the PHA may, but is not required to, allow applicant NED families to move under portability, even if the family did not have legal residency in the initial PHA's jurisdiction when they applied.

HACA Policy

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

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

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02762

ASSISTED HOUSING ITEM NO. 3.

MEETING DATE: September 15, 2022

STAFF CONTACT: Lisa Garcia, Vice President of Assisted Housing

ITEM TITLE: Presentation, Discussion and Possible Action regarding Resolution No. 02762: Approval of Revisions to the Family Self-Sufficiency Action Plan

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to approve Resolution No. 02762 adopting revisions to the Family Self-Sufficiency Action Plan.

SUMMARY

Background:

The purpose of the Family Self-Sufficiency Action Plan is to describe the policies and procedures of the Family Self-Sufficiency (FSS) Program. The Action Plan was last revised in June 2020. The proposed revisions are due to HUD's requirement for all FSS programs to update their Action Plans to reflect the changes made to 24 CFR 984 Regulations with the Streamlining and Implementation of the Economic Growth, Regulatory Relief, and Consumer Protection Act Changes to the Family Self-Sufficiency Program, also known as the FSS Final Rule. The revised Action Plans that reflect the regulatory changes must be submitted to HUD headquarters by September 30, 2022, for FSS programs to remain compliant with HUD.

A summary of the changes are reflected below.

- Any adult family member may be designated as the head of the FSS family and be obligated to the FSS contract requirements.
- The FSS contract end date is five years after the first recertification after the Contract of Participation begins to maximize potential escrow savings.
- Forfeited escrow funds may now be used for supportive services for current FSS participants and training for FSS Coordinators.
- Escrow may be disbursed when the contract is terminated in particular situations, such as the onset of disability for the head of the FSS family.
- Contracts may now be extended to pursue other FSS goals instead of only being permitted when the family has good cause for not securing suitable employment.

- Family no longer must be welfare-free for 12 months before the contract end date for successful graduation but only must be free of welfare at the end date of the contract of participation.

Additional revisions made to provide HUD-required information on PHA policies for this Action Plan submission:

- Additional demographics included for HCV Program families
- Additional information provided on program size and estimated enrollment from Veteran Affairs Supportive Housing (VASH) and Family Youth to Independence (FYI)/FUPY (Family Unification Program/Youth) families
- FSS waiting list preference is given for up to 50% of available slots for families entering the program through portability and FUPY/FYI voucher holders to extend their voucher assistance by 24 months through Foster Stable Housing Opportunity (FSHO).
- Changes permitted to Individual Training and Services Plan up to the final day of the contract vs. 30 days before the end as per HUD's suggested best practice.
- Interim disbursements of escrow are permitted up to twice per calendar year but limited to 50% of the balance at the time of the first request.
- Additional language was added to clarify and provide detail on various policies around supportive services disbursements, Individual Training and Services Plan (ITSP) development, documentation, the frequency and manner of conducting progress reviews with participants, outreach procedures, etc.

A summary of changes is included in Attachment 1 and the tracked changes in Attachment 2.

Process:

On August 15, 2022, the notice of proposed changes was publicly posted online. The 30-day public comment period ends at 5:00 p.m. on September 13, 2022.

HACA will thoroughly review all comments received and present any additional recommended changes to the FSS Action Plan to the Board for consideration.

Staff Recommendation:

Staff is asking for the Board of Commissioners' approval of revisions to HACA's Family Self-Sufficiency Action Plan for submission to HUD by the September 30 deadline for approval.

ATTACHMENTS:

- ▣ **Attachment 1 Summary of FSS revisions**
- ▣ **Attachment 2 FSS Action Plan revised**

RESOLUTION NO. 02762

WHEREAS, the Housing Authority of the City of Austin (HACA) is responsible for administering the Family Self-Sufficiency Program; and

WHEREAS, the Family Self-Sufficiency program, as mandated by the Department of Housing and Urban Development (HUD), is required to adopt a Family Self-Sufficiency Action Plan establishing its policies as required under federal regulations; and

WHEREAS, the Housing Authority of the City of Austin posted the proposed revisions to the Family Self-Sufficiency Action Plan for public comment beginning on August 15, 2022, and ending at 5:00 p.m. on September 13, 2022; and

WHEREAS, The Housing Authority of the City of Austin seeks to submit the revised Family Self-Sufficiency Action Plan with the policy changes required by HUD's updates to 24 CFR 984 Regulations to HUD for approval for implementation by the November 14, 2022 deadline.

NOW, THEREFORE, BE IT RESOLVED that the Housing Authority of the City of Austin's Board of Commissioners approves and adopts the revised Family Self-Sufficiency Action Plan.

PASSED, APPROVED, AND ADOPTED this 15th day of September 2022.

Carl S. Richie, Jr., Chairperson

Michael G. Gerber, Secretary

| Section | Page Numbers | Summary of Changes Made in Action Plan |
|--|--------------|--|
| I. Introduction | 1 | Added explanation that the program will serve HCV families and the remaining PBRA families previously enrolled in FSS with Public Housing prior to RAD included latest revision date; explained reason for Action Plan revision being the release of the FSS Final Rule. |
| II. Terms and Definitions | 2 | <u>Head of FSS Family:</u> Changed term from “Head of Household” to “Head of FSS Family,” per FSS Final Rule. Families can now designate the adult that will be responsible for the obligations of the Contract of Participation. |
| III. Family Demographics | 4 | Updated as of 8/1/2022 and added additional data: households with dependents, disabled individuals, income distribution, employment status Removed Public Housing demographics. PBRA demographics removed because this program cannot enroll new families from PBRA. |
| IV. FSS Program Participants – Anticipated Participation | 5-6 | Added anticipated supportive services needs of population based on data gathered from FSS interest forms completed by families entering the FSS waiting list. |
| V. A. Estimate of Participating Families | 6 | Project Based Rental Assistance- Updated the number of families remaining that were enrolled in PH FSS prior to RAD conversion and clarified that no new families will be enrolled from PBRA. |
| V. B. Estimate of Participating Families | 6-7 | Housing Choice Voucher Program- Added detail about the caseload sizes for FSS Coordinators, estimated amount of VASH and FYI/FUPY participants targeted for enrollment into FSS Program. |
| VII. Outreach Efforts | 7-8 | Added detail about the outreach procedures of the HACA FSS Program, including marketing, waitlist application access, direct mail, and social media use. |

| Section | Page Numbers | Summary of Changes Made in Action Plan |
|---|--------------|--|
| VIII. B. Selection Procedures | 8 | Added information on how HACA ensures non-discrimination with its selection procedures. |
| VIII. C. 1. Selection Procedures | 8-9 | Added detail on procedures for entering the FSS waiting list; added information about preferences given on the FSS waiting list for porting families and FUPY/FYI voucher holders. |
| IX. Portability Provisions | 10-11 | Added detail to this section to include guidance on incoming and outgoing portability of FSS Contract per the Final Rule. |
| X. Method of Identification for Family Support Needs | 11 | Added information on how the head of FSS family is designated and the documentation required. |
| X. A. Method of Identification for Family Support Needs | 11-12 | Added detail on how the ITSP is developed and the final goals that are required; removed the limitation on modifying the ITSP to allow for changes up to the last day of the FSS contract. |
| X. B. Method of Identification for Family Support Needs | 13 | Changed requirement to be welfare-free by the end of the contract instead of the last 12 months per the Final Rule. |
| X.C. Method of Identification for Family Support Needs | 13 | Added detail on progress review frequency and the ability to conduct virtual meetings. |
| XI. B. Incentives to Encourage Participation | 14 | Added language about the order in which different supportive funding is utilized by FSS participants. |

| Section | Page Numbers | Summary of Changes Made in Action Plan |
|---|--------------|--|
| XI. C. Incentives to Encourage Participation | 15 | Escrow Account: Added detail about the calculation of the escrow credit for families above the very-low income limit, Mod Rehab and PBRA families, the setting of the baseline income, and the contract end date now being set at 5 years after the first recertification after the contract start date to maximize potential escrow savings per FSS Final Rule. |
| XI. C.2.a. Incentives to Encourage Participation | 15-16 | Final Disbursements: Removed income qualification (30% rule) from methods of graduating and receiving escrow funds per FSS Final Rule. Added language about documentation requirements for completion of ITSP goals. |
| XI. C.2.b. Incentives to Encourage Participation | 16 | Interim Disbursements: Included provision about frequency of withdrawal. Limitation on amount remains at 50% of total balance. |
| XI. C.2.c. Incentives to Encourage Participation | 16-17 | Disbursement with Termination of CoP: Added this provision per the FSS Final Rule to allow for escrow disbursement with termination in particular circumstances. |
| XI. C.3. Incentives to Encourage Participation | 17 | Forfeited Escrow Funds: This section added to explain the use of forfeited escrow funds for supportive services for current FSS participants and training for FSS Coordinators per the FSS Final Rule. |
| XI. C.4. Incentives to Encourage Participation | 17-18 | Changed language to reflect FSS Final Rule in which full earned income is included in the baseline of the CoP (including excluded EID income). |
| XIII. Contract Termination and Withholding of Supportive Services | 18-19 | Defined “act inconsistent with the purposes of FSS” as threatening, fraudulent, or overtly hostile behavior by the FSS participant and the potential termination steps. |

| Section | Page Numbers | Summary of Changes Made in Action Plan |
|--|--------------|---|
| XV. HUD FSS Contract Term, Extension, Modification, and Additional Terms | 20 | Added additional reasons that CoP can be extended under the FSS Final Rule – active pursuit of a current or additional goal or other circumstance PHA determines warrants an extension. |
| XVI. Program Coordinating Committee (PCC) | 22 | Added Austin Area Urban League as a community partner Added language on required members of the PCC per FSS Final Rule - FSS staff and a participant from each HUD-assisted program. |



Housing Authority of the City of Austin

Family Self-Sufficiency Action Plan

~~May 12, 2020~~ August 15, 2022

HOUSING AUTHORITY OF THE CITY OF AUSTIN

FAMILY SELF-SUFFICIENCY PROGRAM ACTION PLAN

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I. INTRODUCTION

This Action Plan describes the goals and objectives of the Housing Authority of the City of Austin (HACA)'s Family Self Sufficiency (FSS) program ~~that serves as one program combining the residents of Public Housing and the Housing Choice Voucher Program. This program will also continue to serve and~~ the remaining ~~Public Housing~~ Project Based Rental Assistance families previously enrolled FSS ~~with Public Housing~~ prior to ~~RAD~~ conversion to Project Based Rental Assistance under RAD. Under this Plan, no new PBRA FSS Participants will be enrolled. This Plan is a revision of a previous Action Plan, dated April 16, 1999 and updated February 19th, 2004, ~~and August 24th, 2011, and May 12th, 2020.~~ This Action Plan reflects the changes made to the 24 CFR 984 Regulations with the Streamlining and Implementation of the Economic Growth, Regulatory Relief, and Consumer Protection Act Changes to the Family Self-Sufficiency Program, hereafter known as the FSS Final Rule. All families that enrolled in the FSS program prior to June 16th, 2022 will have the opportunity to execute new Contracts of Participation that reflect the regulation changes made with the Final Rule. As an agency, HACA works to break the cycle of poverty by serving as a catalyst for residents to become economically self-sufficient. The following Action Plan for HACA's Family Self-Sufficiency Programs describes the ongoing efforts to foster self-sufficiency among HACA residents.

The purpose of the Family Self-Sufficiency (FSS) programs is to promote a coordination of public and private resources to support Housing Choice Voucher ~~Public Housing~~, and Project Based Rental Assistance residents' (hereafter referred to as Housing Authority residents) efforts to achieve economic self-sufficiency leading to ~~economic-economic~~ security. In support of the FSS program objectives, HACA promotes a dynamic partnership between FSS families, staff, and the community that empowers participants to overcome socio-economic barriers and achieve their potential to fully participate in the economy.

Using housing as the stabilizing factor, resources and services are coordinated to assist residents who are unemployed or under-employed to ~~become fully employed~~ obtain suitable employment. HACA and the FSS ~~family Head of Household~~ head of family enter a ~~5-yr~~ into an agreement governed by the HUD FSS Contract of Participation (CoP). HACA's FSS Coordinators work with FSS participants to leverage resources in order to address the participant's identified gaps in education, skill development, supportive services, job training, and job placement that present challenges to achieving financial security.

HACA's FSS Coordinators provide ~~individual case management~~ service coordination and coaching with the goal of fostering the ~~self-confidence~~ agency and skills required to achieve financial security. In order to graduate from the FSS program, the family must become free of welfare assistance. Welfare assistance, for the purposes of the FSS Program only, as defined in 24 CFR §984.103, is income from Federal or State welfare programs and includes only cash maintenance payments designed to meet a family's ongoing basic needs (commonly referred to as "Temporary Aid to Needy Families" or "TANF").

II. TERMS AND DEFINITIONS:

To promote a common vocabulary to facilitate our work of assisting families build economic self-sufficiency, commonly used terms and phrases have been defined as follows:

Financial security and economic self-sufficiencySelf-Sufficiency: for the individual

~~Financial security and economic self-sufficiency is the condition of having stable income or other resources to support a standard of living now and in the foreseeable future without the help of public assistance.~~Self-sufficiency means that an FSS family is no longer receiving Section 8 or any Federal, State, or local rent or homeownership subsidies or welfare assistance. Achievement of self-sufficiency is a program objective, but not a condition for the receipt of FSS escrow account funds.

Public Welfare assistance:

~~Public Welfare~~ assistance for the purposes of the FSS program is defined as welfare payments or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, State or local governments. It includes only cash payment for ongoing basic needs (TANF).

Contract of Participation (CoP):

The Family Self-Sufficiency (FSS) Program Contract of Participation, HUD form 52650, which set forth the principal conditions and terms governing participation in the FSS program. The contract includes the rights and responsibilities of both the FSS participant and HACA. The contract also includes the Individual Training and Service Plan (ITSP): a section of the CoP that becomes part of the family responsibilities under the contract, addresses personal and professional goals as benchmarks to be achieved, plus activities and services to assist the family meet goals leading toward self-sufficiency.

Escrow Account:

Under the terms of the CoP, eligible participants will have deposits made into an escrow account, operated and maintained by HACA, according to guidelines set forth in the CoP and HUD's FSS Escrow Account Worksheet, form HUD-52652 and form 9831C for Multifamily (PBRA) FSS. There will be one interest bearing Escrow Account for all FSS participants, separated by housing assistance program: ~~PH, HCV,~~ and PBRA. Each FSS participant will have a separate sub-line item, which will include all deposits and calculated interest.

FSS participant/Head of Household (HOH):Head of FSS Family:

~~The HOH for the FSS contract must be the same adult family member who is HOH for purposes of PH lease and Housing Choice Voucher Program. This individual assumes legal and financial responsibility for the household and is listed on the FSS contract.~~The designated adult family member of the FSS family who has signed the CoP. The head of the FSS family may, but is not required to be, the head of the household for purposes of determining income eligibility and rent. Head of FSS family is required to meet the obligations of the CoP in order to graduate from the program.

Individual Training and Service Plan (ITSP):

As part of the CoP, form HUD-52650, a written plan is prepared by PHA or owner in cooperation with each FSS participant. The ITSP includes personal and professional goals to be accomplished by the participant before the ending date of CoP. Family members over the age of 18 who choose to, may also execute an individual training and services plan under the contract.

Seeking Employment:

“Actively seeking” shall include activities to prepare for employment. This may entail attending workforce development classes such as résumé review, interview skills etc., or conducting job search by sending out resumes, attending job interviews and, submitting employment applications. These activities will be documented with copies of applications submitted or class attendance records/certificates of completion. The suitability of the level of job seeking activity will be evaluated on a case-by-case basis.

Suitable Employment:

Employment obtained and maintained by the FSS participant that will allow for independence from welfare assistance i.e. allow the family or individual to meet basic needs and lead to building financial security. Suitability of employment for participant will be determined on a case-by-case basis with consideration of individual circumstances and may include full-time or part-time employment that is reasonably expected to continue. Ideally, income is expected to be related to a job training program completed as identified in the individual training and services plan, with consideration given to available job opportunities in the area. Reasonable accommodations will be made by request of those claiming a disability.

Earned Income:

Income or earnings included in annual income from wages, tips, salaries, other employment compensation, and self-employment. Earned income does not include pension or annuity, transfer payments, lump sum payments any cash or in-kind benefits, or funds deposited in or accrued interest established by a PHA on behalf of a participating family.

~~III. FAMILY DEMOGRAPHICS—PUBLIC HOUSING~~

~~The Housing Authority of the City of Austin (HACA) is in the process of converting all Public Housing stock to Project Based Rental Assistance under RAD. There is currently 1 PH property that has yet to be converted to PBRA at the time of the posting of this Action Plan: Chalmers West. Characteristics of the 87 families living within this public housing family development as of February 21st, 2020, include the following:~~

~~Family Size—Public Housing~~

- ~~• The average family size is 2.59.~~

~~Race/Ethnicity of HOH—Public Housing~~

~~Race:~~

- ~~• Black: 36, 41.38%~~
- ~~• White: 50, 57.47%~~
- ~~• Asian: 1, 1.15%~~
- ~~• Native American: 0, 0%~~
- ~~• Pacific Islander: 0, 0%~~

~~Ethnicity:~~

- ~~• Hispanic: 43, 49.43%~~
- ~~• Non-Hispanic: 44, 50.57%~~

~~Income—Public Housing~~

- ~~• The average income of a public housing family: \$12,475~~

~~D. Gender of Head of Household—Public Housing~~

- ~~• Females: 64, 73.56%~~
- ~~• Males: 23, 26.44%~~

~~E. Average Age—Head of Household—Public Housing~~

- ~~• 50.33~~

III. FAMILY DEMOGRAPHICS – HOUSING CHOICE VOUCHER PROGRAM

The Housing Authority of the City of Austin manages 5,518-748 vouchers. The FSS Program will serve the following housing choice voucher ~~HCV~~ ~~voucher~~ ~~types~~ that HACA utilizes: tenant-based vouchers, project-based vouchers, family unification program (FUP), foster youth to independence (FUP-Y, FFYI), veteran affairs supportive housing (I-VASH), and emergency housing vouchers (EHV). Characteristics of the families living within the ~~h~~Housing ~~c~~Choice ~~v~~Voucher ~~p~~Program, as of ~~February-August 21st, 2022~~ include the following:

~~A. Family SizeHousehold Composition —Housing-Choice Voucher~~

- ~~• The average family size is: 2.383.3.~~

- Average Age: **51**
- Households with Dependents: **54%**
- Disabled individuals: **28%**

B. Race/Ethnicity (HOH) – ~~Housing Choice Voucher~~

Race:

- Black/African American: ~~2,987, 54.13%~~
- White: ~~2,442, 44.26%~~
- Asian: ~~104, 1.88%~~
- American Indian/Alaska Native/Native American: ~~59, 1.07%~~
- Native Hawaiian/Pacific Islander: ~~17, 0.310%~~

Ethnicity:

- Hispanic or Latino: ~~1,507, 27.31%~~
- Not a Hispanic or Latino: ~~4,011, 72.6973%~~

C. Income – ~~Housing Choice Voucher~~

1. The average income of a Housing Choice Voucher family is \$15,774480

2. Income Distribution per Household

- \$0 - \$9,999 – **39%**
- \$10,000 - \$19,999 – **34%**
- \$20,000 - \$29,999 – **12%**
- \$30,000 - \$39,999 – **9%**
- \$40,000 - \$49,000 – **4%**
- \$50,000 and above – **2%**

3. Employment Status of Adults:

- Employed: **26%**
- Unemployed: **74%**

D. Average Age – Head of Household – ~~Housing Choice Voucher~~

50.04

~~XXXIX.IV. FSS PROGRAM PARTICIPANTS ANTICIPATED PARTICIPATION~~ ~~SUPPORTIVE SERVICES NEEDS OF FAMILIES EXPECTED TO PARTICIPATE IN FSS~~

HACA will make a good faith effort to have the FSS program emulate the demographics of the residents of HACA's ~~Public Housing and~~ Housing Choice Voucher Programs. **The HACA FSS**

Program gathered information about the supportive service needs of HCV participants from completed interest forms for families applying to enter the FSS program waiting list from the year prior to this Action Plan submission. Of the families that completed the interest form, 11% identified job coaching, readiness, and placement an area of need; 19% needed computer skills training; 19% needed a GED or high school diploma; 30% needed a college degree or certificate; 60% requested financial coaching or credit repair assistance; and 85% needed homeownership counseling. Based on supportive services requests from current FSS participants, additional needs of FSS participants are child care assistance, mental health counseling, English as a Second Language courses, and transportation assistance.

~~XL~~V. ESTIMATE OF PARTICIPATING FAMILIES

~~A. Public Housing~~

~~HACA will enroll interested public housing residents from the remaining PH property as they end their participation in the Jobs Plus Program. For this new enrollment period, a minimum of 10 slots will be made available for these families and additional families may enroll based on the availability of openings on the FSS Coordinators' caseloads. Enrollment will end prior to the property's conversion to PBRA under RAD.~~

~~B.A.~~ Project Based Rental Assistance

HACA will only continue to serve the FSS participants that enrolled in the program prior to conversion from Public Housing to PBRA. At the time of the posting of this Action Plan, there are approximately ~~23~~4 families who are still enrolled in FSS under PBRA post-RAD conversion. No new PBRA families will be enrolled and served under this Action Plan.

~~BC.~~ Housing Choice Voucher Program

HACA had 31 Section 8 Rental Certificates that were allocated in September 1993, and were designated for the Family Self-Sufficiency Program. HACA was allocated 41 mandatory FSS slots under the Quality Housing and Work Responsibility Act (QHWRA). Per the amended mandatory requirements with (QHWRA), HACA reduced the mandatory slots by one for each FSS graduate fulfilling the family's contract of participation on or after October 21, 1998, and completed the mandatory program (Phase I). HACA serves as many participants as it can accommodate with current staff (as determined by HACA), and with a maximum of 65 participants per FSS Coordinator. There are 4 full-time FSS Coordinators on staff that will carry full caseloads. FSS Program Manager serving a caseload of 25 in addition to program management duties. The minimum number of participants required to be served based on the funding received for 5 coordinators is 225. The estimated amount of participants the HACA FSS Program will maintain is 285. Historically, HACA's FSS program has enrolled an average of 64 families into the FSS program each year. Accordingly, HACA expects to provide FSS sServices to approximately 605 families over a five-year period.

C. Other Self-Sufficiency Programs

The FSS Program will make every effort to enroll all interested individuals from the Foster Youth to Independence and Family Unification Program Youth (FYI/FUP-Y) that would like to participate so that they may take advantage of the 24-month maximum extension of their 36-month voucher through the Foster Stable Housing Opportunity (FSHO).

HACA also serves VASH (Veterans Affairs Supportive Housing) and FUP (Family Unification Program) voucher holders. The program goal is for 10% of the HACA FSS Program enrollment to be VASH, FUP, and FYI/FUP-Y participants.

~~FSS Coordinators serving PH and remaining PBRA families will add HCV families on their caseloads as needed to maintain minimum caseload sizes of 50.~~ The availability of the FSS Waitlist will be posted at the HACA Administrative Offices, on the HACA website, and on social media when the program has capacity to bring on new participants. Recruitment of new families will be ongoing to replace any available openings. Section ~~VI~~ and ~~VIII~~ of this plan describe outreach and selection procedures. HACA will evaluate its capacity to serve more FSS participants on an ongoing basis.

~~VI~~. TIMETABLE FOR IMPLEMENTATION

The Housing Authority of the City of Austin began its FSS program in 1994 and has continuously operated both PH FSS and HCV FSS programs since combining the two programs after the grant was merged into one by HUD. New participants from ~~the remaining Public Housing property and from~~ the HCV Program will be enrolled onto the FSS program on a rolling basis as determined by availability on FSS Coordinators' caseloads per this FSS Action Plan. ~~Enrollment for the remaining Public Housing Property (Chalmers West) will cease prior to the property's conversion to PBRA.~~

~~VIII~~. OUTREACH EFFORTS

HACA will conduct ongoing outreach to ~~Public Housing and~~ HCV households by way of newsletter, flyers, and brochures describing the FSS Program and announcing various FSS events. ~~Public Housing Managers and FSS team will train~~ Housing Choice Voucher Program's Housing Eligibility Specialists about the program so that they may identify potential candidates for the program and will distribute FSS brochures to residents at annual re-examinations and initial orientations. When vouchers are distributed to any Section 8(o) families including ~~HCV, FUP-Y/FYI, and VASH, EHV, Mainstream, and PBV~~ participants, information will be given to the family on the Family Self-Sufficiency Program about the FSS Program as well as marketing materials such as promotional videos. In addition, when the FSS Waitlist is open, FSS Coordinators will notify HCV and Special Programs ~~and VASH~~ staff so that they may notify their

residents of the opportunity, and directly notify FUP-Y and FYI youth and families participants. FSS Coordinators will conduct outreach by mail periodically based on need for participants. This outreach will be comprised of informational letters and emails (when available) sent to each HCV participant by income increments starting with zero income up to the highest income level.

HACA will also conduct FSS promotional activities including workshops/webinars, resident empowerment events, and other such activities that will be advertised on social media, in the Central Office lobby, and on the PHA website. FSS staff will also take any opportunity to discuss the program with HCV participants during service events, phone calls, or emails.

In order to develop the resources and support necessary for FSS participants to achieve their goals, outreach efforts to service providers will be ongoing. The FSS Program Coordinating Committee (PCC) will also assist with outreach efforts to local area service providers.

Outreach efforts will be targeted equally to all families, using materials in English and other commonly spoken languages to ensure that non-English and limited English-speaking families receive information and have the opportunity to participate in the FSS Program. In conducting outreach, HACA will account for the needs of persons with disabilities, including persons with impaired vision, hearing, or mobility, and provide effective communications to ensure that all eligible who wish to participate can do so. Outreach will be made to all HACA families without regard to race, color, religion, sexual identity, sexual orientation, handicap, familial status, age, or national origin.

~~VIII~~IX. SELECTION PROCEDURES –PUBLIC HOUSING AND HOUSING CHOICE VOUCHER PROGRAM

A. Reasonable Accommodations

A person with disabilities may request reasonable accommodations to facilitate participation in the FSS program.

Requests should be made verbally or in writing to the FSS Coordinator or FSS Program Manager. Requests will be considered on a case-by-case basis. FSS staff will respond to requests in accordance with the agency's reasonable accommodations policy.

HACA will make reasonable accommodations to those persons with disabilities who require such accommodation as long as suitable employment within abilities can be met.

B. Non-discrimination

It is the policy of HACA to comply with all Federal, State, and local nondiscrimination laws and regulations, including but not limited to the Fair Housing Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973. No person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to

discrimination under the FSS program on the grounds of race, color, sex, religion, national or ethnic origin, family status, source of income, disability or perceived gender identity and sexual orientation. In addition, HACA's FSS staff will, upon request, provide reasonable accommodation to persons with disabilities to ensure they are able to take advantage of the services provided by the FSS program (see Requests for Reasonable Accommodations).

~~Selection is made without regard to race, color, religion, sexual identity, sexual orientation, handicap, familial status, national origin, age, or sexual orientation, in compliance with Title VI of the Civil Rights Act of 1964, as amended, Title VII of the Civil Rights Act of 1968, as amended, and Executive Order 11063.~~ All written FSS program communications with the HCV population are in English and Spanish and the HACA website that included information on the program also translates to both languages. Interpreters are made available to accommodate language needs. The HACA Central Office lobby is open throughout the week to serve any requests for accommodation as well.

~~The FSS program staff has the primary responsibility to make sure that participants are not discriminated against in the selection process. For families or individuals whose potential enrollment is in question, the FSS coordinators will review the file in the staff review meeting to ensure that non-selection is not based on discriminatory factors before the final decision is made. Applicants will be notified in writing of the reason(s) they were not selected for participation and will have the opportunity to appeal the decision (see Hearing Procedures). At all times, HACA will select families for participation in the FSS program in accordance with FSS Regulations and HUD guidelines.~~

C. Application Procedures

1. Waiting List:

Recognizing that the level of interest in FSS participation may occasionally exceed the capacity of HACA ~~to meet~~, a waiting list of interested families may be deemed necessary. This list will be maintained as a pool of possible participants and ~~maintained-managed~~ by HACA's FSS Coordinators with administrative oversight provided by the FSS Program Manager.

The waiting list will be opened at least annually as described under section V.C. for HCV participants.

~~There will be separate waiting lists for the Public Housing and Housing Choice Voucher Program, if a waiting list is deemed necessary. In order to be placed on the waiting list, interested HACA families that are leased with their voucher must complete an electronic or paper FSS Interest Form. and return an FSS Interest Form. The paper form can be acquired from the Central Office Lobby, by mail, or email. The electronic form may also be posted on the HACA website when the FSS waiting list is open. Upon completion and submission of the FSS Interest Form, a member of HACA's FSS team will date stamp the information and the Housing Authority resident will be placed on the appropriate waiting list (if a waiting list exists) in order of date the FSS Interest Form was submitted, and allowed entry~~

into the FSS Program as space allows on FSS Coordinator caseloads.

If there is a waiting list, Housing Authority residents who have ported in-to HACA from another jurisdiction and were actively participating in the FSS program at the original Housing Authority, will receive a preference on the waiting list. ~~priority and may be absorbed into the HCV FSS program without first becoming waitlisted.~~ FSS staff will conduct direct outreach to families porting in via email and/or mail when they are identified by HCV reports or portability staff. Outreach will contain an invitation to enter the waiting list with preference once leased in an assisted unit in HACA's jurisdiction.

FUP-Y or FYI voucher holders participating in FSHO that enables them to extend their voucher to 5 years may also receive an equal preference on the waiting list as porting families. FSS staff will directly outreach to FUP youth and FYI participants by mail and/or email to invite them to enter the waiting list with preference when the list is open.

Since porting families and FUP-Y or FYI voucher holders have the same level of preference, they will be drawn from the waitlist according to the date and time of the FSS Interest Form submission. Fifty percent of the available FSS slots will be reserved for families with a preference on the waiting list.

2. Application:

As openings ~~to the FSS waiting list on the FSS Program caseloads~~ become available, individuals on the waiting list will be contacted via mail and/or email by preference and then by order of date and time listed, and provided a program application form. The resident will have fourteen (14) calendar days to complete and return the FSS Application Form, ~~or if failing the resident fails to do so return the FSS Application Form, be they will be~~ removed from the list and no longer ~~considered~~ eligible for enrollment. Delisted residents will have the option to re-apply to the waitlist at the next waitlist opening. There is no limit to successive applications if the resident chooses to re-apply. Successful completion and timely submission of the FSS Application Form shall serve as a level of motivational screening for HACA's FSS program. Residents with disabilities or limited English proficiency (LEP) may request support completing the form.

Eligible applicants will be contacted by an assigned FSS staff within 2 weeks of their application date for a scheduled group or one-on-one virtual, phone, or in-person orientation ~~in a virtual setting or in person.~~ At the conclusion of the orientation, the applicant may make a decision to execute a contract of participation and ITSP at that time but no later than 7 business days after the orientation. The applicant also has the option to decline participation. If the applicant fails to attend the scheduled orientation, an opportunity will be made available for a rescheduled orientation appointment within two weeks.

If the applicant fails to attend the rescheduled appointment (2nd attempt) and has failed to contact the assigned HACA FSS staff within ten business days, (i.e. applicant is counted as "no call, no show"). HACA will interpret the no call, no show to mean the applicant has

withdrawn their interest in the program, and the applicant will automatically be withdrawn from consideration. If the resident chooses to re-apply to the waitlist at a later time, the procedures defined above in (C.1.a) shall be followed.

In the event the applicant is unable to attend the scheduled orientation and initiates the request for a rescheduled appointment, a rescheduled appointment will be made within two weeks. If the applicant initiates a request for a 2nd rescheduled appointment they will be rescheduled. If the applicant fails to attend the orientation two (2) times, they will be not be eligible to reapply to HACA's FSS program or open waitlist before a six (6) month waiting period. ~~–This period–The completion of the orientation session serves as is–~~ the second motivational screening for level of interest. If at the time of the 2nd rescheduled appointment, the applicant requires more than 30 additional days for intake appointment, they will be placed back on the waitlist.

Each family will be given two opportunities to attend the orientation session and may request accommodation if unable to attend a scheduled orientation session. Accommodations will be offered on a case-by-case basis, depending on the needs of the applicant. Accommodations may include translation services, an alternative location, a virtual orientation session, or an environment that accommodates childcare.

IX. PORTABILITY PROVISIONS

HCV families may relocate as a feature of the program and FSS families may end their participation in FSS or transfer their FSS contract to the receiving PHA.

A. Families Porting out of HACA's Jurisdiction:

1. Although HACA is not required to allow FSS participants to exercise portability–may be exercised after during the first 12 months from the CoP start date, HACA may allow for portability within this period to the extent feasible. A PHA may approve an FSS family's request to move under portability during the first 12 months.
2. If continued FSS participation is not possible with the receiving PHA, the FSS Coordinator will discuss the options available to the family, which may include modification of the FSS contract, termination of the FSS contract and forfeiture of escrow, or termination with FSS escrow disbursement, or locating an alternative PHA that can enroll the family into its FSS program. The FSS family cannot continue participation in the program with a PHA that does not administer an FSS program. Every effort will be made by the HACA FSS Program to avoid termination and forfeiture of the escrow account funds.
3. If a HACA FSS Participant chooses to move to another jurisdiction and their voucher is being absorbed, the family must provide a signed and revised FSS CoP in order for the transfer of FSS funds to the receiving PHA to occur. If the signed CoP is not received within 90 days of HACA's receipt of notification that the household has leased up in that jurisdiction, then the family's participation in HACA's FSS Program will be terminated

and any escrow monies will be forfeited.

1.4. There will be only one escrow account that will be managed by the PHA that is handling the voucher payments. For example, if an FSS family moves from HACA and the receiving PHA is billing HACA, then the escrow account will be maintained by HACA.

B. Families Porting into HACA's Jurisdiction:

1. All FSS families in good standing that move into HACA's jurisdiction will be served by the program unless:

a. There is no capacity on the program to serve the family because the maximum number of families are already being served.

b. The initial PHA and HACA agree that the family can continue to participate in the initial PHA's FSS program after the move to the new jurisdiction by fulfilling its responsibilities the CoP in HACA's jurisdiction.

2. FSS families porting into HACA's jurisdiction will receive ~~priority entry onto the program~~ and may be absorbed into the HCVa preference on the FSS program without first becoming waitlistedwaiting list. The family that is porting into HACA's FSS Program must sign the contract of participation within 90 days of lease-up with HACA. The end date of the CoP will remain the same, but the start date will be the first of the following month after the family signs the new CoP. If the port-in family does not sign HACA's CoP within 90 days, then the initial PHA may terminate their CoP and forfeit the family's escrow.

XI. METHOD OF IDENTIFICATION FOR FAMILY SUPPORT NEEDS

The success of participants' outcomes and general success of the Family Self-Sufficiency Program will depend greatly on how effectively the needs of the participant family are addressed and how committed the FSS participant is to becoming self-sufficient. HACA's FSS team will assess the needs of each FSS family beginning at intake and on an ongoing basis, using case-by-case evaluation and self-reporting, in addition to any tools pursuant to delivering effective case management.

The head of FSS family is an adult member of the household determined by the family. The head of FSS family may or may not be the head of household for purposes of determining income eligibility and rent. All adult members of the household will sign a designation form prior to the signing of the CoP to agree upon the determination of the head of FSS family. The head of FSS family is under the obligations of the CoP and ITSP. The head of FSS family may be changed at any point in the CoP term by completion of a new designation form signed by all adults in the family at that time.

B.A. Individual Training and Service Plan (ITSP)

A member of HACA's FSS team and the head ~~of household~~ of FSS family will collaboratively develop an Individual Training and Service Plan (ITSP), which establishes the family's specific interim and final goals.

1. Needs Assessment:

The ITSP is developed with the family from the initial needs assessment in which the FSS Coordinator works with the participant to gather information on their history and needs around education, employment, finances, life skills, transportation, and legal areas. This needs assessment was developed by the PHA to capture all areas that families may need support to address, while using a strengths-based approach to identify the supports and skills the participant is already utilizing.

2. Goal Development:

The goals set out in the ITSP must lead to economic self-sufficiency. ~~One interim goal for each family currently receiving TANF must be that the family must become independent of welfare assistance, as defined in 24 CFR §984.103, at least one year prior to the expiration of the term of the FSS CoP.~~ The role of the FSS staff in the creation of the ITSP is to collaborate with the family to ensure such goals are likely to lead to self-sufficiency and employment, and that the resources are identified and available to enable families to succeed. ITSP goals are prioritized by urgency as determined by the participant and FSS Coordinator. A holistic approach to the needs of the participant will be utilized. Health and safety concerns will be given priority so that additional goals can be accomplished after more urgent needs are addressed.

a. Required Final Goals:

One final goal for each family currently receiving TANF must be that the family must become independent of welfare assistance, as defined in 24 CFR §984.103, by the expiration of the term of the FSS CoP.

A required final goal for every FSS head of family is obtaining suitable employment, which is defined on a case-by-case basis through agreement between the participant and the PHA or owner. Consideration is taken of the impact of an increase in income on benefits such as SSDI, Medicare, Medicaid, etc, that may be in the best interest of the participant to retain rather than increase income beyond eligibility limits.

b. Modification of ITSP:

The ITSP is not a static document but must demonstrate measurable progress towards milestones and will be reviewed at least annually to ensure relevance of interim goals to the final goal of self-sufficiency. The resources needed to meet goals must be accessible and available to the family. -availability and access to resources to meet said goals is within the scope of the family's abilities.-The ITSP may be modified up to the last day of the FSS contract to improve the participant's ability to complete their

obligations in the CoP or progress toward economic self-sufficiency. All modifications must be in writing and signed by HACA staff and the FSS participant. Any adult family member may choose to create an ITSP with the FSS Coordinator and receive the support of the program for goal completion.

3. Transitional supportive service assistance.

Assistance and referrals will not be available to families who have completed their CoP contracts, as time spent on these referrals will not be covered by funds designated by HUD to support the FSS program.

D.B. Family Responsibilities

-In order to track participant progress towards meeting their interim goals and to provide follow-up supportive services, the FSS participant must:

- 1) Attend all scheduled appointments and FSS meetings with frequency determined by FSS Coordinator and agreed upon by FSS participant;
- 2) Seek and maintain suitable employment after completion of any job-training program listed on the ITSP;
- 3) Complete the activities within the specified completion date as documented in the ITSP;
- 4) Provide HACA with updated information about the family's participation in services related to the goals listed, and the FSS Program in order to evaluate HACA's partnerships with community organizations, private business entities, and governmental agencies. This could include information regarding employment, job interviews, training, educational attendance and other FSS services and activities;
- 5) Comply with the terms of the Housing Lease Agreement;
- 6) Fulfill the family obligation requirements under the ~~Public Housing~~-Project Based Rental Assistance Program and Housing Choice Voucher Rental Programs. This includes reporting changes in residency, family composition, or income to HACA; and
- 7) Become free of welfare assistance and remain welfare-free ~~for at least 12 consecutive months prior to~~ at the expiration date of the FSS CoP.

C. HACA Responsibilities

In order to monitor the progress of each participant, HACA's FSS team will do the following:

Contact FSS participant regularly based on assessed need (monthly to semi-annually) to determine progress made toward defined goals via progress reviews by personal interviews, phone contact, in-person, or virtual meetings, in addition to contacts made by email, phone, and/or group meetings. Coordinator will offer more frequent meetings with participants that are in need of increased assistance to progress with their goals.

1) -;

- 2)1) Work with ~~Public Housing and~~ PBRA Managers or Housing Choice Voucher Program Eligibility Specialists to determine changes in residency, family composition, or income and obtain referrals for new FSS participants (from HCV only);
- 3)2) Maintain a contact record documenting tasks and accomplishments made towards achieving goals for all FSS participants;
- 4)3) Conduct regularly scheduled orientations for interested potential new participants;
- 5)4) Provide referrals and supportive services (as defined in Section XI.A) available to FSS families; and
- 6)5) Provide annual updates to the FSS Program Coordinating Committee (PCC) and to HACA's Board of Commissioners on successes of the FSS program and the participants.

XII. INCENTIVES TO ENCOURAGE PARTICIPATION —~~PUBLIC HOUSING,~~ PROJECT BASED RENTAL ASSISTANCE, AND HOUSING CHOICE VOUCHER PROGRAM

A. Supportive Services

In order to support FSS participants in achieving their goals, the HACA FSS team will coordinate the following services or will provide referrals to partnering agencies:

| <u>Supportive Service Category</u> | <u>Specific Service</u> | <u>Source/Partner</u> |
|------------------------------------|---|--|
| <u>Assessment</u> | <u>Vocational Assessment & Disability Assessment</u> | <u>Capital Area Workforce Solutions,</u> <u>Texas Workforce Solutions</u> <u>Vocational Rehabilitation Services</u> |
| <u>Childcare</u> | <u>Infant/Preschool Care & Afterschool Care</u> | <u>Workforce Solutions Capital Area</u> <u>Childcare Services; Austin Pathways</u> |
| <u>Transportation</u> | <ul style="list-style-type: none"> ▪ <u>Bus Passes</u> ▪ <u>Car Repair and Car Purchase</u> | <ul style="list-style-type: none"> ▪ <u>Capital Metro Discounted Bus Pass Program</u> ▪ <u>Austin Pathways</u> |
| <u>Education</u> | <ul style="list-style-type: none"> ▪ <u>High School Diploma/GED</u> ▪ <u>ESL</u> ▪ <u>Post-Secondary Certificates</u> ▪ <u>Advanced Degrees</u> | <ul style="list-style-type: none"> ▪ <u>Goodwill Excel Center, Austin</u> <u>Community College (ACC)</u> ▪ <u>Casa Marianella, ACC, The</u> <u>Literacy Coalition of Central Texas</u> ▪ <u>Skillpoint Alliance, Austin</u> <u>Pathways</u> ▪ <u>ACC, Capital IDEA, PelotonU,</u> <u>Austin Pathways</u> |
| <u>Skills Training</u> | <ul style="list-style-type: none"> ▪ <u>Basic Skills Training</u> ▪ <u>Technology and Healthcare Training</u> | <ul style="list-style-type: none"> ▪ <u>The Literacy Coalition of Central</u> <u>Texas, Lifeworks, el Buen</u> |

| | | |
|-----------------------------------|---|---|
| | <ul style="list-style-type: none"> ▪ <u>Apprenticeships</u> ▪ <u>Skilled Labor Training</u> | <u>Samaritano, Manos de Cristo, Austin FreeNet</u> <ul style="list-style-type: none"> ▪ <u>Capital Area Workforce Solutions, Capital IDEA,</u> ▪ <u>Skillpoint Alliance</u> ▪ <u>ACC including available partnerships with area corporations</u> |
| <u>Job Readiness</u> | <ul style="list-style-type: none"> ▪ <u>Resume preparation, interviewing skills, job placement</u> ▪ <u>Work clothes and equipment</u> | <ul style="list-style-type: none"> ▪ <u>Goodwill Central Texas, Austin Area Urban League, African American Youth Harvest Foundation</u> ▪ <u>Dress for Success, Austin Pathways</u> |
| <u>Small Business Development</u> | <u>Small Business Coaching & Entrepreneurial Training</u> | <u>Economic Growth Business Incubator, BiG Austin, SCORE, Foundation Communities</u> |
| <u>Health/Mental Health Care</u> | <ul style="list-style-type: none"> ▪ <u>Dental Services</u> ▪ <u>Mental Health Services</u> ▪ <u>Health Insurance Counseling</u> | <ul style="list-style-type: none"> ▪ <u>Manos de Cristo</u> ▪ <u>Lifeworks, Capital Area Counseling, Integral Care</u> ▪ <u>Foundation Communities</u> |
| <u>Homeownership Preparation</u> | <ul style="list-style-type: none"> ▪ <u>Homeownership Education & Housing Counseling</u> ▪ <u>Downpayment Assistance</u> | <ul style="list-style-type: none"> ▪ <u>Frameworks CDC, Habitat for Humanity</u> ▪ <u>City of Austin Housing & Planning Department, Texas Department of Housing and Community Affairs Texas Homebuyer Program</u> |
| <u>Financial Education</u> | <u>Financial coaching and courses Credit Counseling</u> | <u>Foundation Communities, Frost Bank</u> |
| <u>Legal Services</u> | <u>Legal Services</u> | <u>Texas RioGrande Legal Aid, Lawyer Referral Service of Central Texas, University of Texas Pro Bono Program</u> |

- ~~1) Childcare~~
- ~~1) Transportation~~
- ~~1) Life Skills Training~~
- ~~1) Education~~
- ~~1) Employment Opportunities and Job Training~~
- ~~1) Financial Literacy~~
- ~~1) Home Ownership Training~~
- ~~1) Parenting Skills~~

In order to assist the FSS families with completing the goals set forth in the FSS Contract of Participation, HACA will provide ongoing support, follow-up, tracking, counseling, referrals and other supportive services to the families.

B. Formed Partnerships with Public and Private Entities

HACA has formed partnerships with public and private entities to provide opportunities that enable and empower FSS families to become self-sufficient. The public and private entities will provide supportive services for the FSS program, including the resources listed above. In addition to these partnerships, HACA's non-profit subsidiary, Austin Pathways, provides limited supportive services to FSS families subject to available funding. Supportive services may include but are not limited to: bus passes; gas cards; certification programs; testing for licensing and certification; work and school uniforms/equipment; and transitional childcare. —This supplementary support is based on the evaluated need of FSS participants and the impact on the family's successful completion of their program goals. Support is limited and provided as available at the approval of HACA executive staff. HACA staff will work to continually expand the range of services available through partnerships. If a family presents a need for financial assistance, funds will be utilized in the following order dependent on availability: Supportive Services funds, forfeited escrow funds, and escrow account funds.

E.C. —Escrow Account

Families participating in the FSS Program may, if eligible, accumulate money in an escrow account when their earned income increases. The baseline income is set from the most recent certification at the time of contract execution. Each time eligible families' earned income increases, this will typically result in a rent increase. A portion of the increased rent amount is deposited into an escrow account. The end date of the Contract of Participation is set at 5 years after the first recertification after the contract start date per the FSS Final Rule. This allows for 5 potential years of escrow savings.

The amount credited to the escrow account will be calculated using the formula required by federal regulations, as defined in 24 CFR §984.305. The escrow calculation is based on increases in the rent actually paid by the FSS family. The escrow credit is no longer reduced for families that are above the very-low income limit; potentially capped due to payment of flat rent for Public Housing families or Earned Income Disallowance (EID). This is discussed further in Section C.3. The escrow for PBRA families follows the same principle as escrow calculations for PH and HCV, and will be calculated in accordance with Notice H-2016-08. For Mod Rehab and PBRA families, escrow is calculated as the difference between the baseline monthly rent and the current gross rent. The property management company or those completing PBRA certifications must communicate and cooperate with the FSS Program for the purposes of escrow calculation and program participation.

1. Deposits

HACA will deposit the FSS account funds for each eligible family into one main escrow account, and maintain a separate General Ledger Account in the Housing Authority of the City of Austin books. The FSS General Ledger Account will consist of subsidiary

ledgers for each individual eligible FSS participant including, but not limited to, name of participant, date participant entered the program, individual escrow transactions by date and amount, interest earned on individual balances and date that the account is terminated or disbursed. The main escrow account will be invested in HUD-approved investments.

Interest earned on the main escrow account will be earned on a monthly basis and allocated to each individual account. During the time of the Contract of Participation, HACA shall credit periodically, at least annually, to each family's FSS account, the amount of FSS credit determined in accordance with 24 CFR §984.305 and H-2016-08 for Multifamily FSS (PBRA).

2. Disbursements

a) Final Disbursements

The final disbursement of FSS account funds is made to the head of ~~household of the~~ FSS family when the following conditions have been met:

~~0) The FSS family has fulfilled all of its obligations under the Contract of Participation on or before the expiration of the contract term, including any extension thereof. For HCV FSS families only, qualification to graduate may also be met if 30% of the family's monthly adjusted income equals or exceeds the published existing housing fair market rent for the size of the unit for which the FSS family qualifies based on HACA's occupancy standards (even if the contract termination date or any extension thereof, have not expired);~~

~~2) The head of the household~~ **FSS head of family** certifies that no member of the FSS family is a recipient of federal or state welfare assistance, as defined in 24 CFR §984.103 and H-2016-08. The FSS Coordinator will verify this information by obtaining documentation and contacting welfare agencies.

~~2) The Housing Authority resident must live in the jurisdiction of HACA for at least twelve (12) months prior to contract completion date to receive the escrow funds.~~ **The FSS head of family has completed all goals on ITSP and obtained suitable employment as determined by FSS Coordinator on a case-by-case basis in consultation with the family. Goal completion is verified by documentation from 3rd party sources when possible. Tenant provided documentation is accepted when this option is not available.**

HACA will pay the head ~~of household of~~ **FSS family** the amount in the family's escrow account less any outstanding balances owed to HACA.

b) Interim Disbursements

HACA may permit the family to make partial withdrawals from the FSS escrow account before completion of the contract if the family has completed at least one goal

set forth in the ITSP and the funds are needed to complete the CoP. Requests for interim disbursements must be made in writing by the head of the ~~household-FSS family~~ and follow the proper HACA Standard Operating Procedures, which is subject to approval.

Examples of potentially eligible requests include, but are not limited to, payments for post-secondary education, job training, credit repair, small business start-up costs, and transportation needs for education or employment.

The request shall be no more than ½ of the amount in the FSS escrow account, unless authorized by the Vice President of Assisted Housing. Partial disbursement of escrow funds will be allowed up to two times per calendar year and must be limited to goal specific requests, provided that the total of the requests is equal to or less than 50% of the escrow balance at the time of the first request.

The FSS Program Manager will review all requests for interim disbursements and will ~~make a recommendation~~ submit approved requests to the Vice President of Assisted Housing, the CFO, and the ~~The President and~~ CEO or COO ~~shall retain for~~ final approval. Early disbursements of escrow funds are at the sole discretion of HACA. ~~Partial disbursement of escrow funds will be allowed one time per year and must be limited to goal specific requests.~~

c) Disbursement with Termination of CoP

Escrow funds will be disbursed when CoP is terminated under the following conditions:

1. Services that HACA and the FSS family have agreed are integral to the FSS family's advancement towards self-sufficiency are unavailable; or
2. The head of the FSS family becomes permanently disabled and unable to work during the period of the contract, unless HACA and the FSS family determine that it is possible to modify the contract to designate a new head of the FSS family; or
3. An FSS family in good standing moves outside the jurisdiction of the PHA under portability for good cause, as determined by the PHA, and continuation of the CoP after the move, or completion of the CoP prior to the move, is not possible.

3. Forfeited Escrow Funds

FSS escrow account funds forfeited by the FSS family must be used by the PHA or owner for the benefit of the FSS participants and/or household. Specifically, such funds may be used for the following eligible activities:

- a) Support for FSS participants in good standing, including, but not limited to, transportation, child care, training, testing fees, employment preparation costs, and other costs related to achieving obligations outlined in the CoP;

b) Training for FSS Program Coordinator(s); or

c) Other eligible activities as determined by the Secretary.

Such funds may not be used for salary and fringe benefits of FSS Program Coordinators; general administrative costs of the FSS program, for housing assistance payments (HAP) expenses or public housing operating funds; or any other activity determined ineligible by the Secretary.

Forfeited escrow fund requests may be made throughout the term of the CoP. Requests must be made in writing by the head of FSS family or other family members as needed. The determination of whether the family qualifies for the requested disbursement will be made on a case-by-case basis by the FSS Manager and Executive staff of HACA. Forfeited escrow fund requests will be reviewed by the FSS Program Manager and submitted for the approval of the Vice President of Assisted Housing, the CFO, and the CEO or COO.

Requests for FSS coordinator training will be approved by the Vice President of Assisted Housing CEO or COO pending availability of funds.

Payments will be made directly to the vendor when possible.

4. Flat rent (PH); Earned Income Disallowance and other Incentives

~~Public Housing Flat rent: When a Public Housing FSS participant's earned income increases and surpasses the established flat rent for his/her housing unit, the FSS participant will have the option to pay, without penalty, either the flat rent amount or the higher, income based rent amount. If the participant chooses to pay flat rent, any escrow accrued will be calculated based on the flat rent amount actually paid by the participant, versus the Family Rent.~~

Earned Income Disallowance (EID): EID was established by QHWRA to encourage residents to become self-sufficient by rewarding residents who go to work or have increased earnings. Residents who meet EID, as defined in 24 CFR §960.255, will have their full earned income, even if excluded under EID, included in the baseline of the CoP.
be excluded from the aggregate of earned income for the purposes of calculating escrow.

To this end, FSS Participants eligible for EID will not earn escrow until the rent paid exceeds their baseline. whose earned income increases will not accrue escrow credit during the period of time in which 100% of the earned income increase is being disallowed. FSS participants on EID will be eligible to begin accumulating escrow at the beginning of the phase in period, when 50 % of their income determination becomes included in the rent calculation. The amount of income included in rental calculation will be the amount included in the escrow calculation. FSS participants that were enrolled in FSS prior to the implementation of the FSS Final Rule effective 6/16/2022

will not have their baselines reset if and when they convert to the new CoP and regulations under the Final Rule.

Other incentives: Gift certificates, awards, ribbons, plaques, banquets, etc., may be offered to motivate, reward and recognize participants as they progress through interim goals and achieve successful CoP completion. There may be times when no other incentive is available other than escrow accounts. HACA is in no way obligated to provide monetary or non-monetary incentives other than the escrow account.

XIII. CORRECTIVE ACTION: FAILURE TO MEET FAMILY RESPONSIBILITIES

FSS participants may be subject to corrective action should the FSS head of ~~household-family~~ fail to fulfill the Family's Responsibilities as defined in Section XI, Paragraph B. Corrective Action may include being placed on probation for a period of ninety (90) calendar days. During the 90 days there will be an addition of conditional and mandatory activities added as an amendment to the ITSP as determined and agreed upon by the family. These activities will address persistent obstacles to meeting benchmarks outlined in the ITSP, and to help the participant identify and enact strategies to move forward with renewed momentum. Should the FSS Participant violate the terms of the FSS Probationary Agreement, the FSS contract will be terminated as outlined in Section XIII. FSS Coordinator will attempt to reach the participant via phone, text, and/or email prior to contract termination due to non-compliance with family obligations to request required activity, meeting, or correspondence. The FSS Coordinator will provide a 14 day written warning of termination to the FSS participant and if no response is received, then the participant will be processed for termination.

XIII.V. CONTRACT TERMINATION AND WITHHOLDING OF SUPPORTIVE SERVICES

A. FSS Contract Termination

The FSS Contract of Participation may be terminated before the expiration of the contract term, and any extension thereof, for the following reasons:

- 1) The Contract of Participation is automatically terminated if the family's ~~Public Housing~~, Project Based Rental Assistance, or Housing Choice Voucher Program assistance is terminated in accordance with HUD requirements;
- 2) If the family violates family housing obligations. A participant family's housing obligations are described in the Certificate of Family Participation/Lease Agreement and the Family Obligation under the Housing Choice Voucher Contract.
- 3) If the family breaches the FSS contract. The family's obligations for the FSS program are described in FSS Contract of Participation, HUD-52650. The following are considered participant breaches of the CoP:

- a. Failure to provide communication to coordinator regarding progress on ITSP goals via meeting attendance, phone calls, and/or emails after written notification of non-compliance
- b. Failure to actively pursue activities and/or goals on the ITSP, including employment activities
- c. Failure to complete ITSP activities and/or goals within the specified time frames
- d. An “act inconsistent with the purposes of FSS” may be defined as threatening, fraudulent, or overtly hostile behavior that prevents the successful functioning of the service coordination relationship. A written warning will be given if such an act occurs and if there is any additional occurrences, then the participant may be terminated from the program at the discretion of the PHA.

- 4) If the ~~FSS head of FSS family’s head of household~~ fails to become independent from welfare assistance;
- 5) If the ~~FSS family’s head of household~~ head of FSS family fails to meet the employment obligations of the contract;
- 6) The FSS participant and HACA sign a written agreement mutually agreeing to terminate the contract;
- 7) HACA determines that the family has not fulfilled its responsibilities under the FSS Contract of Participation and that there is not good cause for the family’s failure to fulfill such responsibilities;
- 8) The family moves outside of HACA’s jurisdiction under Housing Choice Voucher Program portability procedures and enters the FSS Program of another housing authority;
- 9) HACA determines that the resources and services necessary to complete the contract are not available;
- 10) Any related new HUD mandate resulting in changes to the contract of participation and/or the related CFR,
- 11) Operation of law.

The FSS coordinator will mail and email (when available) the termination notice ~~temail if possible to the participant.~~ The notice will include the following: the effective date of the termination, reason for termination, a statement informing the family of their right to request an informal hearing and the deadline for the request, a statement informing the family that termination from the FSS program does not impact their housing assistance, and the amount of escrow being forfeited with termination.

B. Re-enrollment of Terminated Participants

If for any reason HACA terminates the FSS Contract of Participation, the FSS participant will not be allowed to participate in any FSS programs administered by HACA for one year.

If a participant is terminated with escrow disbursement, they may not re-enroll in HACA’s FSS program.

HACA may use discretion in determining eligibility for return to the program ~~in~~with reference to the reason for original termination. For example, in cases of fraudulent or threatening behavior by a previous participant, repeat participation may be declined.

The above provisions do not apply to family members who were not heads of FSS family during previous enrollment. Family members who were not heads of FSS family previously will be treated as new applicants to the program.

XIV. APPEAL PROCEDURES

Housing Authority residents may file a grievance for any decision involving termination from the FSS Program, denial of FSS participation, escrow funds forfeited, and withdrawal of the FSS application. The Housing Authority of the City of Austin's informal hearing procedures shall apply as established in ~~Public Housing, Project Based Rental Assistance, and Housing Choice Voucher Program Administrative Plans.~~ The written request for an informal hearing must be made within 15 business days of the date of the FSS termination letter. The appeal procedures for FSS can be obtained through the FSS Program Manager or the Informal Hearing Officer.

The persons included in the informal hearing will be the head of FSS family, the FSS Coordinator and/or FSS Program Manager, and the HACA staff serving as the Informal Hearing Officer.

The appeal hearing notification with the date, time, and location of the hearing will be sent made by mail and/or email within 30 days of the family's request. Appeal hearings may be conducted virtually or in person at HACA's offices. The family may request to reschedule a hearing for good cause, or if it is needed as reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family. Requests to reschedule a hearing must be made verbally or in writing within forty-eight hours prior to the hearing date. If the participant fails to appear and was unable to reschedule the hearing in advance, the tenant must contact HACA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The Hearing Officer will reschedule the hearing only if the participant can show good cause for the failure to appear or if needed as a reasonable accommodation for a person with disabilities.

At their own expense, the family may be represented by a lawyer or other representative at the informal hearing.

The hearing officer will issue a written decision to the family within 10 business days after the hearing. Informal hearing decisions for FSS program actions are final.

No appeal will be granted for voluntary withdrawal.

XV. HUD FSS CONTRACT TERM, EXTENSION, MODIFICATION AND ADDITIONAL TERMS

A. - ~~Public Housing, Project Based Rental Assistance, and Housing Choice Voucher Program~~ Contract Term

The Contract of Participation shall provide that each FSS family is required to fulfill those obligations to which the participating family has committed itself ~~under the FSS Contract of Participation no later than five years after the effective date of the contract~~ by the contract end date, unless the FSS participant is terminated prior to the end ~~of the five-year period~~ of the contract pursuant to the provisions of this agreement. Contract end date is set as 5 years from the first recertification after the CoP start date.

B. Extension

HACA may, in writing, extend the term of the Contract of Participation for a period not to exceed two years when good cause exists for granting the extension. A family must supply a written request for an extension that includes a description of the need for the extension ~~no later than thirty (30) calendar days~~ prior to the expiration date of the FSS Contract of Participation. HACA retains the sole discretion to grant or deny an extension request. Requests for extension may be granted for the following reasons:

- ~~1. Requests for an extension shall not be approved unless~~ Circumstances beyond the control of the FSS family that impede the family's ability to complete the CoP obligations, as determined by HACA, such as a serious illness or involuntary loss of employment, are evident in the need for extension. Examples of circumstances beyond the control of the FSS family include involuntary loss of employment or extended serious illness that prevented the participant from seeking or maintaining suitable employment. HACA retains the sole discretion to grant or deny an extension request.
2. Active pursuit of a current or additional goal that will result in the furtherance of self-sufficiency during the period of the extension (e.g., completion of a college degree during which the participant is unemployed or under-employed, credit repair towards being homeownership ready, etc.) as determined by HACA;
- ~~1.3.~~ Any other circumstance that HACA determines warrants an extension, as long as HACA is consistent in its determination as to which circumstances warrant an extension.

C. ~~3~~ Modification

HACA and the FSS family may mutually agree to modify the Contract of Participation. The Contract of Participation may be modified in writing with respect to the Individual Training and Services Plans, the contract term in accordance with paragraph 2 of this section, and designation of the head of the FSS family. Modifications to the Individual Training and Service Plan may be made ~~no later than 30 days prior to the~~ up to the expiration date of the FSS Contract of Participation.

D. Additional Terms

A participant may only graduate one time from ~~either the Public Housing / PBRA or the Housing Choice Voucher~~ HACA's FSS program. The only exception to this guideline is ~~an HCVa~~ family that meets the qualification to graduate ~~due to income~~ and there is no escrow disbursement. If this is the case and the resident becomes income eligible again for the program after a one--year waiting period, the family may re-enroll into the FSS program.

Family members who were not heads of FSS family previously may re-enroll in HACA's FSS program.

XVI. ASSURANCE OF NON-INTERFERENCE – ~~PUBLIC HOUSING, PROJECT~~ BASED RENTAL ASSISTANCE, AND HOUSING CHOICE VOUCHER PROGRAM

Families choosing not to participate in the FSS program will not have their continued occupancy affected nor have their right to admission into HACA's assistance programs encumbered ~~in any way.~~ The family's housing assistance will not be terminated based on whether they decide to participate in FSS, their successful completion of the CoP, or on their failure to comply with FSS program requirements.

~~should they wish not to participate.~~

XXI.XVII. COORDINATION WITH LOCAL SERVICES

In developing and revising this FSS Action Plan, and the attendant services and activities, HACA has coordinated with local employment training programs, including the CHOICES program and local Workforce Investment Opportunity Act (WIOA) programs. HACA continues to coordinate with other relevant employment, childcare, transportation, training and education programs in the Austin/Travis County areas. Service coordination is critical to participant and program success and will continue in the implementation of the FSS programs at HACA. A certification attesting to such is included as Section XXI.

XXH.XVIII. PROGRAM COORDINATING COMMITTEE (PCC)

The Housing Authority of the City of Austin partners with various entities that serve as a referral network for our residents; some as paid contractors for services and others as unpaid contractors informally with or without MOU. These collaborations also serve to provide feedback to the FSS team on methods to enhance the FSS program. The Program Coordinating Committee (PCC) members will consist of a selection from among the following agencies:

- 1) Membership from select Partner Agencies, including:
 - AUSTIN COMMUNITY COLLEGE – GED and ESL classes; postsecondary education

- AUSTIN ENERGY – Utility Assistance for FSS participants in addition to other self-sufficiency program members and the elderly/disabled residents of HACA
- AUSTIN AREA URBAN LEAGUE – assessment, work readiness training, certificate training and job placement.
- CAPITAL AREA WORKFORCE DEVELOPMENT BOARD/Workforce Solutions– job readiness training, job training; job placement; supportive services, sharing information on TANF program rules, services and benefits that support FSS families’ work efforts, encourage TANF recipients who are served by the HA to enroll in FSS
- CITY OF AUSTIN ~~OFFICE OF NEIGHBORHOOD HOUSING & COMMUNITY DEVELOPMENT~~ HOUSING & PLANNING DEPARTMENT – down payment assistance program; affordable housing program
- GOODWILL INDUSTRIES – job placement services; interviewing skills; resume writing, financial literacy and life skills training
- AREA CHURCHES – food pantry; emergency assistance, youth programming, workforce development opportunities targeting women
- Any Baby Can – parenting and life skills, workforce development
- Lifeworks – Parenting and life skills, workforce development
- Literacy Coalition of Central Texas – workplace competency training and GED preparation
- Skillpoint Alliance - Job readiness/workplace competency, career assessment and counseling, job training, job placement, computer literacy
- Foundation Communities –financial management education, college planning, free tax preparation, and health insurance enrollment
- Frost Bank – financial literacy and asset building; Other service provided as determined

Members may be removed from or added to the PCC at the sole discretion of HACA. The PCC ~~will must also include representatives required at~~ least one resident participant per the CFR - two FSS participants from each HUD-assisted program (HCV, PBRA), as well as a minimum of one FSS Coordinator, one from each PH and HCV FSS Programs. A PCC is not required for PBRA FSS; however, Remaining PBRA residents will be included and served by HACA’s PCC. The PCC will meet on a quarterly basis in a virtual or in-person setting.

XXIII.XIX. FSS COORDINATOR FUNDING

FSS Coordinators will be funded through the FSS NOFA to serve HCV, ~~PH~~, and PBRA residents that were already enrolled in FSS prior to conversion through RAD. The Housing Authority will maintain enrollment of HCV residents in the FSS Program to ~~maintain-retain~~ eligibility to apply for FSS Coordinator funding under the FSS NOFA to serve eligible residents.

XXIV.XX. CERTIFICATION OF COORDINATION

The Housing Authority of the City of Austin's Family Self-Sufficiency Program has been developed to avoid duplication of services and activities. The FSS program utilizes existing networks of services in the Austin area in order to avoid such duplication. Additionally, the FSS program has been developed, and continues to be implemented in collaboration with programs under title I of the Workforce Innovation and Opportunity Act 29 U.S.C. 3111 et seq. and with other employment, child care, transportation, training, education, and financial empowerment programs in the entities in the Austin area, including the City of Austin and the Capital Area Workforce Development Board, which administer the Workforce Investment and Opportunity Act and Choices programs. HACA will continue to coordinate with relevant agencies and organizations throughout the implementation of the FSS program in order to promote the maximum benefit to participants while avoiding any duplication of services.

Signed: _____

Michael Gerber, President and CEO

Date: 8/15/22

HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02763

RENTAL ASSISTANCE DEMONSTRATION

ITEM NO. 4.

MEETING DATE: September 15, 2022

STAFF CONTACT: Ann Gass, Director of Strategic Housing Initiatives

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 02763 Resolution authorizing the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary for acquisition of a drainage easement related to the development of the Pathways at Rosewood Courts East (the “Project”)

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

The Board is being asked to authorize the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary for acquisition of a drainage easement related to the development of the Pathways at Rosewood Courts East (the “Project”).

SUMMARY

Background:

As part of the redevelopment of Rosewood Courts, HACA will be required to rebuild the stormwater culvert that runs under Rosewood Courts at Poquito Creek. This work will include significant modifications to the culvert entrance on the west side of Chicon Street. Part of the construction area is a parcel owned by several family members of Doris Potts (Potts parcel). In order to complete the culvert modifications, the City is requiring that HACA obtain an access easement that will allow us to be on the Potts parcel during the period of construction and allow the City to access the parcel for maintenance at any time in the future.

The plans initially impacted two neighboring parcels. Our engineers worked with the City to move the work southward onto the Salina land already owned by HACA, thereby eliminating the impact to one of the neighboring parcels. However, we are unable to avoid the Potts parcel because it sits squarely in the creek bed. The Travis County Appraisal District (TCAD) currently lists the value of the 874 square foot parcel at \$6,992.

Process:

HACA has been in contact with several members of the Potts family represented by two different attorneys. We have made an initial, informal offer to purchase the parcel. The family has indicated they are open to discussion about this purchase and we hope to be able to arrive at a satisfactory sales price. While we will

make every effort to arrive at a mutually agreeable solution, if we are unable to arrive at a fair sales price for the land or a fee for the easement, HACA will have to exercise its authority under eminent domain in order to obtain the easement. We fundamentally believe the parcel is not usable as it is entirely within a flood plain and this action will allow HACA to act in the public interest to complete the redevelopment of Rosewood Courts.

Staff Recommendation:

Staff recommends approval of the resolution to allow HACA to negotiate the purchase of the parcel or the easement, or, if necessary, exercise eminent domain to obtain the easement.

ATTACHMENTS:

- ▣ **Parcel Map**

RESOLUTION NO. 02763

Resolution authorizing the Housing Authority of the City of Austin (the “Authority”) to take such actions necessary for acquisition of a drainage easement related to the development of the Pathways at Rosewood Courts East (the “Project”)

WHEREAS, the Authority currently sponsors the development of the Project, a multifamily development providing affordable housing for residents of low and moderate income; and

WHEREAS, the Authority operates pursuant to Chapter 392 of the Texas Local Government Code, as amended; and

WHEREAS, the Authority’s authority to exercise its eminent domain authority and power of condemnation derives from Texas Local Government Code Section 392.061 and Article I Section 17 and Article XVI Section 59 of the Constitution of the State of Texas; and

WHEREAS, the Board of Commissioners of the Authority has determined, and hereby determines, that it is necessary and convenient and in the public interest to develop the Project; and

WHEREAS, the Board of Commissioners of the Authority has determined, in the exercise of its lawful discretion, and having considered the feasibility and benefits of the proposed development, that in order to fulfill the public purposes aforesaid, it will be necessary to acquire certain interests in real property in order to facilitate the construction of the Project; and

WHEREAS, the Board of Commissioners of the Authority has determined that it is reasonable, necessary, and appropriate to acquire a drainage easement (“Drainage Easement”) in certain 0.02 acre tract in Austin, Travis County, Texas, belonging to Doris Attal Potts, et al, being a portion of Outlot 61, Division “B”, of the topographical map of the government tract adjoining the City of Austin, dated 1840, of record in the general land office of the State of Texas, said 874 square feet (0.02 of an acre) tract being further described as being all of that certain called 23’x38’ tract of land being a portion of said Outlot 61, Division “B” (the “Potts Tract”); and

WHEREAS, the Board of Commissioners of the Authority authorize the engagement of legal counsel, engineers, and appraisers to consult with and advise the Authority regarding the acquisition of the easement described herein and payment of just compensation to the landowners using an independent, qualified real estate appraiser and accepted valuation techniques; and

WHEREAS, the Board of Commissioners of the Authority has determined that the President and CEO of the Authority, or his designee, should be authorized to take all steps as may be reasonable and necessary to facilitate the acquisition of the above-described Drainage Easement for the Project, including, if necessary, through the commencement of eminent domain proceedings.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE AUTHORITY THAT:

SECTION 1. The foregoing recitals are adopted as resolutions of the Authority as if fully set forth herein.

SECTION 2. The Drainage Easement be acquired, whether by purchase or by eminent domain, for the

public use and purpose of developing the Project.

SECTION 3. The President and CEO of the Authority, or his designee, should be, and is hereby, authorized to take all steps which are reasonably necessary to facilitate the acquisition of the above-described Property, whether by purchase or by eminent domain, and in connection therewith to pay all reasonable and necessary costs incurred with an acquisition by purchase or to deposit the amount of the special commissioners' award into the registry of the court in an eminent domain proceeding, and to appeal any such award.

This resolution shall be in full force and effect from and upon its adoption.

PASSED, APPROVED AND ADOPTED this 15th day of September, 2022.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

Property | 194929



HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02764

PLANNING AND DEVELOPMENT

ITEM NO. 5.

MEETING DATE: September 15, 2022

STAFF CONTACT: Jimi Teasdale, Planning & Development Director

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 02764: Approval of Contract for Unit Fire Damage Restoration, 8312 Nighthawk Unit 102, Pathways at Thurmond Heights

BUDGETED ITEM: No

TOTAL COST: \$111,000.00

ACTION

The Board is being asked to approve a contract for Fire Damage Restoration, 8312 Nighthawk, Unit 102 at Pathways at Thurmond Heights.

SUMMARY

Background:

On April 20, 2022, HACA lost a Unit to a resident-caused fire incident. The interior of the Unit was a complete loss, and insurance was contacted and a claim filed. Upon HACA fully gaining possession of the Unit and all contents abandoned by the Resident occupant, HACA created a scope of work that matches the insurance inspection and HACA's requirements. Plan-set sheets from prior projects were used to re-create the scope of work that had been used to rehab the Unit in the few years prior to the fire incident.

The scope of work will entail complete rehab of the Unit interior including, but not limited to, smoke stain and odor sealing, full insulation replacement throughout, new drywall throughout, T/F/T/P, all new interior doors, trim, mill work, cabinetry, counters, HVAC, toilet accessories, windows/screens, ceramic tile flooring. Some minor repair and repainting of the Unit exterior will be necessary, as well.

Process:

The Invitation for Bid was advertised on the HACA website and the Housing Agency Marketplace e-procurement system. Bidders were invited to a pre-bid walk and discussion with the Planning & Development Department on August 12, 2022, and time was allowed for bids to be developed and submitted by August 31, 2022. A summary of the invitation for bid process is attached.

Staff Recommendation:

Staff recommends award of contract to sole bidder JG Arco Iris Painting Contractors, LLC.

ATTACHMENTS:

- ▣ **Bid Process/Summary of Bids**

RESOLUTION NO. 02764

**APPROVING THE AWARD OF CONTRACT FOR FIRE DAMAGE RESTORATION AT
8312 NIGHTHAWK, UNIT 102 AT PATHWAYS AT THURMOND HEIGHTS**

WHEREAS, On August 31, 2022, the Housing Authority of the City of Austin received bid submissions electronically for Fire Damage Restoration, 8312 Nighthawk, Unit 102 for Pathways at Thurmond Heights; and

WHEREAS, it is the recommendation of the President and CEO that the bid submitted by JG Arco Iris Painting Contractors, LLC be accepted as the most responsible and responsive bid in the amount of \$111,000.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Housing Authority Board of Commissioners authorizes the President and CEO to accept the bid as submitted by JG Arco Iris Painting Contractors, LLC and award such contract;

PASSED, APPROVED AND ADOPTED this 15th day of September 2022.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson

BID PROCESS: An Invitation for Bid was advertised on the HACA website and in the Housing Agency Marketplace e-procurement website.

Sixteen (16) Project Manuals were distributed and One (1) Bid Proposals was submitted. Bids were received electronically on August 31, 2022 by 5:00 p.m., local time.

- **AWARD OF CONTRACT:** Bids were submitted electronically opened and recorded by James Teasdale, Planning & Development Director, and Christina Huerta, Modernization Specialist.
- The sole bidder for Pathways , JG Arco Iris Painting Contractors, LLC was determined to be responsive – Bid Proposal, Non-Collusive Affidavit, Representations, Certifications, and Other Statements of Bidders, Certification of Bidder Regarding Equal Employment Opportunity, and Contractor's Qualification Statement, were complete & executed, as required.
- Reference verifications by HACA for JG Arco Iris Painting Contractors, LLC, performed with all positive results as they have been an established contractor for HACA for over 20 years.



**Vendors Who Have Downloaded Solicitation #: HACA Project#2022-13 - Fire Damage Restoration
8312 Nighthawk, Unit 102**

Total # of companies: 11
Total # of individuals: 11

Do you wish the prospective proposers to see this list? NO

Note: Date/Time Viewed and Submission Status will NOT be shown to vendors.

Currently prospective proposers CANNOT see this list.

[Click here for Submission Status definitions](#)

| <u>Company</u> | <u>Date/Time Downloaded</u> | <u>Contact Name</u> | <u>Phone</u> | <u>City, State</u> | <u>MWBE Status</u> | <u>Submission Status</u> |
|---|-----------------------------|-----------------------------|----------------------|--------------------|---|--------------------------|
| BR General Contractors LLC | 08/09/2022 11:19 AM CDT | Alma Hocker | 201-504-4630 | New Braunfels, TX | Woman-owned Business Enterprise | |
| DH & Company | 08/10/2022 12:50 AM CDT | Dara Harsh | 888-447-2348 Ext. 48 | Maricopa, AZ | | |
| Gutierrez Roofing and Construction | 08/29/2022 10:36 PM CDT | Ricky Gutierrez | 806-300-2860 | Lubbock, TX | Hispanic-American Business Enterprise | |
| HollywoodAustin Media, Entertainment and Film Productions | 08/10/2022 04:28 PM CDT | Ricky Green | 512-367-9475 | Austin, TX | Woman-owned Business Enterprise African-American Business Enterprise | |
| JAMS Contracting | 08/17/2022 07:09 PM CDT | Andrew Cardenas | 325-300-6526 | San Angelo, TX | Hispanic-American Business Enterprise | Will Submit |
| JG Arcoiris Painting Contractors, LLC | 08/08/2022 12:02 PM CDT | Jose/adriana Gamez/campbell | 512-389-3933 | Austin, TX | Hispanic-American Business Enterprise | Responded |
| JMF Consulting | 08/09/2022 01:54 AM CDT | Jenny Flanagan | 858-490-8823 | San Diego, TX | Woman-owned Business Enterprise | |
| kkg construcion | 08/23/2022 08:24 PM CDT | Nikki White | 214-400-8855 | Dallas, TX | Woman-owned Business Enterprise | Will Submit |
| Precision Reconstruction Group | 08/16/2022 03:13 PM CDT | Ryan Curtis | 817-819-2678 | Forney, TX | Woman-owned Business Enterprise | |
| Target Solutions | 08/12/2022 12:11 PM CDT | Jeff Dalrymple | 512-417-0599 | Waco, TX | | Will Submit |
| Unity Contractor Services, Inc | 08/08/2022 12:10 PM CDT | Samantha House | 512-926-8065 | Austin, TX | African-American Business Enterprise | |

Supplier Diversity Classification Totals

PLEASE NOTE: Some firms may be classified in multiple categories, which may result in percentages being more than 100%.

African-American Business Enterprise: 2 (18%)
Hispanic-American Business Enterprise: 3 (27%)
None (not Woman- or Minority-owned): 2 (18%)
Woman-owned Business Enterprise: 5 (45%)

Section 3 Business: 3 (27%)



Vendors Notified

Thu, Sep 01, 2022
02:52 PM CDT

Vendors notified of Solicitation #: HACA Project#2022-13 - Fire Damage Restoration 8312 Nighthawk, Unit 102

Total # of companies: 5

Total # of individuals: 5

[Click here to view the categories that have been notified by email](#)

| <u>Company</u> | <u>MWBE Status</u> | <u>Date/Time Notified</u> | <u>Date/Time Viewed</u> |
|---|---------------------------------------|----------------------------|----------------------------|
| Cordova Construction Company, Inc. <i>Nacogdoches, TX</i> Billy Cordova billy@cordovaconstructioncompany.com | Hispanic-American Business Enterprise | 08/08/2022 11:56 AM CDT | |
| FIDUS Construction Services <i>Austin, TX</i> Lauren Hudler lhudler@fiduscanex.com | | 08/08/2022 11:56 AM CDT | |
| JG Arcoiris Painting Contractors, LLC <i>Austin, TX</i> Jose/adriana Gamez/campbell arcoiris.contractors@gmail.com | Hispanic-American Business Enterprise | 08/08/2022 11:56 AM CDT | 08/08/2022 12:02 PM CDT |
| Precision Reconstruction Group <i>Forney, TX</i> Ryan Curtis ryan@precisionreconstructiongroup.com | Woman-owned Business Enterprise | 08/08/2022 11:56 AM CDT | 08/16/2022 03:13 PM CDT |
| Unity Contractor Services, Inc <i>Austin, TX</i> Samantha House samantha@unitycs.com | African-American Business Enterprise | 08/08/2022 11:56 AM CDT | 08/08/2022 12:10 PM CDT |

Supplier Diversity Classification Totals

PLEASE NOTE: Some firms may be classified in multiple categories, which may result in percentages being more than 100%.

African-American Business Enterprise: 1 (20%)
Hispanic-American Business Enterprise: 2 (40%)
None (not Woman- or Minority-owned): 1 (20%)
Woman-owned Business Enterprise: 1 (20%)

Section 3 Business: 2 (40%)

**BID TABULATION
PROJECT# 2022-13
FIRE DAMAGE RESTORATION 8312 NIGHTHAWK, UNIT 102
PATHWAYS @ THURMOND HEIGHTS
BID OPENING BY ELECTRONIC SUBMISSION
AUGUST 31, 2022 BY 5:00 PM**

| CONTRACTOR | BID BOND | LUMP SUM BASE BID | ADDENDUMS ACKNOWLEDGED | DAYS TO COMPLETE |
|--|-------------|----------------------|---------------------------|------------------------|
| JG ARCOIRIS PAINTING CONTRACTORS, LLC | YES | \$111,000.00 | YES | 90 CALENDAR DAYS |
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HOUSING AUTHORITY OF THE CITY OF AUSTIN

BOARD ACTION REQUEST

RESOLUTION NO. 02765

PURCHASING ITEM NO. 6.

MEETING DATE: September 15, 2022

STAFF CONTACT: Nora Velasco, Director of Operations and Procurement

ITEM TITLE: Presentation, Discussion, and Possible Action regarding Resolution No. 02765: Approval of Amendments to HACA'S Procurement Policy

BUDGETED ITEM: N/A

TOTAL COST: N/A

ACTION

Motion to Approve Resolution No. 02765 to approve revisions to the Procurement Policy to reflect recent program changes and additional flexibilities.

SUMMARY

Background:

HACA's Procurement Policy has been updated to better reflect and respond to operational needs of the organization. HACA's conversion to Project Based Rental Assistance (PBRA) allows for additional streamlining of the procurement process. For example, HUD regulations requiring compliance with Section 3 and Davis Bacon do not apply to the PBRA program.

These policy updates will allow HACA to procure services in a more simplified manner, offering more opportunity for competition with the goal of obtaining better, more competitive pricing and a bigger pool of vendors and contractors. State and local procurement laws will continue to be followed by HACA. Federal procurement regulations will still apply to any federal grants received by HACA. Spending approval thresholds will remain the same, with the exception of the Petty Cash threshold, which will go from \$25 to \$50.

Process:

Extensive research was conducted with legal guidance, discussions with E-Team and other staff members and concluded that these updates are consistent and compliant with federal guidance and are necessary to meet HACA's procurement and purchasing needs in a more efficient and simplified manner.

Staff Recommendation:

Staff recommends approval of changes to the procurement policy as submitted.

ATTACHMENTS:

- ▣ **Attachment 1: Final With Proposed Changes**
- ▣ **Attachment 2: Final Redlined Proposed Changes**
- ▣ **Attachment 3: Attorney Guidance**

RESOLUTION NO. 02765

APPROVAL OF REVISIONS TO THE HACA PROCUREMENT POLICY

WHEREAS, it is the requirement for the Board of Commissioners of a Public Housing Authority to approve revisions to the Agency's Procurement Policy; and

WHEREAS, the Board of Commissioners last revised the Procurement Policy on November 23, 2015 to reflect the transition from 24 CFR 85.36 to 2 CFR 200-317 – 200-326 by December 31, 2015; and

WHEREAS, the procurement regulations of the U.S. Department of Housing and Urban Development (HUD) no longer apply to RAD converted properties (HUD Notice-2019-09, PIH-201923 (HA) Rental Assistance Demonstration REV-4 Final Implementation);

NOW, THEREFORE BE IT RESOLVED, that the Housing Authority of the City of Austin Board of Commissioners authorizes the President & CEO to revise the HACA Procurement Policy to reflect new efficiencies and simplification of the procurement and purchasing process in compliance with local, state and federal law.

PASSED, APPROVED AND ADOPTED this 15th day of September, 2022.

Michael G. Gerber, Secretary

Carl S. Richie, Jr., Chairperson



Housing Authority of the City of Austin

PROCUREMENT POLICY

Adopted: September 15, 2022

Resolution No. 02765

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1.0 INTRODUCTION

1.1 **General.** Established for the Housing Authority of the City of Austin and its subsidiaries (hereinafter "HACA") by Action of HACA's Board of Commissioners (Board) on September 15, 2022, this Procurement Policy (Policy) complies with applicable State and Local laws. This Policy also complies with Federal Regulations at 2 CFR §200.317 through §200.326, *Procurement Standards*, which are applicable for Federal grant awards.

2.0 GENERAL PROVISIONS

2.1 **General.** HACA shall:

- 2.1.1 Provide for a procurement system of quality and integrity;
- 2.a.2 Provide for the fair and equitable treatment of all persons or firms involved in purchasing by HACA;
- 2.a.3 Ensure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable and valuable prices available to HACA;
- 2.1.4 Promote competition in contracting; and
- 2.1.5 Assure that HACA's purchasing actions are in full compliance with applicable Federal standards, HUD regulations, State, and local laws

2.2 **Application.** This Policy applies to all procurement actions of HACA, effective October 1, 2022, regardless of the source of funds, except as noted under "Exclusions", paragraph 2.4 below. Nothing in this Policy shall prevent HACA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with the law. When both Federal and non-Federal grant funds are used for a project, the work to be accomplished with the funds should be separately identified prior to procurement so that appropriate requirements can be applied, if necessary. If it is not possible to separate the funds, Federal procurement regulations for federal grant awards shall be applied to the total project. If funds and work can be separated and work can be completed by a new contract, then regulations applicable to the source of funding may be followed.

2.3 **Definition.** The term "procurement," as used in this Policy, includes the procuring, purchasing, leasing, or renting of: (1) goods, supplies, equipment,



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and materials, (2) construction and maintenance; (3) consultant services, (4) Architectural and Engineering (A/E) services, (5) Social Services, and (6) other services.

- 2.4 Exclusions.** Section 5.0 of this Policy, Procurement Methods, does not govern the following areas, which are subject to applicable state and local bidding requirements. The programs and subsidiaries below are afforded the maximum degree of flexibility in their stated procurement actions, consistent with efficiency and best value to the organization and HACA's Code of Conduct. To the extent feasible, three (3) quotes will be obtained.

2.4.1 HACA's administration of its Rental Assistance Program (RAD) with regard to HACA's RAD-specific procurement of developers, funders, lenders, investors, or consultants, to the extent authorized by HUD regulations and notices.

2.4.2 Pathways Asset Management, Inc.'s (PAMI's) management and maintenance of its Project Based Rental Assistance (PBRA) housing portfolio with regard to time sensitive or urgent procurement of contracts, services, supplies and materials.

2.4.3 Austin Affordable Housing Corporation's (AAHC's) administration of its real estate programs with regard to AAHC's program-specific procurement of developers, funders, lenders, investors, property management firms, or consultants with unrestricted funds.

2.4.4 Southwest Housing Compliance Corporation's (SHCC's) administration of its Project Based Contract Administration (PBCA) program, including any re-bid hereof, with regard to SHCC's program-specific procurement of consultants with unrestricted funds.

- 2.5 Changes in Laws and Regulations.** In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these Policies, automatically supersede these Policies.

2.6 Public Access to Procurement Information. Most procurement information that is not proprietary is a matter of public record and shall be available to the public to the extent provided in the Texas Public Information Act.



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3.0 ETHICS IN PUBLIC CONTRACTING

- 3.1 General.** HACA hereby establishes a code of conduct regarding procurement issues and actions and shall implement a system of sanctions for violations. This code of conduct is consistent with applicable Federal, State, or local law.
- 3.2 Conflicts of Interest.** No employee, officer, Board member, or agent of HACA shall participate directly or indirectly in the selection, award, or administration of any contract supported by a Federal or State award if a conflict of interest, either real or apparent, would be involved. This type of conflict would be when one of the persons listed below has a financial or any other type of interest or tangible personal benefit in or from a firm competing for the award:
- 3.2.1** An employee, officer, Board member, or agent involved in making the award;
 - 3.2.2** His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister);
 - 3.2.3** His/her partner; or
 - 3.2.4** An organization which employs or is negotiating to employ, or has an arrangement concerning prospective employment of any of the individuals listed in this subsection 3.2.
- 3.3 Organizational Conflicts of Interest.** HACA, as the parent of wholly owned subsidiaries, will maintain written standards of conduct covering organizational conflicts of interest that may arise in any procurement action between HACA and one of its wholly owned subsidiaries.
- 3.4 Gratuities, Kickbacks, and Use of Confidential Information.** No officer, employee, Board member, or agent of HACA shall ask for or accept gratuities, favors, or items of more than nominal value (e.g., an inexpensive hat with logo) from any contractor, potential contractor, or party to any subcontract, and shall not knowingly use confidential information for actual or anticipated personal gain.
- 3.5 Prohibition against Contingent Fees.** Contractors wanting to do business with HACA must not hire a person to solicit or secure a contract for a commission,



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percentage, brokerage, or contingent fee, except for bona fide established commercial selling agencies.

4.0 PROCUREMENT PLANNING

4.1 General. Planning is essential to managing the procurement function properly. Hence, HACA will periodically review its record of prior purchases, as well as future needs, to:

- 4.1.1** Find patterns of procurement actions that could be performed more efficiently or economically;
- 4.1.2** Maximize competition and competitive pricing among contracts and decrease HACA's procurement costs;
- 4.1.3** Reduce HACA administrative costs;
- 4.1.4** Ensure that supplies and services are obtained without any need for re-procurement (i.e., resolving bid protests); and
- 4.1.5** Minimize errors that occur when there is inadequate lead time.

Consideration shall be given to storage, security, and handling requirements when planning the most appropriate purchasing actions.

5.0 PROCUREMENT METHODS

5.1 Petty Cash Purchases. Purchases under \$50 may be handled through the use of a petty cash account. Petty Cash Accounts may be established in an amount sufficient to cover small purchases made during a reasonable period, e.g., one month. For all Petty Cash Accounts, HACA shall ensure that security is maintained and only authorized individuals have access to the account. These accounts shall be reconciled and replenished periodically.

5.2 Micro Purchase Procedures. Micro Purchases are purchases between the Petty Cash ceiling and less than \$3,000 (\$2,000 for construction procurements). HACA shall require only one quote, provided it is considered reasonable, for Micro Purchases. Such purchases shall be distributed equitably among qualified sources. HACA may use Small Purchase procedures for Micro Purchases if it determines that to be necessary.



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- 5.3 Small Purchase Procedures.** For amounts between \$3,000 (\$2,000 for construction procurements) and \$150,000 (\$100,000 for construction contracts), HACA shall obtain a reasonable number of quotes (preferably three). To the greatest extent feasible, and to promote competition, Small Purchases should be distributed among qualified sources. Quotations for Small Purchases (QSP), or quotes, may be obtained orally (either in person or by phone), by fax, in writing, or through e-procurement. Award shall be made to the responsive and responsible vendor that submits the lowest cost to HACA. If award is to be made for reasons other than lowest price, documentation shall be provided in the contract file. HACA shall not break down requirements aggregating more than the Small Purchase threshold (or the Micro Purchase threshold) into several purchases that are less than the applicable threshold merely to: (1) permit use of the Small Purchase procedures or (2) avoid any requirements that apply to purchases that exceed the Micro Purchase threshold.
- 5.4 Sealed Bids.** Sealed bidding, also known as Invitation for Bids (IFB), shall be used for all contracts that exceed the small purchase threshold and that are not competitive proposals or non-competitive proposals, as these terms are defined in this Policy. Under sealed bids, HACA publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsive and responsible bidder whose bid, conforming to all the material terms and conditions of the IFB, is the lowest in price. Sealed bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed \$150,000 (\$100,000 for construction contracts).
- 5.4.1 Conditions for Using Sealed Bids.** HACA shall use the sealed bid method if the following conditions are present: a complete, adequate, and realistic statement of work, specification, or purchase description is available; three or more responsible bidders are willing and able to compete effectively for the work; the contract can be awarded based on a firm fixed price; and the selection of the successful bidder can be made principally on the lowest price.
- 5.4.2 Solicitation and Receipt of Bids.** An IFB is issued which includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement that award will be made to the lowest responsive and responsible bidder whose bid meets the requirements of the solicitation. The IFB must meet all of the on-line requirements and instructions given on the E-Procurement website.



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All proposals shall be submitted electronically, before the deadline, to be considered.

5.4.3 Bid Opening and Award. All electronic bids received will be recorded and tabulated. The results will be emailed to all respondents. If equal low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method. The method for doing this shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.

5.4.4 Mistakes in Bids. Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, corrections in bids may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Contracting Officer. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of HACA or fair competition shall not be permitted.

5.5 Competitive Proposals. Unlike sealed bidding, the competitive proposal method, also known as Request for Proposals (RFP), permits: consideration of technical factors other than price; discussion with offerors concerning offers submitted; negotiation of contract price or estimated cost and other contract terms and conditions; revision of proposals before the final contractor selection; and the withdrawal of an offer at any time up until the point of award. Award is normally made on the basis of the proposal that represents the best overall value to HACA, considering price and other factors, e.g., technical expertise, past experience, quality of proposed staffing, etc., set forth in the solicitation and not solely the lowest price.

5.5.1 Conditions for Use. Where conditions are not appropriate for the use of sealed bidding, competitive proposals may be used. Competitive



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proposals are the preferred method for procuring professional services that will exceed the Small Purchase threshold. Construction services will most typically be procured utilizing the sealed bid (IFB) or small purchase procedures (QSP).

- 5.5.2 Form of Solicitation.** Other than A/E services, developer-related services and energy performance contracting, competitive proposals shall be solicited through the issuance of an RFP. The RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any sub-factors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals until after award. HACA may assign price a specific weight in the evaluation factors or HACA may consider price in conjunction with technical factors; in either case, the method for evaluating price shall be established in the RFP.
- 5.5.3 Evaluation.** The proposals shall be evaluated only on the factors stated in the RFP. Where not apparent from the evaluation factors, HACA shall establish an Evaluation Plan for each RFP. Generally, all RFPs shall be evaluated by an appropriately appointed Evaluation Committee. The Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a Non-Disclosure statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.
- 5.5.4 Negotiations.** Negotiations shall be conducted with all offerors who submit a proposal determined to have a reasonable chance of being selected for award, unless it is determined that negotiations are not needed with any of the offerors. This determination is based on the relative score of the proposals as they are evaluated and rated in accordance with the technical and price factors specified in the RFP. These offerors shall be treated fairly and equally with respect to any opportunity for negotiation and revision of their proposals. No offeror shall be given any information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations. Negotiations are exchanges (in either competitive or sole source environment)



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between HACA and offerors that are undertaken with the intent of allowing the offeror to revise its proposal. These negotiations may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract or other terms of a proposed contract. When negotiations are conducted in a competitive acquisition, they take place after establishment of the competitive range and are called discussions. Discussions are tailored to each offeror's proposal, and shall be conducted by the contracting officer with each offeror within the competitive range. The primary object of discussions is to maximize HACA's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. The contracting officer shall indicate to, or discuss with, each offeror still being considered for award, significant weaknesses, deficiencies, and other aspects of its proposal (such as technical approach, past performance, and terms and conditions) that could, in the opinion of the contracting officer, be altered or explained to enhance materially the proposer's potential for award. The scope and extent of discussions are a matter of the contracting officer's judgment. The contracting officer may inform an offeror that its' price is considered by HACA to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible to indicate to all offerors the cost or price that HACA's price analysis, market research, and other reviews have identified as reasonable. "Auctioning" (revealing one offeror's price in an attempt to get another offeror to lower their price) is prohibited.

- 5.5.4 **Award.** After evaluation of the revised proposals, if any, the contract shall be awarded to the responsible firm whose technical approach to the project, qualifications, price and/or any other factors considered, are most advantageous to HACA provided that the price is within the maximum total project budgeted amount established for the specific property or activity. HACA reserves the right to reject all proposals. HACA also reserves the right to award contracts to multiple offerors.
- 5.5.6 **A/E Services.** HACA shall contract for A/E services using Qualifications-based Selection (QBS) procedures, utilizing a Request for Qualifications (RFQ). Sealed bidding shall not be used for A/E solicitations. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to



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negotiation of fair and reasonable compensation. HACA may qualify a "pool" of professional service providers, (AE's) that will be rotated based on their expertise for the certain needs of the Agency. Price is not used as a selection factor under this method. QBS procedures shall not be used to purchase other types of services, other than Energy Performance Contracting and Developer services, though architectural/engineering firms are potential sources.

5.6 Noncompetitive Proposals.

5.6.1 Conditions for Use. Procurement by noncompetitive proposals (sole or single-source) may be used only when the award of a contract is not feasible using small purchase procedures, sealed bids, cooperative purchasing, or competitive proposals, and if one of the following applies:

5.6.1.1 The item is available only from a single source, based on a good faith review of available sources;

5.6.1.2 An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to HACA, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency;

5.6.1.3 HUD authorizes the use of noncompetitive proposals; or

5.6.1.4 After solicitation of a number of sources, competition is determined inadequate.

5.6.2 Justification. Each procurement based on noncompetitive proposals shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the responsible Contracting Officer. Poor planning or lack of planning is not justification for emergency or sole-source procurements. The



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justification, to be included in the procurement file, should include the following information:

- 5.6.2.1 Description of the requirement;
 - 5.6.2.2 History of prior purchases and their nature (competitive vs. noncompetitive);
 - 5.6.2.3 **If applicable:** The specific exception in 2 CFR §200.320(f) (1)-(4) which applies;
 - 5.6.2.4 Statement as to the unique circumstances that require award by noncompetitive proposals;
 - 5.6.2.5 Description of the efforts made to find competitive sources (advertisement in trade journals, E-Procurement and local publications, phone calls to local suppliers, issuance of an electronic solicitation, etc.);
 - 5.6.2.6 Statement as to efforts that will be taken in the future to promote competition for the requirement;
 - 5.6.2.7 Signature by the Contracting Officer's supervisor (or someone above the level of the Contracting Officer); and
 - 5.6.2.8 Price Reasonableness. The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing an analysis, as described in this Policy.
- 5.7 Cooperative Purchasing/Intergovernmental Agreements.** HACA may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. HACA may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured



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in accordance with 2 CFR §200.317 through §200.326 if the source of funding is a federal grant.

6.0 INDEPENDENT COST ESTIMATE (ICE)

- 6.1 General.** For all purchases above the Micro Purchase threshold, HACA shall prepare an ICE prior to solicitation. The level of detail shall be commensurate with the cost and complexity of the item to be purchased.

7.0 COST AND PRICE ANALYSIS (CPA)

- 7.1 General.** HACA shall require assurance that, before entering into a contract, the price is reasonable, in accordance with the following instructions.

7.1.1 Petty Cash and Micro Purchases. No formal cost or price analysis is required. Rather, the execution of a contract by the Contracting Officer (through a Purchase Order or other means) shall serve as the Contracting Officer's determination that the price obtained is reasonable, which may be based on the Contracting Officer's prior experience or other factors.

7.1.2 Small Purchases. A comparison with other offers shall generally be sufficient determination of the reasonableness of price and no further analysis is required. If a reasonable number of quotes are not obtained to establish reasonableness through price competition, the Contracting Officer shall document price reasonableness through other means, such as prior purchases of this nature, catalog prices, the Contracting Officer's personal knowledge at the time of purchase, comparison to the ICE, or any other reasonable basis.

7.1.3 Sealed Bids. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, and when the bid received is substantially more than the ICE, and where HACA cannot reasonably determine price reasonableness, HACA must conduct a cost analysis, consistent with federal guidelines, to ensure that the price paid is reasonable.

7.1.4 Competitive Proposals. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient proposals are not received, HACA must compare the price with the ICE. For competitive proposals where prices cannot be



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easily compared among offerors, where there is not adequate competition, or where the price is substantially greater than the ICE, HACA must conduct a cost analysis, consistent with federal guidelines, to ensure that the price paid is reasonable.

- 7.1.5 Contract Modifications.** A cost analysis, consistent with federal guidelines, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through Small Purchase procedures and the amount of the contract modification will result in a total contract price in excess of \$150,000 (\$100,000 for construction contracts).

8.0 SOLICITATION AND ADVERTISING

8.1 Method of Solicitation.

- 8.1.1 Petty Cash and Micro Purchases.** HACA may contact only one source if the price is considered reasonable.
- 8.1.2 Small Purchases.** Quotes may be solicited orally, through email, fax, E-Procurement, or by any other reasonable method.
- 8.1.3 Sealed Bids and Competitive Proposals.** Solicitation must be done publicly. HACA must use one or more of the following solicitation methods, provided that the method employed provides for meaningful competition.
- 8.1.3.1** Advertising in HACA'S website, e-procurement, online classifieds websites, newspapers or other electronic or print mediums of local or general circulation.
- 8.1.3.2** Advertising in various trade journals or publications (for construction).
- 8.1.3.3** E-Procurement. HACA may conduct its public procurements through the Internet using e-procurement systems. E-procurements must be in compliance with State and local requirements and HACA's procurement policy and, if applicable, 2 CFR §200.317 through §200.326



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- 8.2 Time Frame.** For purchases of more than \$150,000 (\$100,000 for construction contracts), the public solicitation should run not less than once each week for two consecutive weeks.
- 8.3 Form.** Notices/advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a contact that can provide a copy of, and information about, the solicitation, and a brief description of the needed item(s).
- 8.4 Time Period for Submission of Bids.** A minimum of 30 days shall generally be provided for preparation and submission of sealed bids and 15 days for competitive proposals. However, the President/CEO may allow for a shorter period under extraordinary and complex circumstances.
- 8.5 Cancellation of Solicitations.**
 - 8.5.1** An IFB, RFP, or other solicitation may be cancelled before bids/offers are due if:
 - 8.5.1.1** The supplies, services or construction is no longer required;
 - 8.5.1.2** The funds are no longer available;
 - 8.5.1.3** Proposed amendments to the solicitation are of such magnitude that a new solicitation would be best; or
 - 8.5.1.4** Other similar reasons.
 - 8.5.2** A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if:
 - 8.5.2.1** The supplies or services (including construction) are no longer required;
 - 8.5.2.2** Ambiguous or otherwise inadequate specifications were part of the solicitation;
 - 8.5.2.3** All factors of significance to HACA were not considered;



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- 8.5.2.4 Prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
 - 8.5.2.5 There is reason to believe that bids or proposals may not have been independently determined in open competition, may have been collusive, or may have been submitted in bad faith; or
 - 8.5.2.6 For good cause of a similar nature when it is in the best interest of HACA.
- 8.5.3 The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request.
- 8.5.4 A notice of cancellation shall be sent to all bidders/offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items.
- 8.5.5 If all otherwise acceptable bids received in response to an IFB are at unreasonable prices an analysis should be conducted to see if there is a problem in either the specifications or HACA's cost estimate. If both are determined adequate and if only one bid is received and the price is unreasonable, the Contracting Officer may cancel the solicitation and either
 - 8.5.5.1 Re-solicit using an RFP; or
 - 8.5.5.2 Complete the procurement by using the competitive proposal method. The Contracting Officer must determine, in writing, that such action is appropriate, must inform all bidders of HACA's intent to negotiate, and must give each bidder a reasonable opportunity to negotiate.
- 8.5.6 If problems are found with the specifications, HACA should cancel the solicitation, revise the specifications and re-solicit using an IFB.
- 8.6 **Credit (or Purchasing) Cards.** Credit card usage should follow the rules for all other small purchases. For example, the Contracting Officer may use a credit



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card for Micro Purchases without obtaining additional quotes provided the price is considered reasonable. However, for amounts above the Micro Purchase level, the Contracting Officer would generally need to have obtained a reasonable number of quotes before purchasing via a credit card. When using credit cards, HACA shall adopt reasonable safeguards to assure that they are used only for intended purposes (for instance, limiting the types of purchases or the amount of purchases that are permitted with credit cards).

9.0 BONDING REQUIREMENTS

9.1 General. The standards under this section apply to construction contracts that exceed \$100,000. There are no bonding requirements for small purchases or for competitive proposals. HACA may require bonds in these latter circumstances when deemed appropriate; however, non-construction contracts should generally not require bid bonds.

9.1.1 Bid Bonds. For construction contracts exceeding \$100,000, offerors shall be required to submit a bid guarantee from each bidder equivalent to 5% of the bid price.

9.1.2 Payment Bonds. For construction contracts exceeding \$100,000, the successful bidder shall furnish performance AND payment bond(s) in a penal sum of 100% of the contract price. This assurance may be any one of the following four:

9.1.2.1 A performance and payment bond in a penal sum of 100% of the contract price; or

9.1.2.1 These bonds must be obtained from guarantee or surety companies acceptable to the U. S. Government and authorized to do business in the State of Texas. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies on this circular is mandatory.

10.0 CONTRACTOR QUALIFICATIONS AND DUTIES

10.1 Contractor Responsibility



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10.1.1 HACA shall not award any contract until the prospective contractor, i.e., low responsive bidder, or successful offeror, has been determined to be responsible. A responsible bidder/offeror must:

10.1.1.1 Have adequate financial resources to perform the contract, or the ability to obtain them;

10.1.1.2 Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all of the bidder's/offeror's existing commercial and governmental business commitments;

10.1.1.3 Have a satisfactory performance record;

10.1.1.4 Have a satisfactory record of integrity and business ethics;

10.1.1.5 Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;

10.1.1.6 Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,

10.1.1.7 Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not be suspended, debarred or under a HUD-imposed LDP.

10.1.2 If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official contract file, and the prospective contractor shall be advised of the reasons for the determination.

10.2 Suspension and Debarment. Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined to be ineligible by HUD in accordance with HUD regulations (2 CFR §200.317 through §200.326) or by other Federal agencies, e.g., Department of Labor for violation of labor regulations, when necessary to protect housing authorities in their business dealings. Prior to issuance of a contract, Agency staff shall, as detailed within Section 10.2.H.1 and 10.2.H.2 of HUD Procurement Handbook 7460.8 REV 2, conduct the required searches within the



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HUD Limited Denial of Participation (LDP) system and the U.S. General Services Administration System for Award Management (SAM) and place within the applicable contract file a printed copy of the results of each such search.

11.0 CONTRACT PRICING ARRANGEMENTS

- 11.1 Contract Types.** Any type of contract which is appropriate to the procurement and which will promote the best interests of HACA may be used, **provided the cost -plus-a-percentage-of-cost and percentage-of-construction-cost methods are not used.** All solicitations and contracts shall include the clauses and provisions necessary to define the rights and responsibilities of both the contractor and HACA. For all cost reimbursement contracts, HACA must include a written determination as to why no other contract type is suitable. Further, the contract must include a ceiling price that the contractor exceeds at its own risk.
- 11.2 Options.** Options for additional quantities or performance periods may be included in contracts, provided that:
- 11.2.1** The option is contained in the solicitation;
 - 11.2.2** The option is a unilateral right of HACA;
 - 11.2.3** The contract states a limit on the additional quantities and the overall term of the contract;
 - 11.2.4** The options are evaluated as part of the initial competition;
 - 11.2.5** The contract states the period within which the options may be exercised;
 - 11.2.6** The options may be exercised only at the price specified in or reasonably determinable from the contract; and
 - 11.2.7** The options may be exercised only if determined to be more advantageous to HACA than conducting a new procurement.



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12.0 CONTRACT CLAUSES

- 12.1 **Contract Pricing Arrangements.** All contracts shall identify the contract pricing arrangement as well as other pertinent terms and conditions, as determined by HACA.
- 12.2 **Required Forms.**
- 12.3 **Required Contract Clauses:** If applicable, HACA shall ensure that each contract executed by HACA contains the required contract clauses detailed within 2 CFR §200.326 and Appendix II.

13.0 CONTRACT ADMINISTRATION

- 13.1 **General.** HACA shall maintain a system of contract administration designed to ensure that Contractors perform in accordance with their contracts. These systems shall provide for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on major projects including construction contracts, and similar matters.

14.0 SPECIFICATIONS

- 14.1 **General.** All specifications shall be drafted so as to promote overall economy for the purpose intended and to encourage competition in satisfying HACA's needs. Specifications shall be reviewed prior to issuing any solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Function or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement.
- 14.2 **Limitation.** The following types of specifications shall be avoided:
 - 14.2.1 Geographic restrictions not mandated or encouraged by applicable Federal law (except for A/E contracts, which may include geographic location as a selection factor if adequate competition is available);



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- 14.2.2** Brand name specifications (unless the specifications list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use).

Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be reviewed to ensure that organizational conflicts of interest do not occur.

15.0 APPEALS AND REMEDIES

- 15.1 General.** It is Agency policy to resolve all contractual issues informally and without litigation. Disputes will not be referred to HUD or the State unless all administrative remedies have been exhausted. When appropriate, a mediator may be used to help resolve differences.
- 15.2 Informal Appeals Procedure.** HACA shall adopt an informal bid protest/appeal procedure for contracts of \$150,000 or less. Under these procedures, the bidder/contractor may request to meet with the appropriate Contract Officer.
- 15.3 Formal Appeals Procedure.** A formal appeals procedure shall be established for solicitations/contracts of more than \$150,000.
- 15.3.1 Bid Protest.** Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Policy. Any protest against a solicitation must be received before the due date for the receipt of bids or proposals, and any protest against the award of a contract must be received within ten (10) calendar days after the contract receives notice of the contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Contracting Officer or designee, who shall issue a written decision on the matter. The Contracting Officer may, at his/her discretion, suspend the procurement pending resolution of the protest if the facts presented so warrant.
- 15.3.2 Contractor Claims.** All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of its appeal rights to the next higher level of authority in Agency.



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16.0 ASSISTANCE TO SMALL AND OTHER BUSINESSES

16.1 Feasible Efforts. All feasible efforts shall be made to ensure that small and minority-owned businesses, and women's business enterprises are used when possible. Such efforts shall include, but may not be limited to:

- 16.1.1 Including such firms, when qualified, on solicitation mailing lists;
- 16.1.2 Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;
- 16.1.3 Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;
- 16.1.4 Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;
- 16.1.5 Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce;
- 16.1.6 Encouraging prime contractors, when subcontracting is anticipated, to subcontract with small, women-owned and minority owned businesses.

16.2 Definitions.

- 16.2.1 A small business is defined as a business that is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR §121 should be used to determine business size.
- 16.2.2 A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans,



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Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.

- 16.2.3** A women's business enterprise is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who control and operate the business.

17.0 BOARD APPROVAL OF PROCUREMENT ACTIONS

- 17.1 Authority.** Purchases and contracts of unbudgeted items in excess of \$25,000, construction budgeted items over \$100,000 or budgeted items in excess of \$150,000 shall be made by the President/CEO or his/her designee only after approval of the Board of Commissioners.

18.0 DELEGATION OF CONTRACTING AUTHORITY

- 18.1 Delegation.** While the President/CEO is responsible for ensuring that HACA's procurements comply with this Policy, the President/CEO may delegate in writing all procurement authority as is necessary and appropriate to conduct the business of HACA.
- 18.2 Procedures.** Further, and in accordance with this delegation of authority, the President/CEO shall, where necessary, establish operational procedures (such as a procurement manual or standard operating procedures) to implement this Policy. The President/CEO shall also establish a system of sanctions for violations of the ethical standards described in Section 3.0 herein, consistent with Federal, State, or local law.



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19.0 DOCUMENTATION

19.1 Required Records. HACA must maintain records sufficient to detail the significant history of each procurement action. These records shall include, but shall not necessarily be limited to, the following:

19.1.1 Rationale for the method of procurement (if not self-evident);

19.1.2 Rationale of contract pricing arrangement (also if not self-evident);

19.1.3 Reason for accepting or rejecting the bids or offers;

19.1.4 Basis for the contract price (as prescribed in this handbook);

19.1.5 A copy of the contract documents awarded or issued and signed by the Contracting Officer;

19.1.6 Basis for contract modifications; and

19.1.7 Related contract administration actions.

19.2 Level of Documentation. The level of documentation should be commensurate with the value of the procurement.

19.3 Record Retention. The records and documents must be kept for a minimum of seven years after the end of the contract period or for seven years after the end of the federal fiscal year in which services were provided if a contractor agreement/contract has no specific termination date in effect.

20.0 DISPOSITION OF SURPLUS PROPERTY

20.1 General. Property no longer necessary for HACA's purposes (non-real property) shall be transferred, sold, or disposed of in accordance with applicable Federal, state, and local laws and regulations.

21.0 FUNDING AVAILABILITY

21.1 General. Before initiating any contract, HACA shall ensure that there are sufficient funds available to cover the anticipated cost of the contract or modification.



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22.0 GLOSSARY OF HACA PROCUREMENT TERMS

Acceptance: The act of an authorized representative of the Housing Authority acknowledging that the supplies or services are in conformity with the contract requirements.

Amendment: Written revision made to a solicitation.

Bid: In the sealed bidding method or procurement, the offer submitted by a bidder.

Bidder's List: List of prospective contractors. (Also called Source List or Mailing List)

Cardinal Changes: Modifications to an existing contract that are beyond the general scope of that contract and are so extensive that a new procurement should be used.

Changed Conditions: Construction site/repair conditions that differ significantly from conditions indicated in the contract, or conditions ordinarily encountered in the performance of the type of work in the contract.

Change Order: Unilateral action taken by the Contracting Officer in order to modify the drawings, designs, specifications, method of shipping or packing, place of inspection, delivery, or acceptance of an existing contract.

Competitive Proposals: The competitive method of procurement used when small purchases and sealed bidding are not appropriate; under this method, the Housing Authority issues an RFP soliciting price and technical proposals from potential sources; evaluates the proposals and establishes a competitive range; negotiates with those in the competitive range; receives and evaluates best and final offers from those in the competitive range; and makes award to the contractor offering the most advantageous proposal, considering price and the technical Factors stated in the RFP.

Competitive Range: In a competitive proposals procurement (RFP), those proposals that, after evaluation by the Housing Authority, have a reasonable chance of receiving the award, both from a technical and cost standpoint.

Constructive Change Order: Informal requests for additional work or services caused by some act or omission to act on the part of the Housing Authority that causes a contractor extra work, delays, or money.



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Consultant: A professional person or firm that gives expert advice. Examples of consultants include but are not limited to attorneys education experts, marketing firms, auditing firms, communication firms, engineers, and architects.

Contract: A promise or set of promises for breach of which the law gives a remedy or performance of which the law recognizes as a duty; a legal instrument providing for the purchase, lease, or barter of property or services for the direct benefit of the Housing Authority.

Contracting Officer: An official authorized by the President & CEO to enter into or administer procurement contracts and make related determinations and findings.

Contract Administration: The monitoring of the contractor's performance in order to ensure compliance with performance requirements and contract terms.

Contract Modification: Any written alteration in the specifications, delivery point, date of delivery, contract period, price, quantity, or other provision of an existing contract.

Cost- Reimbursement Contract: Contract in which the buyer and seller agree on an estimate of contract costs. The buyer agrees to reimburse the seller for reasonable, allowable, and allocable costs necessary to complete the work.

Cure Notice: A document the Contracting Officer sends to a contractor to notify the contractor that the contract may be terminated by reason of default if the condition endangering performance of the contract is not corrected in a specified number of days.

Excusable Time Delay: Failure to perform that is beyond the control and without fault or negligence of the contractor.

Firm Fixed-Price Contract: Contract that provides for a price that is not subject to any adjustment by reason of cost experience of the contractor in the performance of the contract; the preferred type of contract.

Imprest Fund: A cash fund of a fixed amount managed by a duly appointed cashier who disburses funds as needed from time to time for cash payment of relatively small purchases.



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Indefinite-Quantity Contract: Contract used for procurements in which the exact number of deliverable items is not known at the time of contracting. The contract provides for a minimum and a maximum amount of goods/services that may be ordered under the contract.

Independent (In-House) Cost Estimate: A written calculation of all items included in the scope of the work, tabulated under appropriate cost headings (direct costs, labor, overhead, and profit).

Inspection: The examination and testing of supplies and services to determine whether they conform to contract requirements.

Internal Controls: Safeguards that ensure that contracting will be carried out in conformity with applicable Federal regulations and Housing Authority policy.

Invitation for Bids (IFB): Under the sealed bidding method of procurement, the written solicitation document that explains what the Housing Authority is buying and requests bids from potential contractors.

Labor-Hour Contract: Contract that provides for the procurement of property or services on the basis of direct labor hours at specified, fixed hourly rates (which include direct and indirect labor, overhead, and profit).

Labor Surplus Area Business: A labor surplus area business is a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the U.S. Department of labor in 20 CFR 654., Subpart A, and in its list of labor surplus areas published by the Employment and Training Administration.

Letter Contract: A written authorization to begin work issued prior to the negotiation of a formal contract; only allowed in emergency situations.

Level-of-Effort Contract: Contract (usually cost-reimbursement type) that specifies the number and type of person hours that the contractor will apply in pursuing the project.

Minority-owned Business: A minority-owned business is a business which is at least 51% owned by one or more minority group members, or in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are



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controlled by one or more such individuals. Minority group members include, but are not limited to, Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.

Modification: A written revision or change to the contract.

Negotiation: Discussion regarding technical price proposals with offerors in the competitive range for a contract being awarded using the competitive proposals or noncompetitive proposals method of procurement.

Noncompetitive Proposals: The method of procurement in which the Housing Authority solicits proposal(s) from only one source or a limited number of sources, if justified in writing for one of the following reasons: the item is available only from a single source; public emergency will not allow enough time for a competitive procurement; inadequate response is received to a competitive solicitation; or HUD approves the use of non-competitive proposals.

Proposal: In the competitive proposals or non-competitive proposals method of procurement, the offer submitted by a potential contractor.

Qualifications-Based Selection (QBS): A form of procurement of architect/engineering services by competitive proposals in which price is neither requested in the RFQ nor used as an evaluation factor; instead, technical qualifications only are reviewed and a fair and reasonable price negotiated with the best qualified firm.

Quotation: In the small purchase method of procurement, the price or offer submitted by a quoter.

Request for Proposals (RFP): Under the competitive proposals method of procurement, the Housing Authority's written solicitation to prospective offerors to submit a proposal based on the terms and conditions set forth therein. Proposal evaluation and contractor selection are based on the factors for award as slated in every competitive RFP.

Request for Quotations (RFQ): Used under the small purchase method of procurement when it is desirable to have a written solicitation, e.g., the specifications are complex. RFQs are used to obtain price, delivery, or other market information for planning purposes, and thus, quotations received in response to an RFQ are not offers and are not considered binding.



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Responsive Bid: One that conforms exactly to the requirements in the Invitation for Bids (IFB).

Sanctions: Measures that may be invoked by HUD to exclude or disqualify contractors from participation in HUD programs (e.g., debarment and suspension).

Sealed Bidding: The procurement method in which the Housing Authority requests competitive sealed bids. This method of procurement requires that specifications be written describing the requirements of the Agency clearly, accurately, and completely; a public bid opening is held; an evaluation of bids and award of the contract are based on the lowest bid submitted by a responsive and responsible contractor.

Show Cause Letter: A document the Contracting Officer sends to a delinquent contractor to notify the contractor that the contract may be terminated by reason of default unless the contractor can prove within 10 days that the condition was not his or her limit.

Small Business: A small business is a business which is independently owned, not dominant in its field of operation, and not an affiliate or subsidiary of a business dominant in its field of operation.

Small Purchases: Purchase of supplies and non-personal services that do not exceed the Housing Authority's dollar limitation (\$150,000 for non-construction/\$100,000 for construction) in the aggregate.

Specifications: Clear and accurate description of the technical requirements of a service or supply contract.

Statement of Work: Written definition of work to be performed that establishes standards sought for the goods or services to be supplied, typically used for service contracts.

Termination for Convenience: Termination of a contract by the Housing Authority on a unilateral basis when it no longer needs or requires the products or services, or when it is in the best interests of the Housing Authority.

Termination for Default: Termination of a contract when the contractor fails to perform or fails to make progress so as to endanger performance.



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Time-and-Materials Contract: Contract that provides for payment of supplies and services on the basis of incurred direct labor hours (at fixed rates) and materials (at cost).

Time Delay: An interruption during which services, supplies, or work are not delivered in accordance with the performance time schedule stated in the contract.

Women's Business Enterprise: A women's business enterprise is a business that is at least 51% owned by a woman or women who are U.S. citizens and who also control or operate the business.



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1.0 INTRODUCTION

1.1 General. Established for the Housing Authority of the City of Austin and its subsidiaries (hereinafter "HACA") by Action of HACA's Board of Commissioners (Board) on September 15, 2022, this Procurement Policy (Policy) complies with applicable State and Local laws. This Policy also complies with Federal Regulations at 2 CFR §200.317 through §200.326, Procurement Standards, which are applicable for Federal grant awards.

2.0 GENERAL PROVISIONS

2.1 General. HACA shall:

- 2.1.1** Provide for a procurement system of quality and integrity;
- 2.a.2** Provide for the fair and equitable treatment of all persons or firms involved in purchasing by HACA;
- 2.a.3** Ensure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable and valuable prices available to HACA;
- 2.1.4** Promote competition in contracting; and
- 2.1.5** Assure that HACA's purchasing actions are in full compliance with applicable Federal standards, HUD regulations, State, and local laws

2.2 Application. This Policy applies to all procurement actions of HACA, effective October 1, 2022, regardless of the source of funds, except as noted under "Exclusions", paragraph 2.4 below. Nothing in this Policy shall prevent HACA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with the law. When both Federal and non-Federal grant funds are used for a project, the work to be accomplished with the funds should be separately identified prior to procurement so that appropriate requirements can be applied, if necessary. If it is not possible to separate the funds, Federal procurement regulations for federal grant awards shall be applied to the total project. If funds and work can be separated and work can be completed by a new contract, then regulations applicable to the source of funding may be followed.

2.3 Definition. The term "procurement," as used in this Policy, includes the procuring, purchasing, leasing, or renting of: (1) goods, supplies, equipment,



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Deleted: the Annual Contributions Contract (ACC) between Housing Choice Voucher (HCV) HACA and the United States Department of Housing and Urban Development (HUD),

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and materials, (2) construction and maintenance; (3) consultant services, (4) Architectural and Engineering (A/E) services, (5) Social Services, and (6) other services.

- 2.4 **Exclusions.** Section 5.0 of this Policy, Procurement Methods, does not govern the following areas, which are subject to applicable state and local bidding requirements. The programs and subsidiaries below are afforded the maximum degree of flexibility in their stated procurement actions, consistent with efficiency and best value to the organization and HACA's Code of Conduct. To the extent feasible, three (3) quotes will be obtained.

2.4.1 HACA's administration of its Rental Assistance Program (RAD) with regard to HACA's RAD-specific procurement of developers, funders, lenders, investors, or consultants, to the extent authorized by HUD regulations and notices.

2.4.2 Pathways Asset Management, Inc.'s (PAMI's) management and maintenance of its Project Based Rental Assistance (PBRA) housing portfolio with regard to time sensitive or urgent procurement of contracts, services, supplies and materials.

2.4.3 Austin Affordable Housing Corporation's (AAHC's) administration of its real estate programs with regard to AAHC's program-specific procurement of developers, funders, lenders, investors, property management firms, or consultants with unrestricted funds.

2.4.4 Southwest Housing Compliance Corporation's (SHCC's) administration of its Project Based Contract Administration (PBCA) program, including any re-bid hereof, with regard to SHCC's program-specific procurement of consultants with unrestricted funds.

- 2.5 **Changes in Laws and Regulations.** In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these Policies, automatically supersede these Policies.

2.6 **Public Access to Procurement Information.** Most procurement information that is not proprietary is a matter of public record and shall be available to the public to the extent provided in the Texas Public Information Act.



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3.0 ETHICS IN PUBLIC CONTRACTING

3.1 **General.** HACA hereby establishes a code of conduct regarding procurement issues and actions and shall implement a system of sanctions for violations. This code of conduct is consistent with applicable Federal, State, or local law.

3.2 **Conflicts of Interest.** No employee, officer, Board member, or agent of HACA shall participate directly or indirectly in the selection, award, or administration of any contract supported by a Federal or State award if a conflict of interest, either real or apparent, would be involved. This type of conflict would be when one of the persons listed below has a financial or any other type of interest or tangible personal benefit in or from a firm competing for the award;

3.2.1 An employee, officer, Board member, or agent involved in making the award;

3.2.2 His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister);

3.2.3 His/her partner; or

3.2.4 An organization which employs or is negotiating to employ, or has an arrangement concerning prospective employment of any of the individuals listed in this subsection 3.2.

3.3 **Organizational Conflicts of Interest.** HACA, as the parent of wholly owned subsidiaries, will maintain written standards of conduct covering organizational conflicts of interest that may arise in any procurement action between HACA and one of its wholly owned subsidiaries.

3.4 **Gratuities, Kickbacks, and Use of Confidential Information.** No officer, employee, Board member, or agent of HACA shall ask for or accept gratuities, favors, or items of more than nominal value (e.g., an inexpensive hat with logo) from any contractor, potential contractor, or party to any subcontract, and shall not knowingly use confidential information for actual or anticipated personal gain.

3.5 **Prohibition against Contingent Fees.** Contractors wanting to do business with HACA must not hire a person to solicit or secure a contract for a commission,



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percentage, brokerage, or contingent fee, except for bona fide established commercial selling agencies.



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4.0 PROCUREMENT PLANNING

4.1 General. Planning is essential to managing the procurement function properly. Hence, HACA will periodically review its record of prior purchases, as well as future needs, to:

- 4.1.1** Find patterns of procurement actions that could be performed more efficiently or economically;
- 4.1.2** Maximize competition and competitive pricing among contracts and decrease HACA's procurement costs;
- 4.1.3** Reduce HACA administrative costs;
- 4.1.4** Ensure that supplies and services are obtained without any need for re-procurement (i.e., resolving bid protests); and
- 4.1.5** Minimize errors that occur when there is inadequate lead time.

Consideration shall be given to storage, security, and handling requirements when planning the most appropriate purchasing actions.

5.0 PROCUREMENT METHODS

5.1 Petty Cash Purchases. Purchases under \$50 may be handled through the use of a petty cash account. Petty Cash Accounts may be established in an amount sufficient to cover small purchases made during a reasonable period, e.g., one month. For all Petty Cash Accounts, HACA shall ensure that security is maintained and only authorized individuals have access to the account. These accounts shall be reconciled and replenished periodically.

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5.2 Micro Purchase Procedures. Micro Purchases are purchases between the Petty Cash ceiling and less than \$3,000 (\$2,000 for construction procurements). HACA shall require only one quote, provided it is considered reasonable, for Micro Purchases. Such purchases shall be distributed equitably among qualified sources. HACA may use Small Purchase procedures for Micro Purchases if it determines that to be necessary.



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5.3 **Small Purchase Procedures.** For amounts between \$3,000 (\$2,000 for construction procurements) and \$150,000 (\$100,000 for construction contracts), HACA shall obtain a reasonable number of quotes (preferably three). To the greatest extent feasible, and to promote competition, Small Purchases should be distributed among qualified sources. Quotations for Small Purchases (QSP), or quotes, may be obtained orally (either in person or by phone), by fax, in writing, or through e-procurement. Award shall be made to the responsive and responsible vendor that submits the lowest cost to HACA. If award is to be made for reasons other than lowest price, documentation shall be provided in the contract file. HACA shall not break down requirements aggregating more than the Small Purchase threshold (or the Micro Purchase threshold) into several purchases that are less than the applicable threshold merely to: (1) permit use of the Small Purchase procedures or (2) avoid any requirements that apply to purchases that exceed the Micro Purchase threshold.

5.4 **Sealed Bids.** Sealed bidding, also known as Invitation for Bids (IFB), shall be used for all contracts that exceed the small purchase threshold and that are not competitive proposals or non-competitive proposals, as these terms are defined in this Policy. Under sealed bids, HACA publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsive and responsible bidder whose bid, conforming to all the material terms and conditions of the IFB, is the lowest in price. Sealed bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed \$150,000 (\$100,000 for construction contracts).

5.4.1 **Conditions for Using Sealed Bids.** HACA shall use the sealed bid method if the following conditions are present: a complete, adequate, and realistic statement of work, specification, or purchase description is available; three or more responsible bidders are willing and able to compete effectively for the work; the contract can be awarded based on a firm fixed price; and the selection of the successful bidder can be made principally on the lowest price.

5.4.2 **Solicitation and Receipt of Bids.** An IFB is issued which includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement that award will be made to the lowest responsive and responsive bidder whose bid meets the requirements of the solicitation. The IFB must [meet all of the on-line requirements and instructions given on the E-Procurement website.](#)



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All proposals shall be submitted electronically, before the deadline, to be considered.

5.4.3 **Bid Opening and Award.** All electronic bids received will be recorded and tabulated. The results will be emailed to all respondents. If equal low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method. The method for doing this shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.

5.4.4 **Mistakes in Bids.** Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, corrections in bids may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear or the bidder submits convincing evidence that a mistake was made. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Contracting Officer. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of HACA or fair competition shall not be permitted.

5.5 **Competitive Proposals.** Unlike sealed bidding, the competitive proposal method, also known as Request for Proposals (RFP), permits: consideration of technical factors other than price; discussion with offerors concerning offers submitted; negotiation of contract price or estimated cost and other contract terms and conditions; revision of proposals before the final contractor selection; and the withdrawal of an offer at any time up until the point of award. Award is normally made on the basis of the proposal that represents the best overall value to HACA, considering price and other factors, e.g., technical expertise, past experience, quality of proposed staffing, etc., set forth in the solicitation and not solely the lowest price.

5.5.1 **Conditions for Use.** Where conditions are not appropriate for the use of sealed bidding, competitive proposals may be used. Competitive



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proposals are the preferred method for procuring professional services that will exceed the Small Purchase threshold. Construction services will most typically be procured utilizing the sealed bid (IFB) or small purchase procedures (QSP).

- 5.5.2 **Form of Solicitation.** Other than A/E services, developer-related services and energy performance contracting, competitive proposals shall be solicited through the issuance of an RFP. The RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any sub-factors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals until after award. HACA may assign price a specific weight in the evaluation factors or HACA may consider price in conjunction with technical factors; in either case, the method for evaluating price shall be established in the RFP.
- 5.5.3 **Evaluation.** The proposals shall be evaluated only on the factors stated in the RFP. Where not apparent from the evaluation factors, HACA shall establish an Evaluation Plan for each RFP. Generally, all RFPs shall be evaluated by an appropriately appointed Evaluation Committee. The Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a Non-Disclosure statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.
- 5.5.4 **Negotiations.** Negotiations shall be conducted with all offerors who submit a proposal determined to have a reasonable chance of being selected for award, unless it is determined that negotiations are not needed with any of the offerors. This determination is based on the relative score of the proposals as they are evaluated and rated in accordance with the technical and price factors specified in the RFP. These offerors shall be treated fairly and equally with respect to any opportunity for negotiation and revision of their proposals. No offeror shall be given any information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations. Negotiations are exchanges (in either competitive or sole source environment)



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between HACA and offerors that are undertaken with the intent of allowing the offeror to revise its proposal. These negotiations may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract or other terms of a proposed contract. When negotiations are conducted in a competitive acquisition, they take place after establishment of the competitive range and are called discussions. Discussions are tailored to each offeror's proposal, and shall be conducted by the contracting officer with each offeror within the competitive range. The primary object of discussions is to maximize HACA's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. The contracting officer shall indicate to, or discuss with, each offeror still being considered for award, significant weaknesses, deficiencies, and other aspects of its proposal (such as technical approach, past performance, and terms and conditions) that could, in the opinion of the contracting officer, be altered or explained to enhance materially the proposer's potential for award. The scope and extent of discussions are a matter of the contracting officer's judgment. The contracting officer may inform an offeror that its price is considered by HACA to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible to indicate to all offerors the cost or price that HACA's price analysis, market research, and other reviews have identified as reasonable. "Auctioning" (revealing one offeror's price in an attempt to get another offeror to lower their price) is prohibited.

- 5.5.4 **Award.** After evaluation of the revised proposals, if any, the contract shall be awarded to the responsible firm whose technical approach to the project, qualifications, price and/or any other factors considered, are most advantageous to HACA provided that the price is within the maximum total project budgeted amount established for the specific property or activity. HACA reserves the right to reject all proposals. HACA also reserves the right to award contracts to multiple offerors.
- 5.5.6 **A/E Services.** HACA shall contract for A/E services using Qualifications-based Selection (QBS) procedures, utilizing a Request for Qualifications (RFQ). Sealed bidding shall not be used for A/E solicitations. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to

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negotiation of fair and reasonable compensation. [HACA may qualify a "pool" of professional service providers, \(AE's\) that will be rotated based on their expertise for the certain needs of the Agency.](#) Price is not used as a selection factor under this method. QBS procedures shall not be used to purchase other types of services, other than Energy Performance Contracting and Developer services, though architectural/engineering firms are potential sources.

5.6 Noncompetitive Proposals.

5.6.1 Conditions for Use. Procurement by noncompetitive proposals (sole- or single-source) may be used only when the award of a contract is not feasible using small purchase procedures, sealed bids, cooperative purchasing, or competitive proposals, and if one of the following applies:

5.6.1.1 The item is available only from a single source, based on a good faith review of available sources;

5.6.1.2 An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to HACA, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency;

5.6.1.3 HUD authorizes the use of noncompetitive proposals; or

5.6.1.4 After solicitation of a number of sources, competition is determined inadequate.

5.6.2 Justification. Each procurement based on noncompetitive proposals shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the responsible Contracting Officer. Poor planning or lack of planning is not justification for emergency or sole-source procurements. The



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justification, to be included in the procurement file, should include the following information:

- 5.6.2.1 Description of the requirement;
- 5.6.2.2 History of prior purchases and their nature (competitive vs. noncompetitive);
- 5.6.2.3 If applicable: The specific exception in 2 CFR §200.320(f) (1)-(4) which applies;
- 5.6.2.4 Statement as to the unique circumstances that require award by noncompetitive proposals;
- 5.6.2.5 Description of the efforts made to find competitive sources (advertisement in trade journals, E-Procurement and local publications, phone calls to local suppliers, issuance of an electronic solicitation, etc.);
- 5.6.2.6 Statement as to efforts that will be taken in the future to promote competition for the requirement;
- 5.6.2.7 Signature by the Contracting Officer's supervisor (or someone above the level of the Contracting Officer); and
- 5.6.2.8 Price Reasonableness. The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing an analysis, as described in this Policy.

- 5.7 **Cooperative Purchasing/Intergovernmental Agreements.** HACA may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. HACA may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured



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in accordance with 2 CFR §200.317 through §200.326 if the source of funding is a federal grant.



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6.0 INDEPENDENT COST ESTIMATE (ICE)

- 6.1 **General.** For all purchases above the Micro Purchase threshold, HACA shall prepare an ICE prior to solicitation. The level of detail shall be commensurate with the cost and complexity of the item to be purchased.

7.0 COST AND PRICE ANALYSIS (CPA)

- 7.1 **General.** HACA shall require assurance that, before entering into a contract, the price is reasonable, in accordance with the following instructions.

- 7.1.1 **Petty Cash and Micro Purchases.** No formal cost or price analysis is required. Rather, the execution of a contract by the Contracting Officer (through a Purchase Order or other means) shall serve as the Contracting Officer's determination that the price obtained is reasonable, which may be based on the Contracting Officer's prior experience or other factors.
- 7.1.2 **Small Purchases.** A comparison with other offers shall generally be sufficient determination of the reasonableness of price and no further analysis is required. If a reasonable number of quotes are not obtained to establish reasonableness through price competition, the Contracting Officer shall document price reasonableness through other means, such as prior purchases of this nature, catalog prices, the Contracting Officer's personal knowledge at the time of purchase, comparison to the ICE, or any other reasonable basis.
- 7.1.3 **Sealed Bids.** The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, and when the bid received is substantially more than the ICE, and where HACA cannot reasonably determine price reasonableness, HACA must conduct a cost analysis, consistent with federal guidelines, to ensure that the price paid is reasonable.
- 7.1.4 **Competitive Proposals.** The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient proposals are not received, HACA must compare the price with the ICE. For competitive proposals where prices cannot be

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easily compared among offerors, where there is not adequate competition, or where the price is substantially greater than the ICE, HACA must conduct a cost analysis, consistent with ~~federal~~ guidelines, to ensure that the price paid is reasonable.

- 7.1.5 **Contract Modifications.** A cost analysis, consistent with federal guidelines, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through Small Purchase procedures and the amount of the contract modification will result in a total contract price in excess of \$150,000 (\$100,000 for construction contracts).

8.0 SOLICITATION AND ADVERTISING

8.1 Method of Solicitation.

- 8.1.1 **Petty Cash and Micro Purchases.** HACA may contact only one source if the price is considered reasonable.

- 8.1.2 **Small Purchases.** Quotes may be solicited orally, through email, fax, E-Procurement, or by any other reasonable method.

- 8.1.3 **Sealed Bids and Competitive Proposals.** Solicitation must be done publicly. HACA must use one or more of the following solicitation methods, provided that the method employed provides for meaningful competition.

8.1.3.1 Advertising in HACA'S website, e-procurement, online classifieds websites, newspapers or other electronic or print mediums of local or general circulation.

- 8.1.3.2 Advertising in various trade journals or publications (for construction).

- 8.1.3.3 E-Procurement. HACA may conduct its public procurements through the Internet using e-procurement systems. E-procurements must be in compliance with State and local requirements and HACA's procurement policy and, if applicable, 2 CFR §200.317 through §200.326.



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- 8.2 **Time Frame.** For purchases of more than \$150,000 (\$100,000 for construction contracts), the public solicitation should run not less than once each week for two consecutive weeks.
- 8.3 **Form.** Notices/advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a contact that can provide a copy of, and information about, the solicitation, and a brief description of the needed item(s).
- 8.4 **Time Period for Submission of Bids.** A minimum of 30 days shall generally be provided for preparation and submission of sealed bids and 15 days for competitive proposals. However, the President/CEO may allow for a shorter period under extraordinary and complex circumstances.
- 8.5 **Cancellation of Solicitations.**
- 8.5.1 An IFB, RFP, or other solicitation may be cancelled before bids/offers are due if:
- 8.5.1.1 The supplies, services or construction is no longer required;
- 8.5.1.2 The funds are no longer available;
- 8.5.1.3 Proposed amendments to the solicitation are of such magnitude that a new solicitation would be best; or
- 8.5.1.4 Other similar reasons.
- 8.5.2 A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if:
- 8.5.2.1 The supplies or services (including construction) are no longer required;
- 8.5.2.2 Ambiguous or otherwise inadequate specifications were part of the solicitation;
- 8.5.2.3 All factors of significance to HACA were not considered;



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- 8.5.2.4 Prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
- 8.5.2.5 There is reason to believe that bids or proposals may not have been independently determined in open competition, may have been collusive, or may have been submitted in bad faith; or
- 8.5.2.6 For good cause of a similar nature when it is in the best interest of HACA.
- 8.5.3 The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request.
- 8.5.4 A notice of cancellation shall be sent to all bidders/offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items.
- 8.5.5 If all otherwise acceptable bids received in response to an IFB are at unreasonable prices an analysis should be conducted to see if there is a problem in either the specifications or HACA's cost estimate. If both are determined adequate and if only one bid is received and the price is unreasonable, the Contracting Officer may cancel the solicitation and either
 - 8.5.5.1 Re-solicit using an RFP; or
 - 8.5.5.2 Complete the procurement by using the competitive proposal method. The Contracting Officer must determine, in writing, that such action is appropriate, must inform all bidders of HACA's intent to negotiate, and must give each bidder a reasonable opportunity to negotiate.
- 8.5.6 If problems are found with the specifications, HACA should cancel the solicitation, revise the specifications and re-solicit using an IFB.
- 8.6 **Credit (or Purchasing) Cards.** Credit card usage should follow the rules for all other small purchases. For example, the Contracting Officer may use a credit

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card for Micro Purchases without obtaining additional quotes provided the price is considered reasonable. However, for amounts above the Micro Purchase level, the Contracting Officer would generally need to have obtained a reasonable number of quotes before purchasing via a credit card. When using credit cards, HACA shall adopt reasonable safeguards to assure that they are used only for intended purposes (for instance, limiting the types of purchases or the amount of purchases that are permitted with credit cards).

9.0 BONDING REQUIREMENTS

9.1 General. The standards under this section apply to construction contracts that exceed \$100,000. There are no bonding requirements for small purchases or for competitive proposals. HACA may require bonds in these latter circumstances when deemed appropriate; however, non-construction contracts should generally not require bid bonds.

9.1.1 Bid Bonds. For construction contracts exceeding \$100,000, offerors shall be required to submit a bid guarantee from each bidder equivalent to 5% of the bid price.

9.1.2 Payment Bonds. For construction contracts exceeding \$100,000, the successful bidder shall furnish performance AND payment bond(s) in a penal sum of 100% of the contract price. This assurance may be any one of the following four:

9.1.2.1 A performance and payment bond in a penal sum of 100% of the contract price; or

9.1.2.1 These bonds must be obtained from guarantee or surety companies acceptable to the U. S. Government and authorized to do business in the State of Texas. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. Use of companies on this circular is mandatory.



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9.1.2.3 A 20 % cash escrow; or¶

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9.1.2.4 A 25 % irrevocable letter of credit

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10.0 CONTRACTOR QUALIFICATIONS AND DUTIES

10.1 Contractor Responsibility

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10.1.1 HACA shall not award any contract until the prospective contractor, i.e., low responsive bidder, or successful offeror, has been determined to be responsible. A responsible bidder/offeror must:

10.1.1.1 Have adequate financial resources to perform the contract, or the ability to obtain them;

10.1.1.2 Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all of the bidder's/offeror's existing commercial and governmental business commitments;

10.1.1.3 Have a satisfactory performance record;

10.1.1.4 Have a satisfactory record of integrity and business ethics;

10.1.1.5 Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them;

10.1.1.6 Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,

10.1.1.7 Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not be suspended, debarred or under a HUD-imposed LDP.

10.1.2 If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official contract file, and the prospective contractor shall be advised of the reasons for the determination.

10.2 **Suspension and Debarment.** Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined to be ineligible by HUD in accordance with HUD regulations (2 CFR §200.317 through §200.326) or by other Federal agencies, e.g., Department of Labor for violation of labor regulations, when necessary to protect housing authorities in their business dealings. Prior to issuance of a contract, Agency staff shall, as detailed within Section 10.2.H.1 and 10.2.H.2 of HUD Procurement Handbook 7460.8 REV 2, conduct the required searches within the

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HUD Limited Denial of Participation (LDP) system and the U.S. General Services Administration System for Award Management (SAM) and place within the applicable contract file a printed copy of the results of each such search.

11.0 CONTRACT PRICING ARRANGEMENTS

11.1 Contract Types. Any type of contract which is appropriate to the procurement and which will promote the best interests of HACA may be used, **provided the cost -plus-a-percentage-of-cost and percentage-of-construction-cost methods are not used.** All solicitations and contracts shall include the clauses and provisions necessary to define the rights and responsibilities of both the contractor and HACA. For all cost reimbursement contracts, HACA must include a written determination as to why no other contract type is suitable. Further, the contract must include a ceiling price that the contractor exceeds at its own risk.

11.2 Options. Options for additional quantities or performance periods may be included in contracts, provided that:

- 11.2.1** The option is contained in the solicitation;
- 11.2.2** The option is a unilateral right of HACA;
- 11.2.3** The contract states a limit on the additional quantities and the overall term of the contract;
- 11.2.4** The options are evaluated as part of the initial competition;
- 11.2.5** The contract states the period within which the options may be exercised;
- 11.2.6** The options may be exercised only at the price specified in or reasonably determinable from the contract; and
- 11.2.7** The options may be exercised only if determined to be more advantageous to HACA than conducting a new procurement.



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12.0 CONTRACT CLAUSES

12.1 Contract Pricing Arrangements. All contracts shall identify the contract pricing arrangement as well as other pertinent terms and conditions, as determined by HACA.

12.2 Required Forms.

12.3 Required Contract Clauses: If applicable, HACA shall ensure that each contract executed by HACA contains the required contract clauses detailed within 2 CFR §200.326 and Appendix II.

13.0 CONTRACT ADMINISTRATION

13.1 General. HACA shall maintain a system of contract administration designed to ensure that Contractors perform in accordance with their contracts. These systems shall provide for inspection of supplies, services, or construction, as well as monitoring contractor performance, status reporting on major projects including construction contracts, and similar matters.

14.0 SPECIFICATIONS

14.1 General. All specifications shall be drafted so as to promote overall economy for the purpose intended and to encourage competition in satisfying HACA's needs. Specifications shall be reviewed prior to issuing any solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Function or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement.

14.2 Limitation. The following types of specifications shall be avoided:

14.2.1 Geographic restrictions not mandated or encouraged by applicable Federal law (except for A/E contracts, which may include geographic location as a selection factor if adequate competition is available);



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- 14.2.2 Brand name specifications (unless the specifications list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use).

Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be reviewed to ensure that organizational conflicts of interest do not occur.

15.0 APPEALS AND REMEDIES

- 15.1 **General.** It is Agency policy to resolve all contractual issues informally and without litigation. Disputes will not be referred to HUD or the State unless all administrative remedies have been exhausted. When appropriate, a mediator may be used to help resolve differences.
- 15.2 **Informal Appeals Procedure.** HACA shall adopt an informal bid protest/appeal procedure for contracts of \$150,000 or less. Under these procedures, the bidder/contractor may request to meet with the appropriate Contract Officer.
- 15.3 **Formal Appeals Procedure.** A formal appeals procedure shall be established for solicitations/contracts of more than \$150,000.
- 15.3.1 **Bid Protest.** Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Policy. Any protest against a solicitation must be received before the due date for the receipt of bids or proposals, and any protest against the award of a contract must be received within ten (10) calendar days after the contract receives notice of the contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Contracting Officer or designee, who shall issue a written decision on the matter. The Contracting Officer may, at his/her discretion, suspend the procurement pending resolution of the protest if the facts presented so warrant.
- 15.3.2 **Contractor Claims.** All claims by a contractor relating to performance of a contract shall be submitted in writing to the Contracting Officer for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of its appeal rights to the next higher level of authority in Agency.



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16.0 ASSISTANCE TO SMALL AND OTHER BUSINESSES

16.1 **Feasible** Efforts. **All** feasible efforts shall be made to ensure that small and minority-owned businesses, **and** women's business enterprises are used when possible. Such efforts shall include, but **may** not be limited to:

16.1.1 Including such firms, when qualified, on solicitation mailing lists;

16.1.2 Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources;

16.1.3 Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;

16.1.4 Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;

16.1.5 Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce;

16.1.6 **Encouraging prime contractors, when subcontracting is anticipated, to subcontract with small, women-owned and minority owned businesses.**

16.2 Definitions.

16.2.1 A small business is defined as a business that is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR §121 should be used to determine business size.

16.2.2 A minority-owned business is defined as a business which is at least 51% owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans,



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Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.

- 16.2.3 A women's business enterprise is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who control and operate the business.

17.0 BOARD APPROVAL OF PROCUREMENT ACTIONS

- 17.1 **Authority.** Purchases and contracts of unbudgeted items in excess of \$25,000, construction budgeted items over \$100,000, or budgeted items in excess of \$150,000 shall be made by the President/CEO or his/her designee only after approval of the Board of Commissioners.

18.0 DELEGATION OF CONTRACTING AUTHORITY

- 18.1 **Delegation.** While the President/CEO is responsible for ensuring that HACA's procurements comply with this Policy, the President/CEO may delegate in writing all procurement authority as is necessary and appropriate to conduct the business of HACA.
- 18.2 **Procedures.** Further, and in accordance with this delegation of authority, the President/CEO shall, where necessary, establish operational procedures (such as a procurement manual or standard operating procedures) to implement this Policy. The President/CEO shall also establish a system of sanctions for violations of the ethical standards described in Section 3.0 herein, consistent with Federal, State, or local law.



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16.3.5 A labor surplus area business is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the DOL in 20 CFR §654, Subpart A, and in the list of labor surplus areas published by the Employment and Training Administration.¶

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19.0 DOCUMENTATION

19.1 Required Records. HACA must maintain records sufficient to detail the significant history of each procurement action. These records shall include, but shall not necessarily be limited to, the following:

- 19.1.1 Rationale for the method of procurement (if not self-evident);
- 19.1.2 Rationale of contract pricing arrangement (also if not self-evident);
- 19.1.3 Reason for accepting or rejecting the bids or offers;
- 19.1.4 Basis for the contract price (as prescribed in this handbook);
- 19.1.5 A copy of the contract documents awarded or issued and signed by the Contracting Officer;
- 19.1.6 Basis for contract modifications; and
- 19.1.7 Related contract administration actions.

19.2 Level of Documentation. The level of documentation should be commensurate with the value of the procurement.

19.3 Record Retention. The records and documents must be kept for a minimum of seven years after the end of the contract period or for seven years after the end of the federal fiscal year in which services were provided if a contractor agreement/contract has no specific termination date in effect.

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20.0 DISPOSITION OF SURPLUS PROPERTY

20.1 General. Property no longer necessary for HACA's purposes (non-real property) shall be transferred, sold, or disposed of in accordance with applicable Federal, state, and local laws and regulations.

21.0 FUNDING AVAILABILITY

21.1 General. Before initiating any contract, HACA shall ensure that there are sufficient funds available to cover the anticipated cost of the contract or modification.



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22.0 GLOSSARY OF HACA PROCUREMENT TERMS

Acceptance: The act of an authorized representative of the Housing Authority acknowledging that the supplies or services are in conformity with the contract requirements.

Amendment: Written revision made to a solicitation.

Bid: In the sealed bidding method or procurement, the offer submitted by a bidder.

Bidder's List: List of prospective contractors. (Also called Source List or Mailing List)

Cardinal Changes: Modifications to an existing contract that are beyond the general scope of that contract and are so extensive that a new procurement should be used.

Changed Conditions: Construction site/repair conditions that differ significantly from conditions indicated in the contract, or conditions ordinarily encountered in the performance of the type of work in the contract.

Change Order: Unilateral action taken by the Contracting Officer in order to modify the drawings, designs, specifications, method of shipping or packing, place of inspection, delivery, or acceptance of an existing contract.

Competitive Proposals: The competitive method of procurement used when small purchases and sealed bidding are not appropriate; under this method, the Housing Authority issues an RFP soliciting price and technical proposals from potential sources; evaluates the proposals and establishes a competitive range; negotiates with those in the competitive range; receives and evaluates best and final offers from those in the competitive range; and makes award to the contractor offering the most advantageous proposal, considering price and the technical Factors stated in the RFP.

Competitive Range: In a competitive proposals procurement (RFP), those proposals that, after evaluation by the Housing Authority, have a reasonable chance of receiving the award, both from a technical and cost standpoint.

Constructive Change Order: Informal requests for additional work or services caused by some act or omission to act on the part of the Housing Authority that causes a contractor extra work, delays, or money.



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Consultant: A professional person or firm that gives expert advice. Examples of consultants include but are not limited to attorneys education experts, marketing firms, auditing firms, communication firms, engineers, and architects.

Contract: A promise or set of promises for breach of which the law gives a remedy or performance of which the law recognizes as a duty; a legal instrument providing for the purchase, lease, or barter of property or services for the direct benefit of the Housing Authority.

Contracting Officer: An official authorized by the President & CEO to enter into or administer procurement contracts and make related determinations and findings.

Contract Administration: The monitoring of the contractor's performance in order to ensure compliance with performance requirements and contract terms.

Contract Modification: Any written alteration in the specifications, delivery point, date of delivery, contract period, price, quantity, or other provision of an existing contract.

Cost- Reimbursement Contract: Contract in which the buyer and seller agree on an estimate of contract costs. The buyer agrees to reimburse the seller for reasonable, allowable, and allocable costs necessary to complete the work.

Cure Notice: A document the Contracting Officer sends to a contractor to notify the contractor that the contract may be terminated by reason of default if the condition endangering performance of the contract is not corrected in a specified number of days.

Excusable Time Delay: Failure to perform that is beyond the control and without fault or negligence of the contractor.

Firm Fixed-Price Contract: Contract that provides for a price that is not subject to any adjustment by reason of cost experience of the contractor in the performance of the contract; the preferred type of contract.

Imprest Fund: A cash fund of a fixed amount managed by a duly appointed cashier who disburses funds as needed from time to time for cash payment of relatively small purchases.



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Indefinite-Quantity Contract: Contract used for procurements in which the exact number of deliverable items is not known at the time of contracting. The contract provides for a minimum and a maximum amount of goods/services that may be ordered under the contract.

Independent (In-House) Cost Estimate: A written calculation of all items included in the scope of the work, tabulated under appropriate cost headings (direct costs, labor, overhead, and profit).

Inspection: The examination and testing of supplies and services to determine whether they conform to contract requirements.

Internal Controls: Safeguards that ensure that contracting will be carried out in conformity with applicable Federal regulations and Housing Authority policy.

Invitation for Bids (IFB): Under the sealed bidding method of procurement, the written solicitation document that explains what the Housing Authority is buying and requests bids from potential contractors.

Labor-Hour Contract: Contract that provides for the procurement of property or services on the basis of direct labor hours at specified, fixed hourly rates (which include direct and indirect labor, overhead, and profit).

Labor Surplus Area Business: A labor surplus area business is a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the U.S. Department of labor in 20 CFR 654., Subpart A, and in its list of labor surplus areas published by the Employment and Training Administration.

Letter Contract: A written authorization to begin work issued prior to the negotiation of a formal contract; only allowed in emergency situations.

Level-of-Effort Contract: Contract (usually cost-reimbursement type) that specifies the number and type of person hours that the contractor will apply in pursuing the project.

Minority-owned Business: A minority-owned business is a business which is at least 51% owned by one or more minority group members, or in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are



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controlled by one or more such individuals. Minority group members include, but are not limited to, Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.

Modification: A written revision or change to the contract.

Negotiation: Discussion regarding technical price proposals with offerors in the competitive range for a contract being awarded using the competitive proposals or noncompetitive proposals method of procurement.

Noncompetitive Proposals: The method of procurement in which the Housing Authority solicits proposal(s) from only one source or a limited number of sources, if justified in writing for one of the following reasons: the item is available only from a single source; public emergency will not allow enough time for a competitive procurement; inadequate response is received to a competitive solicitation; or HUD approves the use of non-competitive proposals.

Proposal: In the competitive proposals or non-competitive proposals method of procurement, the offer submitted by a potential contractor.

Qualifications-Based Selection (QBS): A form of procurement of architect/engineering services by competitive proposals in which price is neither requested in the RFQ nor used as an evaluation factor; instead, technical qualifications only are reviewed and a fair and reasonable price negotiated with the best qualified firm.

Quotation: In the small purchase method of procurement, the price or offer submitted by a quoter.

Request for Proposals (RFP): Under the competitive proposals method of procurement, the Housing Authority's written solicitation to prospective offerors to submit a proposal based on the terms and conditions set forth therein. Proposal evaluation and contractor selection are based on the factors for award as slated in every competitive RFP.

Request for Quotations (RFQ): Used under the small purchase method of procurement when it is desirable to have a written solicitation, e.g., the specifications are complex. RFQs are used to obtain price, delivery, or other market information for planning purposes, and thus, quotations received in response to an RFQ are not offers and are not considered binding.



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Responsive Bid: One that conforms exactly to the requirements in the Invitation for Bids (IFB).

Sanctions: Measures that may be invoked by HUD to exclude or disqualify contractors from participation in HUD programs (e.g., debarment and suspension).

Sealed Bidding: The procurement method in which the Housing Authority requests competitive sealed bids. This method of procurement requires that specifications be written describing the requirements of the [Agency](#) clearly, accurately, and completely; a public bid opening is held; an evaluation of bids and award of the contract are based on the lowest bid submitted by a responsive and responsible contractor.

Show Cause Letter: A document the Contracting Officer sends to a delimiting contractor to notify; the contractor that the contract may be terminated by reason of default unless the contractor can prove in 10 days that the condition was not his or her limit.

Small Business: A small business is a business which is independently owned, not dominant in its field of operation, and not an affiliate or subsidiary of a business dominant in its field of operation.

Small Purchases: Purchase of supplies and non-personal services that do not exceed the Housing Authority's dollar limitation (\$150,000 for non-construction/\$100,000 for construction) in the aggregate.

Specifications: Clear and accurate description of the technical requirements of a service or supply contract.

Statement of Work: Written definition of work to be performed that establishes standards sought for the goods or services to be supplied, typically used for service contracts.

Termination for Convenience: Termination of a contract by the Housing Authority on a unilateral basis when it no longer needs or requires the products or services, or when it is in the best interests of the Housing Authority.

Termination for Default: Termination of a contract when the contractor fails to perform or fails to make progress so as to endanger performance.



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Time-and-Materials Contract: Contract that provides for payment of supplies and services on the basis of incurred direct labor hours (at fixed rates) and materials (at cost).

Time Delay: An interruption during which services, supplies, or work are not delivered in accordance with the performance time schedule stated in the contract.

Women's Business Enterprise: A women's business enterprise is a business that is at least 51% owned by a woman or women who are U.S. citizens and who also control or operate the business.



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Gratuities, Kickbacks, and Use of Confidential Information
 Cooperative Purchasing/Intergovernmental Agreements

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I. Programs

1. Central Cost Center

- a. The HUD Procurement Handbook for Public Housing Agencies does not apply to Income generated by the Central Office Cost Center through reasonable fee-for-service (e.g. management fees, bookkeeping fees, etc.) *See* U.S. Department of Housing and Urban Development's Public Housing Agency Procurement Training, 2019

2. Do Federal and State Procurement Rules apply to Housing Choice Voucher (Section 8)?

- a. The HUD Procurement Handbook for Public Housing Agencies does not apply to Section 8 Housing Choice Voucher Program because it is exempted under 24CFR 85.36.
 1. In the December 19, 2014, joint, interim rule, HUD adopted and codified the Uniform Guidance as requirements for Federal awards at a new part, 2 CFR part 2400. HUD also amended 24 CFR parts 84 and 85, which had codified OMB Circulars superseded by 2 CFR part 200, by removing all substantive provisions and including a saving provision that provides that Federal awards made prior to December 26, 2014, will continue to be governed by parts 84 or 85 as codified in the 2013 edition of the Code of Federal Regulations (CFR) or as provided under the terms of the Federal award..
- b. 24 CFR Part 965—PHA—owned or Leased Projects—General Provisions (see Subpart A on pre-emption of state prevailing wage requirements)
 - i. Exemptions from Procurement Policies: Procurements paid for using administrative fees earned under the Housing Choice Voucher ("HCV") Program, the execution of landlord Housing Assistance Payments contracts under the HCV (tenant-based or project based) program, procurement of management agents or other goods or services at Project-Based Rental Assistance properties, procurements funded with business activities income, e.g., fee-for-service revenue under 24 CFR Part 990, procurements at Low Income Housing Tax Credit ("LIHTC")-only properties that do not include any public housing or project-based HCV units, procurements for financing transactions (e.g., those with lenders, underwriters, LIHTC syndicators or other sources of finance or credit enhancement) and/or procurements funded with non-federal funds. These excluded areas are subject to applicable State and local requirements

3. Do Federal and State Procurement Rules apply to Project Based Rental Assistance?

- a. 24 CFR Part 965—PHA—owned or Leased Projects—General Provisions (see Subpart A on pre-emption of state prevailing wage requirements)

- i. Exemptions from Procurement Policies: Procurements paid for using administrative fees earned under the Housing Choice Voucher (“HCV”) Program, the execution of landlord Housing Assistance Payments contracts under the HCV (tenant-based or project based) program, procurement of management agents or other goods or services at Project-Based Rental Assistance properties, procurements funded with business activities income, e.g., fee-for-service revenue under 24 CFR Part 990, procurements at Low Income Housing Tax Credit (“LIHTC”)-only properties that do not include any public housing or project-based HCV units, procurements for financing transactions (e.g., those with lenders, underwriters, LIHTC syndicators or other sources of finance or credit enhancement) and/or procurements funded with non-federal funds. These excluded areas are subject to applicable State and local requirements
- b. The RAD program does not impose any federal bidding or procurement requirements in the selection of developer or development partners. See RadResource.net/search_categories.cfm?xid=78

4. Do Federal and State Procurement Rules apply to Project Based Vouchers?

- o The RAD program does not impose any federal bidding or procurement requirements in the selection of developer or development partners. See RadResource.net/search_categories.cfm?xid=78
- o The Agreement and HAP contract shall include a certification by the owner that the owner and other project principals (including the officers and principal members, shareholders, investors, and other parties having a substantial interest in the project) are not on the U.S. General Services Administration list of parties excluded from federal procurement and nonprocurement programs. **24 CFR §983.154**