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CHAPTER 1 Basic Program Information

ONLINE RESOURCES

Additional resources and references for this course are available at <http://NMAreferences.com>. Click the specific program link at the top of the web page to jump directly to the references you wish to access. No login information is required.

LEARNING OUTCOMES

- Explain and apply HUD regulations and guidance to determining eligibility in the Housing Choice Voucher (HCV) program.
- Upon the completion of HCV Eligibility, you should be able to:
 - Read and interpret HUD notices, regulations, and other resources with a focus on critical information
 - Identify the different family types defined by HUD
 - Explain the requirements for disclosure and documentation of social security numbers and the requirements for verification
 - Categorize the different types of citizenship status as well as the resulting types of families and identify how citizenship status affects eligibility and rent
 - Discuss income limits and their role in the eligibility process
 - Apply the student rule to the eligibility process
 - Describe factors of eligibility, waiting list requirements, and preferences

- When you have completed the **Basic Program Information** portion of the seminar, you should be able to:
 - Identify the key roles and relationships in the HCV program
 - Read and interpret HUD notices, regulations, and other resources with a focus on critical information
 - Explain PHA responsibilities throughout the program
 - Explain owner responsibilities under the program
 - Identify key program documents

PROJECT-BASED VS. TENANT-BASED SUBSIDY

- With project-based assistance, families have to live in a building that has a subsidy attached to it.
- Under the tenant-based program, families can choose their units.

HOW HUD COMMUNICATES

HUD homepage:	www.hud.gov
PIH homepage:	www.hud.gov/program_offices/public_indian_housing
HUD regulations:	www.hud.gov/program_offices/administration/hudclips
PIH notices:	https://www.hud.gov/hudclips/notices/pih
NMA homepage:	www.nanmckay.com
Old HCV Guidebook:	www.nhlp.org/wp-content/uploads/HUD-Housing-Choice-Voucher-Guidebook-7420.10G-Apr.-2001-4.pdf
New HCV Guidebook:	www.hud.gov/program_offices/public_indian_housing/programs/hcv/guidebook

ADMINISTRATIVE PLAN

OVERVIEW

- | | |
|--|---|
| <i>24 CFR 982.54(a)</i> | <ul style="list-style-type: none">• HUD regulations require each PHA to adopt a written administrative plan that establishes local policies for administering the Housing Choice Voucher (HCV) program. |
| <i>24 CFR 982.54(a)</i>
<i>24 CFR 982.54(b)</i> | <ul style="list-style-type: none">• A PHA's administrative plan, and any revisions to it, must be formally adopted by the PHA's board of commissioners or other authorized PHA officials and must be available for public review. |
| <i>24 CFR 982.54(c)</i> | <ul style="list-style-type: none">• A PHA is required to administer the HCV program in accordance with HUD regulations and the PHA's administrative plan. |

Section 1.1: Program Components

PURPOSE OF WRITTEN POLICIES

- Written policies provide daily guidance to PHA staff in the performance of routine activities and ensure that all staff do things the same way. Since a PHA is subject to legal challenges, staff consistency in administering and explaining HUD rules and PHA policies ensures that:
 - Fair and equitable treatment will be provided to families that the PHA serves
 - Litigation will be minimized.
- Written policies have several other advantages, as well:
 - They are transparent to the public
 - They help to prevent misunderstandings among PHA staff, owners, and program participants
 - They are more defensible than unwritten policies when challenges arise
 - They provide a basis for justification in audits conducted under the Section 8 Management Assessment Program (SEMAP), Rental Integrity Monitoring (RIM) reviews, or independent public audits.
- In order to assist PHAs in developing and writing policy, HUD has clarified what references are mandatory vs. what references are optional.

MANDATORY REFERENCES

- The following references are binding:
 - Federal statutes
 - Code of Federal Regulations (CFR)
 - Part 5: General HUD Program Requirements
 - Part 8: Nondiscrimination Based on Handicap
 - Part 35: Lead-Based Paint
 - Part 100: Fair Housing Act
 - Part 908: Electronic Transmission
 - Part 982: HCV Tenant-Based Assistance: Housing Choice Voucher Program
 - Part 985: Section 8 Management Assessment Program (SEMAP)
 - Current notices
 - Public and Indian Housing (PIH) Notices are numbered using the year of publication and notice number
 - Usually remain effective until amended, superseded, or rescinded although some notices have expiration dates
 - HUD handbooks
 - Required HUD forms
 - Example: form HUD-50058
 - Office of General Counsel opinions or rulings
- If the above references direct PHAs to take a specific action in a specific situation, then the PHA must follow the instructions. For example, later in this chapter we will cover those types and sources of income HUD states in the regulations are included in a family's annual income. Where the regulations state that a type of income is included in annual income, a PHA must follow this direction.

Section 1.1: Program Components

- Conversely, if the above references state that a PHA must not (or may not) take a certain action, a PHA is prohibited from taking that action.
- If the reference says the PHA may take an action, the PHA has discretion.

OPTIONAL (DISCRETIONARY) REFERENCES

- For issues not addressed by mandatory references, HUD refers PHAs to the following:
- Housing Choice Voucher Guidebook
 - If instructions are supported by federal law, CFR, notices or forms, then the instructions are mandatory.
 - If not supported by federal law, CFR, notices or forms, then instructions are discretionary.
 - Expired guidance may be used if not replaced by a mandated requirement.
 - There are two versions of the HCV Guidebook. The “old” version was published in 2001. The “new” version was published starting 2019 and is being released chapter-by-chapter. This course book relies on references from both versions of the guidebook.
- Expired Notices
 - Unless replaced by a mandatory reference.
- Expired Handbooks
 - Unless replaced by a mandatory reference.
- Recommendations of individual HUD staff
 - If not based on program requirements.

Section 1.1: Program Components

- “Safe Harbor”
 - PHA discretionary policy based on HUD guidance is considered “safe harbor”. This means that a PHA basing their discretionary area of policy on the above references is less likely to be challenged either legally or by HUD itself, as their policy was based on written HUD guidance.
- PHAs are not limited to “safe harbor” when building their discretionary areas of policy. But it is important for PHAs to recognize that using an alternative approach removes the ‘safe harbor’ umbrella, and can be more likely to open the PHA up to challenge. The closer the PHA remains to the recommended approach in the discretionary policy areas, the less likely the PHA is to be challenged.

HOW TO READ A *FEDERAL REGISTER* NOTICE

- Rules issued in the *Federal Register* are organized as follows (see sample pages following):
 - List of regulations affected
 - Subject
 - Rule status (proposed, interim, final)
 - Effective (implementation) date
 - Contact person for comments
 - Preamble
 - Comments
 - Text of new or revised regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**24 CFR Parts 888, 982, 985**

[Docket No. FR 4606-I-01]

RIN 2501-AC75**Fair Market Rents: Increased Fair Market Rents and Higher Payment Standards for Certain Areas****AGENCY:** Office of the Secretary, HUD.**ACTION:** Interim rule.

SUMMARY: This interim rule implements HUD's new fair market rent (FMR) policy. The new FMR policy targets relief to areas where higher FMRs are needed to help families, assisted under HUD's Housing Choice Voucher Program as well as other HUD programs, find and lease decent and affordable housing. With respect to the Housing Choice Voucher Program, the policy provides that where necessary to ensure the effective operation of this program, PHAs will be allowed to set their payment standards based on the 50th percentile rent rather than the published 40th percentile FMR. This aspect of the policy is designed to ensure that families with housing vouchers have access to at least half of all available units in those areas. In addition, the new FMR policy increases FMRs to the 50th percentile in those metropolitan areas where an FMR increase is most needed to promote residential choice, help families move closer to areas of job growth, and deconcentrate poverty. Where it is determined that an FMR increase is needed in a metropolitan area, the increased FMR applies to all the HUD programs that use FMRs in that metropolitan area.

DATES: *Effective Date:* December 1, 2000.
Comment Due Date: November 16, 2000.

ADDRESSES: Interested persons are invited to submit written comments regarding this interim rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Comments should refer to the above docket number and title. A copy of each comment submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address. Facsimile (FAX) comments will not be accepted.

FOR FURTHER INFORMATION CONTACT: Gerald J. Benoit, Director, Real Estate and Housing Performance Division, Office of Public and Assisted Housing Delivery, Office of Public and Indian Housing, Department of Housing and Urban Development, Room 4210, 451

Seventh Street, SW., Washington, DC 20410-8000, telephone number (202)

Regulations affected

Office of Policy Development and Research, Department of Housing and Urban Development, Room 8224, 451

Subject**Rule status**

800-877-8339. (Other than the "800" TTY number, telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION:**I. HUD's New FMR Policy**

HUD's new FMR policy, being implemented through this interim rule, is designed to achieve two fundamental program objectives: (1) Ensuring that low-income families are successful in finding and leasing decent and affordable housing; and (2) ensuring that low-income families have access to a broad range of housing opportunities throughout a metropolitan area. To achieve the first objective, the policy provides that for the Housing Choice Voucher program, PHAs will be allowed to set their payment standards based on the 50th percentile rent rather than the published 40th percentile FMR in areas where families are having difficulty using housing vouchers to find and lease decent and affordable housing. To achieve the second objective, FMRs will be increased to the 50th percentile in those metropolitan areas where a FMR increase is most needed to promote residential choice, help families move closer to areas of job growth, and

Implementation date

increased FMR applies to all the HUD programs that use FMRs in that area.

Section II of this preamble which immediately follows further discusses how HUD intends to achieve these two objectives through its new FMR policy.

II. Increasing the Proportion of Voucher-Holders That Find Housing and Expanding Housing Opportunities Throughout the Metropolitan Area

Ensuring that voucher-holders are

Contact person for comments

and lease decent and affordable housing. In some areas, however, these FMRs are inadequate to enable these families to lease decent and affordable

units. HUD's new FMR policy authorizes PHAs to use voucher payment standards based on a 50th percentile rent (rather than the published 40th percentile FMR) where fewer than three-fourths of the families issued vouchers succeed in using them to find and lease housing.

Unlike HUD's former certificate program, in which maximum subsidy levels were governed by the FMR, maximum subsidies under the new Housing Choice Voucher program are governed by a "payment standard." Rather than being required to set subsidy levels at the FMR that applies to the entire FMR area—which may be too low or too high for the particular

Preamble Starts here and goes on

for each unit size. PHAs also may set different payment standard amounts within this range for designated parts of the FMR area. This gives PHAs substantial flexibility to adapt the voucher program to local market conditions.

Most PHAs can run a successful voucher program within this normal 90 to 110 percent range of the current published 40th percentile FMR. In some cases, however, even the maximum 110 percent of the FMR is too low to enable families to find suitable housing with a voucher. The new policy addresses this problem by providing that where a PHA has increased its voucher payment standard to 110 percent of the FMR, but still finds that fewer than 75 percent of all families issued rental vouchers over the course of six months have become participants in the voucher program, the PHA will be eligible to set its payment standard based on a 50th percentile rent (rather than the published 40th percentile FMR).

PHAs that qualify for the higher payment standard amounts will still retain the flexibility to vary their payment standard amounts. The range of payment standards available to them will simply be 90 to 110 percent of a 50th percentile rent (rather than 90 to 110 percent of a published 40th percentile FMR).

This policy which is directed to achieving higher success rates among voucher-holders in finding decent and affordable housing is implemented in § 982.503(e).

Ensuring that low-income families have access to a broad range of housing opportunities throughout the metropolitan area. Another objective of the new policy is to ensure that low-income families are free to move to

FMR area reside in the 5 percent of the census tracts within the FMR area that have the largest number of program participants.

(2) If the FMRs are set at the 50th percentile rent in accordance with paragraph (c)(1) of this section, HUD will set the FMRs at the 50th percentile rent for a total of three years.

(i) At the end of the three-year period, HUD will continue to set the FMRs at the 50th percentile rent only so long as the concentration measure for the current year is less than the concentration measure at the time the FMR area first received an FMR set at the 50th percentile rent. HUD will publish FMRs based on the 40th percentile rent for FMR areas that do not qualify for continued use of the 50th percentile rent.

(ii) For purposes of this section, the term "concentration measure" means the percentage of tenant-based rental program participants in the FMR area who reside in the 5 percent of the census tracts within the FMR area that have the largest number of program participants.

(iii) FMR areas that do not meet the test for continued use of FMRs set at the 50th percentile will be ineligible to use FMRs set at the 50th percentile for a period of three years.

(iv) A PHA whose jurisdiction includes one or more FMR areas that are no longer eligible to use FMRs set at the 50th percentile may be eligible for a higher payment standard under § 982.503(f).

* * * * *

(f) *Unit size adjustments.* * * *

(g) *Manufactured home space rental.* The FMR for a manufactured home space rental (for the voucher program under part 982 of this title) is:

(1) 40 percent of the FMR for a two bedroom unit; or

(2) When approved by HUD on the basis of survey data submitted in public comments, either the 40th or 50th percentile as applicable of the rental distribution of manufactured home spaces for the FMR area. HUD accepts public comments requesting revision of the proposed manufactured home spaces FMRs for areas where space rentals are thought to differ from 40 percent of the FMR for a two-bedroom unit. To be considered for approval, the comments must contain statistically valid survey data that show either the 40th or 50th percentile manufactured home space rent (including the cost of utilities for the manufactured home) for the FMR area. Once approved, the revised manufactured home space FMRs establish new base-year estimates that

will be updated annually using the same data used to update the FMRs.

PART 982—SECTION 8 TENANT BASED ASSISTANCE: HOUSING CHOICE VOUCHER PROGRAM

3. The authority citation for part 982 continues to read as follows:

Authority: 42 U.S.C. 1437f and 3535(d).

4. In § 982.503, paragraphs (b)(2), (c)(2) and the introductory paragraph of (c)(3)(i) are revised, paragraph (e) is redesignated as paragraph (g), and new paragraphs (e) and (f) are added to read as follows:

§ 982.503 Voucher tenancy: Payment standard amount and schedule.

* * * * *

(b) * * *

(2) The PHA must request HUD approval to establish a payment standard amount that is higher or lower than the basic range. HUD has sole discretion to grant or deny approval of a higher or lower payment standard amount. Paragraphs (c) and (e) of this section describe the requirements for approval of a higher payment standard amount ("exception payment standard amount").

(c) *HUD approval of exception payment standard amount.* * * *

(2) *Above 110 percent of FMR to 120 percent of published FMR.* (i) The HUD Field Office may approve an exception payment standard amount from above 110 percent of the published FMR to

That portion of the section not listed remains unchanged

this section (and that such approval is also supported by an appropriate program justification in accordance with paragraph (c)(4) of this section).

(A) *Median rent method.* In the median rent method, HUD determines the exception payment standard amount by multiplying the FMR times a fraction of which the numerator is the median gross rent of the exception area and the denominator is the median gross rent of the entire FMR area. In this method, HUD uses median gross rent data from the most recent decennial United States census, and the exception area may be any geographic entity within the FMR area (or any combination of such entities) for which median gross rent data is provided in decennial census products.

(B) *40th or 50th percentile rent method.* In this method, HUD determines that the area exception payment standard amount equals either

the 40th or 50th percentile of rents for standard quality rental housing in the exception area. HUD determines whether the 40th or 50th percentile rent applies in accordance with the methodology described in § 888.113 of this title for determining FMRs. A PHA must present statistically representative rental housing survey data to justify

Compare with previous regulation

That portion of the section either above or below remains unchanged

Secretary determines that:

* * * * *

(e) *HUD approval of success rate payment standard amounts.* In order to increase the number of voucher holders who become participants, HUD may approve requests from PHAs whose FMRs are computed at the 40th percentile rent to establish higher, success rate payment standard amounts. A success rate payment standard amount is defined as any amount between 90 percent and 110 percent of the 50th percentile rent, calculated in accordance with the methodology described in § 888.113 of this title.

(1) A PHA may obtain HUD Field Office approval of success rate payment standard amounts provided the PHA demonstrates to HUD that it meets the following criteria:

(i) Fewer than 75 percent of the families to whom the PHA issued rental vouchers during the most recent 6 month period for which there is success rate data available have become participants in the voucher program;

(ii) The PHA has established payment standard amounts for all unit sizes in the entire PHA jurisdiction within the FMR area at 110 percent of the published FMR for at least the 6 month period referenced in paragraph (e)(1)(i) of this section and up to the time the request is made to HUD; and

(iii) The PHA has a policy of granting automatic extensions of voucher terms to at least 90 days to provide a family who has made sustained efforts to locate suitable housing with additional search time.

(2) In determining whether to approve the PHA request to establish success rate payment standard amounts, HUD will consider whether the PHA has a

Section 1.2 Key Program Documents

HUD-REQUIRED CONTRACTS AND OTHER FORMS

- 24 CFR 982.162(a)* • PHAs are required to use program contracts and other forms mandated by HUD.
- 24 CFR 982.162(b)* • These contracts and other forms must be word-for-word in the form required by HUD. Any additions or modifications must be approved by HUD headquarters.
- Following are brief descriptions of the principal contracts and forms used in the voucher program.

ANNUAL CONTRIBUTIONS CONTRACT (ACC)

- 24 CFR 982.151(a)(1)* • An annual contributions contract (ACC) is a written agreement between HUD and a PHA. Under an ACC, HUD agrees to make payments to a PHA, over a specified term, for housing assistance payments to owners and for PHA administrative fees.
- 24 CFR 982.151(a)(2)*
24 CFR 982.4(b) • Each ACC covers a separate *funding increment*, which HUD defines as a “commitment of budget authority by HUD to a PHA.”
 - *Budget authority* is the maximum amount that may be paid by HUD to a PHA over the ACC term of a funding increment.
- 24 CFR 982.151(b)(1)* • Commitments for all the funding increments in a PHA program are listed in one consolidated contractual document called the consolidated annual contributions contract (consolidated ACC). This is form HUD-52520.
- 24 CFR 982.151(a)(2)* - A single consolidated ACC covers funding for a PHA’s tenant-based assistance program.
- 24 CFR 982.151(a)(1)* • Through its ACC with HUD, a PHA agrees to administer the Housing Choice Voucher (HCV) program in accordance with HUD regulations and requirements.

Section 1.2: Key Program Documents

ADMINISTRATIVE PLAN

- The PHA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements.
- The administrative plan and any revisions of the plan must be formally adopted by the PHA Board of Commissioners.
- The Administrative Plan is a supporting document to the PHA Plan and must be available for public review.
- The PHA must revise the Administrative Plan if needed to comply with HUD requirements.
- A PHA's administrative plan must establish policies on the following subjects:
 - Selection and admission of applicants from the PHA's waiting list, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the waiting list
 - Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions of the voucher term. If the PHA decides to allow extensions of the voucher term, the PHA Administrative Plan must describe how the PHA determines whether to grant extensions, and how the PHA determines the length of any extension
 - Any special rules for use of available funds when HUD provides funding for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families

24 CFR 982.54(d)

Section 1.2: Key Program Documents

- Occupancy policies, including:
 - Definition of what groups of persons may qualify as a *family*
 - Definition of when a family is considered to be *continuously assisted*
 - Standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 24 CFR 982.553 or other factors in accordance with 982.552, 982.554, and 982.555
 - Policies concerning residency by a foster child, foster adult, or live-in aide, including defining when PHA consent for occupancy by a foster child, foster adult, or live-in aide must be given or may be denied
 - Encouraging participation by owners of suitable units located outside areas of low income or minority concentration
 - Assistance to families who claim that illegal discrimination prevents them from leasing a suitable unit
 - Family information to be provided to prospective owners
 - Disapproval of owners
 - Subsidy standards
 - Absence of a family from its dwelling unit
 - Method of determining who remains in the HCV program if a family breaks up
 - Informal review procedures for applicants
 - Informal hearing procedures for participants

Section 1.2: Key Program Documents

- Payment standard policies, including:
 - The process for establishing and revising payment standards, including whether the PHA has voluntarily adopted the use of Small Area Fair Market Rents (SAFMRs);
 - A description of how the PHA will administer decreases in the payment standard amount for a family continuing to reside in a unit for which the family is receiving assistance; and
 - If the PHA establishes different payment standard amounts for designated areas within its jurisdiction, including exception areas, the criteria used to determine the designated areas and the payment standard amounts for those designated areas. All such areas must be described in the PHA's administrative plan or payment standard schedule
- Method of determining that rent to owner is reasonable initially and during the term of a housing assistance payments (HAP) contract
- Special policies concerning special housing types (e.g., shared housing)
- Policies concerning payments of amounts owed to the PHA by a family
- Policies concerning interim redeterminations of family income and composition, the frequency of determinations of family income, and income-determination practices, including whether the PHA will accept a family declaration of assets
- Restrictions, if any, on the number of moves by a participant family
- Approval by the PHA's board of commissioners or other authorized officials to charge the administrative fee reserves

Section 1.2: Key Program Documents

- Procedural guidelines and performance standards for conducting required housing quality standards (HQS) inspections, including:
 - Any deficiency that the PHA has adopted as a life-threatening deficiency that is not a HUD-required life-threatening deficiency.
 - For PHAs that adopt the initial inspection non-life-threatening deficiency option:
 - The PHA's policy on whether the provision will apply to all initial inspections or a portion of initial inspections.
 - The PHA's policy on whether the provision will be applied to only some inspections and how the units will be selected.
 - The PHA's policy on using withheld HAP funds to repay an owner once the unit is in compliance with HQS.
 - For PHAs that adopt the alternative inspection provision:
 - The PHA's policy on how it will apply the provision to initial and periodic inspections.
 - The specific alternative inspection method used by the PHA.
 - The specific properties or types of properties where the alternative inspection method will be employed.
 - For initial inspections, the maximum amount of time the PHA will withhold HAP if the owner does not correct the HQS deficiencies within the cure period, and the period of time after which the PHA will terminate the HAP contract for the owner's failure to correct the deficiencies, which may not exceed 180 days from the effective date of the HAP contract.
 - The PHA's policy on charging a reinspection fee to owners

Section 1.2: Key Program Documents

- The PHA's policy on withholding HAP for units that do not meet HQS
- The PHA's policy on assisting families with relocating and finding a new unit
- PHA screening of applicants for family behavior or suitability for tenancy
- Whether the PHA will permit a family to submit more than one Request for Tenancy Approval at a time
- In the event of insufficient funding, taking into account any cost-savings measures taken by the PHA, a description of the factors the PHA will consider when determining which HAP contracts to terminate first (e.g., prioritization of PBV HAP contracts over tenant-based HAP contracts or prioritization of contracts that serve vulnerable families or individuals)

VOUCHER

24 CFR 982.4(b)
HCV GB, p. 8-10

- A *voucher* is a document issued by a PHA to a family selected for admission to the PHA's voucher program.
- The HUD-required voucher is form HUD-52646. This form:

24 CFR 982.4(b)

- Describes the program and the procedures for PHA approval of a unit selected by a family

24 CFR 982.4(b)

- States the obligations of the family under the program

24 CFR 982.302(a)

- Authorizes the family to search for a unit.

REQUEST FOR TENANCY APPROVAL FORM HUD-52517

HUD 52646

- Once a family finds a suitable unit that the owner is willing to lease under the program, the family must request tenancy approval from the PHA.
- The family must submit a request for tenancy approval and an unexecuted copy of the lease, including the HUD-prescribed tenancy addendum.

Section 1.2: Key Program Documents

HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT

HUD-52641

- A housing assistance payments (HAP) contract is an agreement between a PHA and the owner of a unit occupied by a family assisted under the HCV program. The contract specifies the obligations of the owner and PHA during the term of the contract.

- The HUD-required HAP contract form is HUD-52641.

24 CFR 982.451(a)(2)

- The term of a HAP contract term is the same as the term of the lease for the unit specified in the contract.
 - The lease is an agreement between the owner of the unit and the tenant (the assisted family).
 - HUD does not provide a model lease for the HCV program.

TENANCY ADDENDUM

24 CFR 982.162(a)(3)

- The HUD-prescribed tenancy addendum (form HUD-52641-A) is a document that must be attached both to the HAP contract for a unit occupied by a family assisted under the HCV program and to the lease between the owner and the family.

HCV GB, p. 8-21

- The tenancy addendum outlines the terms and requirements of the HCV program, including the basic responsibilities of both the owner and the family.

**AUTHORIZATION FOR RELEASE OF INFORMATION/
PRIVACY ACT NOTICE**

*CFR 5.230
HUD-50058 IB, p. 2*

- Form HUD-9886-A, Authorization for Release of Information/Privacy Act Notice, is a consent form that all adult family members (including the head and spouse, regardless of age) must sign.

24 CFR 5.230(b)(2)

- HOTMA removed the requirement for participants to sign and submit the Form HUD-9886-A at every annual reexamination.

Section 1.2: Key Program Documents

- On or after January 1, 2024, current program participants must sign the Form HUD-9886-A at the next interim or regularly scheduled reexamination. After all applicants or participants over the age of 18 in a family have signed a consent form once on or after January 1, 2024, family members do not need to sign and submit subsequent consent forms at the next annual or interim reexamination except:
 - When any person 18 or older becomes a member of the family
 - When a family member turns 18 years of age
 - As required by HUD or in the PHA administrative instructions
- The PHA has the discretion to establish policies around when family members must sign consent forms when they turn 18. PHAs must establish these policies stating when family members will be required to sign consent forms at intervals other than at reexamination.
- The executed form remains effective until:
 - The family is denied assistance, or
 - Assistance is terminated, or
 - The family provides written notification to the PHA to revoke consent.
- PHA staff may not view information available through HUD's EIV system unless there is a signed Form HUD-9886-A in the household's file.

EIV User's Manual

Section 1.2: Key Program Documents

- Form HUD-9886-A authorizes both HUD and PHAs to obtain:
 - Information about wages and unemployment compensation from state wage information collection agencies (SWICAs)
 - Information about salary and wages from current and former employers
 - Information about unearned income from financial institutions

HUD-9886

- In addition, Form HUD-9886-A authorizes HUD alone to obtain:
 - Information about wages, self-employment income, and payments of retirement income from the Social Security Administration (SSA)
 - Information about unearned income from the Internal Revenue Service (IRS)
- Form HUD-9886-A may be used only for the purposes specified on the form.
- PHAs must generate other types of consent forms to verify items not covered under the Form HUD-9886-A.

24 CFR 5.323(c)

- While the family is obligated to release information to the PHA, this does not apply if the applicant or participant, or any member of the assistance applicant's or participant's family revokes their consent with respect to the ability of the PHA to access financial records from financial institutions, unless the PHA establishes a policy that revocation of consent to access financial records will result in denial or termination of assistance or admission.

Section 1.2: Key Program Documents

FAMILY REPORT

- Form HUD-50058, Family Report, is the form required for reporting information to HUD about families that receive assistance under the HCV program (as well as the public housing and Moderate Rehabilitation programs).

- Housing professionals often refer to this form in shorthand as “the 50058” or sometimes even just “the 58.”

HUD-50058 TRG, p. 4

- The information captured on form HUD-50058 includes the following (among other) data:
 - Demographic information on all household members
 - Citizenship information
 - Income information
 - Rent calculations

HUD-50058, p. i
HUD-50058 IB, p. 1
HUD-50058 TRG, p. 4

- HUD-50058 information provides HUD with a picture of the people who participate in subsidized housing programs. HUD uses the data to:
 - Support policy, legislative, budget, and program management proposals and decisions
 - Monitor compliance with program requirements by program participants and PHAs
 - Perform income matching with the Social Security Administration (SSA) and Internal Revenue Service (IRS)
 - Detect fraud
 - Determine the accuracy of subsidy payments
 - Provide information to Congress and other interested parties.

HUD-50058 IB, pp. 1–2

- PHAs are required to submit HUD-50058 data at least annually for each family participating in the voucher program. The data must be transmitted electronically to HUD.

Section 1.2: Key Program Documents

- A new version of the form was released in October 2023 and is dated 01/2024. The form was updated to reflect HOTMA requirements and replaces the previous version dated 6/2020.
- HUD has prepared a user's manual to assist PHAs in completing form HUD-50058. This manual, entitled Form HUD-50058 Instruction Booklet, is a line-by-line guide to filling out the form. A new version of the booklet was issued January 1, 2024.
- PHAs are required to maintain a 95 percent or better reporting rate.

PROGRAM ACCOUNTS AND RECORDS

24 CFR 982.158(a)

- PHAs are required to maintain complete, accurate accounts and other records for the voucher program in a manner that allows a speedy and effective audit to be conducted.

24 CFR 982.158(a)

- The records must comply with all pertinent HUD requirements, including requirements governing computerized or electronic forms of record keeping.

24 CFR 982.158(c)

- HUD must be allowed full and free access to all PHA offices and facilities and to all PHA accounts and other records that are pertinent to the administration of the voucher program.

Section 1.2: Key Program Documents

RECORD RETENTION

24 CFR 982.158(e)

- During the term of each assisted tenancy, and for at least three years thereafter, PHAs must keep:
 - A copy of the executed lease
 - The HAP contract
 - The application from the family

24 CFR 982.158(f)

- PHAs must retain the following documents 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 the notice sent to inform the family of its ineligibility
 - HUD-required reports
 - Unit inspection reports
 - Lead-based paint inspection records as required by 24 CFR Part 35, Subpart B
 - Accounts and other records supporting budget and financial statements for the voucher 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)
 - Other records specified by HUD.

24 CFR 982.101

- In order to permit effective audits, PHAs must retain Forms HUD-50058 and supporting documentation for at least three years. These documents must also be retained for at least three years following end of participation.
 - Retaining the documents in electronic form is acceptable.

Section 1.2: Key Program Documents

HQS AND NSPIRE

- The National Standards for the Physical Inspection of Real Estate (NSPIRE) will be the inspection protocol for the HCV and PBV programs and will replace HUD's Housing Quality Standards (HQS).
- The deadline for the sunset of HQS was extended from October 1, 2024, to February 1, 2027.
- While HQS as an inspection protocol will eventually sunset, the regulations on inspection administration in the HCV program will continue to use the term HQS not NSPIRE.
- HUD defines housing quality standards (HQS) as the minimum quality standards developed by HUD in accordance with 24 CFR 5.703 for the HCV program, including any variations approved by HUD for the PHA.
- In other words, "HQS" is a general umbrella term meaning the applicable inspection standards for the HCV program plus any HUD-approved variations.
- This manual uses the terms "HQS" and "NSPIRE" as appropriate.

HOTMA

- On July 29, 2016, the Housing Opportunity Through Modernization Act of 2016 (HOTMA) was signed into law. HOTMA made numerous changes to statutes governing HUD programs, including sections of the United States Housing Act of 1937. Title I of HOTMA contains 14 different sections that impact the public housing and Section 8 programs. The Final Rule implementing broad changes to income and asset in Sections 102 and 104 of HOTMA, and for PHAs that administer the public housing program over-income provisions in Section 103, was officially published in the Federal Register on February 14, 2023. On September 29, 2023, HUD issued notice PIH 2023-27, which provided guidance to PHAs on the implementation of the program changes described in the Final Rule (Note, HUD released a revised version of the notice dated April 16, 2026).
- On December 12, 2024, HUD published Notice PIH 2024-38, which identifies certain provisions of HOTMA 102/104 that PHAs must have complied with no later than July 1, 2025. The compliance deadline did not apply to other HOTMA 102/104 provisions not listed in the notice.
- On May 14, 2026, HUD issued Notice PIH 2026-15, which provided a compliance date of January 1, 2027, for all remaining provisions of HOTMA 102/104. The compliance date does not apply to Moving to Work (MTW) PHAs nor PHAs using the HUD Family Reporting Software (FRS). For PHAs subject to this compliance deadline, all HUD-50058 transactions with an effective date on or after January 1, 2027, must reflect HOTMA requirements.

Section 1.3 Section Eight Management Assessment Program SEMAM

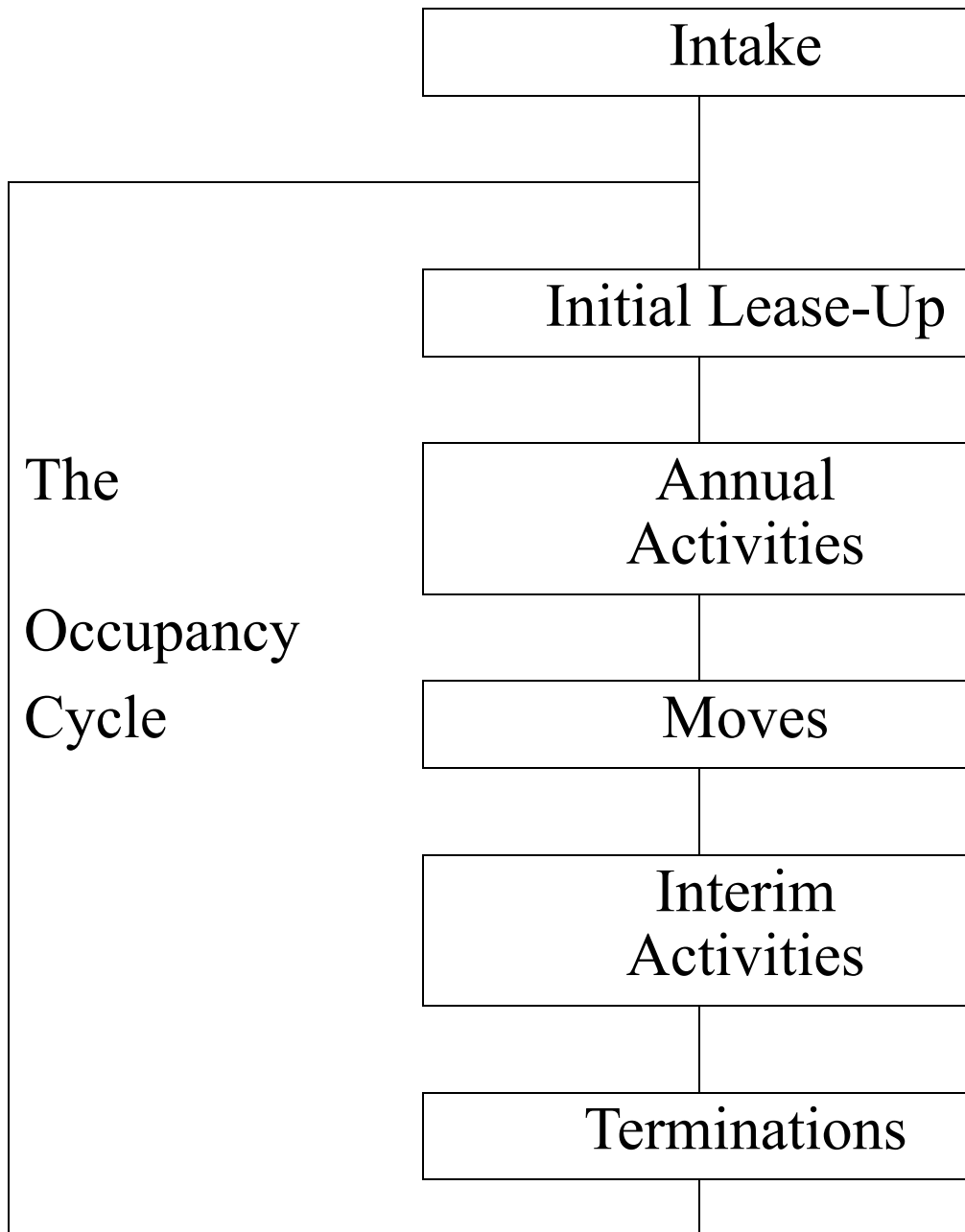
PURPOSE OF SEMAM

- SEMAM was created to:
 - Objectively measure in key areas
 - Identify management capabilities/deficiencies
 - Improve HUD risk assessment for each problem identification
 - Provide a self-assessment tool for PHAs

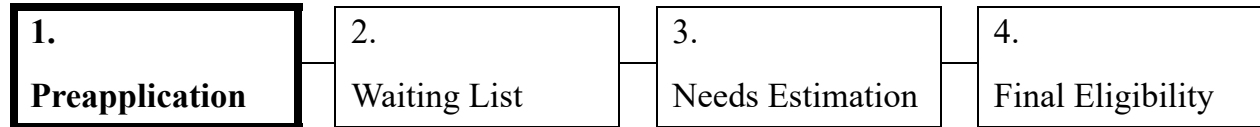
KEY PERFORMANCE INDICATORS

Indicator		Possible Points
1	Selection from the Waiting List	15
2	Reasonable Rent	20
3	Determination of Adjusted Income	20
4	Utility Allowance (UA) Schedule	5
5	HQS Quality Control Inspections	5
6	HQS Enforcement	10
7	Expanding Housing Opportunities	5
8	Payment Standards	5
9	Annual Reexaminations	10
10	Correct Tenant Rent Calculations	5
11	Pre-Contract HQS Inspections	5
12	Biennial HQS Inspections	10
13	Lease-Up	20
14	Family Self-Sufficiency (FSS)	10

Section 1.4 The Occupancy Cycle



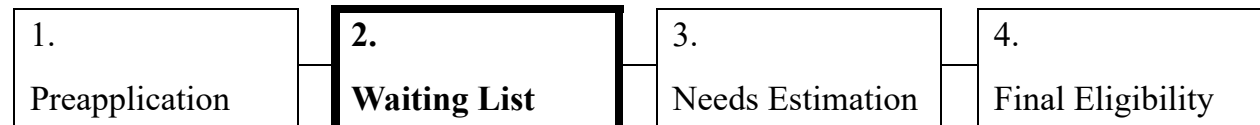
INTAKE PROCESS



24 CFR 982.201 – 982.206

- a. Family submits preapplication if waiting list is open.
- b. Preapplication has less information (usually not verified) than full application but enough to determine preliminary eligibility and placement on list.
- c. If family is ineligible, letter sent:
 - Notifying of ineligibility
 - Stating reasons for determination
 - Explaining how to request informal review.

24 CFR 982.201(f)



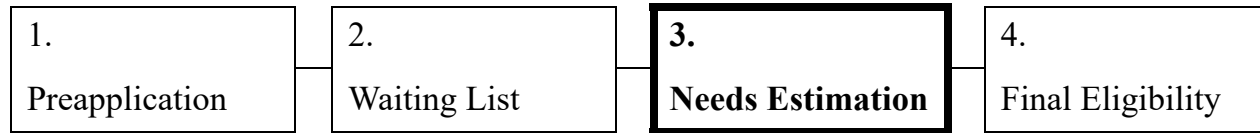
24 CFR 982.4
24 CFR 982.402

24 CFR 982.207

HCV GB, pp. 4-5 – 4-7

- a. PHA determines family unit size according to subsidy standards.
- b. PHA applies admission preferences (if any) to families on waiting list.
- c. PHA purges waiting list often enough to keep it as up-to-date as possible. (PHA should establish policy.)

INTAKE PROCESS



Industry Practice

- a. PHA estimates available openings based upon the availability of funding for family sizes and projected contract turnover.

- PHA should project openings about 90 days ahead, not wait until they occur.

Industry Practice

- b. PHA estimates number of families needed to fill each opening.

- Estimate will be influenced by accuracy of waiting list.
- PHA should look at past data for waiting list factor and leasing factor.

24 CFR 982.207
24 CFR 982.201(b)(2)

- c. PHA selects families from waiting list based on preferences claimed and income targeting requirements.

HCV GB, pp. 4-17 – 4-18

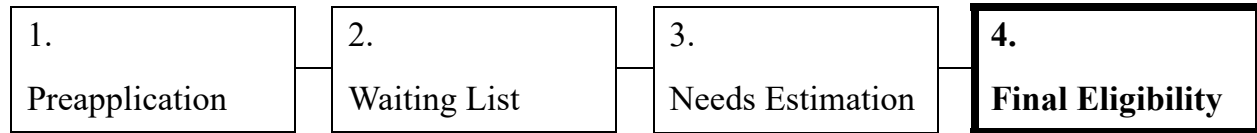
- d. PHA verifies preferences for families selected.

- PHA sends family preference claim and verification form.
- * If the preference doesn't verify, the family is placed in the proper order on the waiting list without the preference. Note that a PHA may offer the family the opportunity to appeal the preference denial (PHA policy).
- * If preference verifies, PHA proceeds to final eligibility verification.

24 CFR 982.204(c)

- e. If family does not respond, PHA sends notice of denial of assistance and opportunity for informal review. When period expires, family is removed from waiting list. PHA may elect to send follow-up letter(s).

INTAKE PROCESS



Industry Practice

- a. PHA schedules family for interview (or asks family to contact PHA to set up interview).

Industry Practice

- b. Application form completed. Family signs release forms. PHA photocopies documents submitted by family.

24 CFR 5.512
Notice PIH 2018-18

- c. PHA processes applicable noncitizen verifications and follows HUD's verification hierarchy for verifying other eligibility factors.

- If higher-level verifications are not obtained within time frame in administrative plan, PHA uses lower levels of verification and documents reason in file.

24 CFR 5.901 – 5.905
24 CFR 982.552 – 982.553

- d. PHA requests criminal records for household members as described in PHA administrative plan.

24 CFR 982.201(b)
24 CFR 5.628

- e. PHA compares annual income to income limits and calculates total tenant payment.

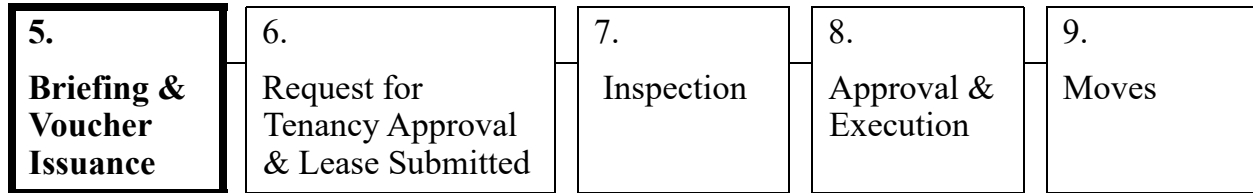
24 CFR 982.204(d)(2)

- f. PHA determines if money is available to fund family. If so, final eligibility is determined.

24 CFR 982.201(f)

- If family is ineligible, PHA sends notice of denial and opportunity for informal review.

LEASE-UP/MOVE PROCESS



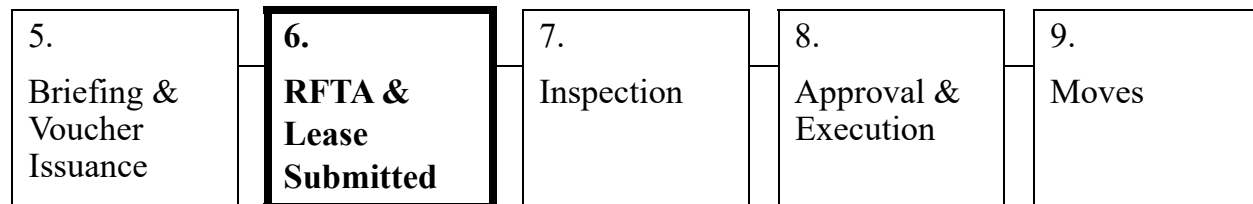
24 CFR 982.301(a)

- a. Briefing—group or individual at PHA option—is held to explain program and issue voucher.

24 CFR 982.303(a)

- b. Initial term of voucher is at least 60 days. Family has time specified on voucher to find unit.

- c. Family searches for unit.



- a. Family finds unit to lease and discusses program with owner.

24 CFR 982.302(c)

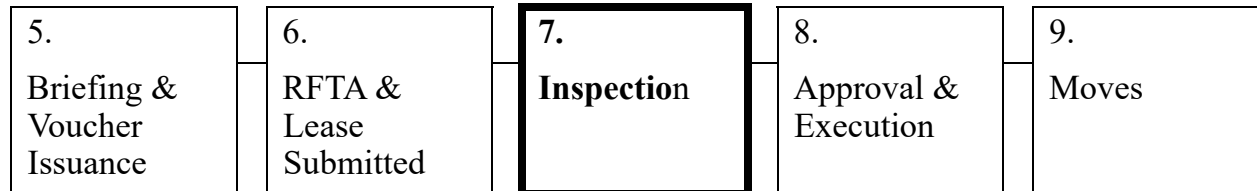
- b. Family submits request for tenancy approval (RFTA) and copy of lease.

- Lease must include tenancy addendum.
- RFTA must be submitted during term of voucher in manner required by PHA.

24 CFR 982.352(a)

- c. PHA determines that unit is eligible.

LEASE-UP/MOVE PROCESS



24 CFR 982.305(b)(2)(i)

a. PHA schedules and conducts an initial inspection.

24 CFR 982.305(b)(2)(i)

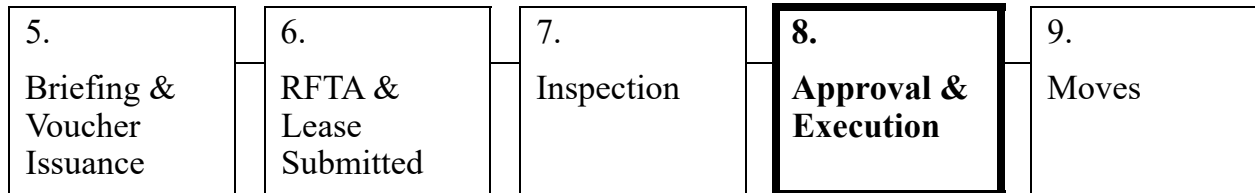
b. PHA notifies owner and family of inspection results.

24 CFR 982.405(d)

c. Owner makes repairs, if necessary, within PHA-specified time frame, and PHA verifies that corrections have been made.

d. If owner does not agree to make necessary repairs, PHA disapproves unit and family must find another unit to continue process.

LEASE-UP/MOVE PROCESS



24 CFR 982.306

a. PHA determines that owner is approvable.

24 CFR 982.305(a)
24 CFR 982.507

b. PHA determines that rent is reasonable (i.e., comparable to rents for similar units in private, unassisted market).

24 CFR 982.506

- If rent is not reasonable, family negotiates or requests PHA to negotiate.

24 CFR 982.305(a)

c. If gross rent exceeds payment standard, PHA determines that rent is affordable (i.e., family share does not exceed 40 percent of monthly adjusted income).

d. If everything is approvable, documents are executed:

24 CFR 982.308(b)(1)

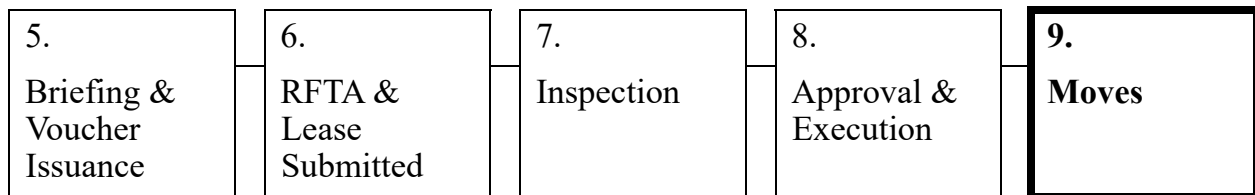
- Owner and family execute lease

24 CFR 982.305(e)

- Owner and PHA execute contract.

24 CFR 982.309(a)

e. Assisted tenancy begins on effective date stated in lease and HAP contract.



24 CFR 982.354

a. HUD regulations and PHA policy determine whether and when family may move to another unit.

b. If family moves to another unit, same lease-up steps are followed. Annual recertification at this time is at PHA's option.

CHAPTER 1 KNOWLEDGE CHECK

1. What is the tenancy addendum?

2. What is the administrative plan?

3. What is the HAP contract?

4. What is the difference between project-based and tenant-based assistance?

5. All of the following are mandatory references for the HCV program, except:

- a. Current PIH notices
- b. Expired PIH notices
- c. 24 CFR Part 982

Section 1.4: The Occupancy Cycle

6. All of the following are true about the form HUD-9886-A, except:
 - a. It is a general release form
 - b. All adult household members and the head, spouse, or cohead, regardless of age, must sign the form
 - c. It must only be signed by each adult family member once
7. Which of the following must be kept for the term of assisted tenancy plus three years thereafter?
 - a. The family's application
 - b. Unit inspections
 - c. Notices to ineligible applicants
8. Who approves policies in the PHA's administrative plan?
 - a. HUD
 - b. The board
 - c. Program participants
 - d. Nobody
9. The document that lists the family's obligations under the program is the Form HUD-9886-A.
 - a. True
 - b. False
10. What is the name of the office in HUD that oversees the public housing and HCV programs?.

11. What is SEM AP?.

CHAPTER 2 Fair Housing

LEARNING OUTCOMES

- Identify federally protected classes
- Understand reasonable accommodation
- Review VAWA requirements

Section 2.1 Nondiscrimination Laws

PROTECTED CLASSES

CFR 982.100.5
CFR 982.53

- Numerous Federal statutes define protections afforded applicants and participants and what constitutes discrimination.
- Federal laws prohibit discriminating against any family based on:
 - Race
 - Color
 - Religion
 - Sex
 - “Sex” includes discrimination on the basis of sexual orientation and gender identity.
 - Age
 - Disability
 - Familial status
 - ‘Familial status’ protects families with children
- In March 2025, Executive Order 14224 revoked Executive Order 13166 which had directed agencies to enhance access to federal programs for persons with limited English proficiency (LEP) and required tailored guidance for recipients of federal funding under Title VI of the Civil Rights Act of 1964. Executive Order 14224 also declared English as the official language of the United States.

Executive Order 13988

Section 2.1: Nondiscrimination Laws

- In response, on July 14, 2025, the Office of the Attorney General (OAG) issued a memo on the implementation of EO 14224, which rescinded all prior guidance to federal agencies regarding Title VI of the Civil Rights Act's prohibition against national origin discrimination affecting LEP persons. The memo:
 - Presents a legal analysis concluding that language is not an immutable characteristic entitled to Title VI protection and decoupling LEP persons from national origin discrimination.
 - States that, where allowed by law, agencies should determine which of their programs and policies might serve the public at large better if operated exclusively in English.
 - States that agencies are not required to amend, remove, or otherwise stop production of all multilingual documents, products, or other services prepared or offered. Further, many states and localities have laws regarding language services to be provided to non-English-speaking persons which may apply to the PHA.
- For LEP persons, language can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information.
- PHAs should make decisions as they deem necessary to fulfill their mission and efficiently provide services.
- In addition to these protections at the federal level, PHAs must be aware of protections that may be provided by state or local ordinance.

Section 2.2 Persons With Disabilities and Reasonable Accommodation

DEFINITIONS OF THE TERM “DISABILITY”

- This section is an overview of the two definitions of “disability.” The first is the HUD definition used for purposes of eligibility as a disabled family, and the HUD allowances and deductions. The second is the American Disabilities Act (ADA) definition used for purposes of reasonable accommodation.

HUD DEFINITION OF A DISABLED PERSON

CFR 5.403

- Persons are considered disabled according to HUD’s definition if:
 - They have a disability as defined in 42 U.S.C. 423
 - They are functionally disabled as defined in of the Developmental Disabilities Assistance and Bill of Rights Act [42 U.S.C. 6001(8)]
 - They are determined, pursuant to HUD regulations, to have a physical, mental or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration
 - Substantially impedes their ability to live independently
 - Is of such a nature that the ability to live independently could be improved by more suitable housing conditions.
- Persons who have acquired immunodeficiency syndrome (AIDS) or any conditions arising from the AIDS virus are not excluded from this definition.
- For purposes of qualifying for low-income housing, the definition does not include a disability based solely on any drug or alcohol dependence.

Legislative Reference

1. 42 U.S.C. Section 423(d)(1)(A) defines disability as:

“Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months; or

In the case of an individual who has attained the age of 55 and is blind (within the meaning of “blindness” as defined in section 416(i)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or ability comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.”

2. The Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)) defines developmental disability in functional terms as:

A severe, chronic disability of a person 5 years of age or older which:

- (A) is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (B) is manifested before the person attains age twenty-two;
- (C) is likely to continue indefinitely;
- (D) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and responsive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and
- (E) reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; except that such term, when applied to infants and young children, means individuals from birth to age 5, inclusive, who have substantial developmental delay or specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.”

VERIFICATION OF DISABILITY

- Verified by a knowledgeable professional source that the person meets this criteria, using the exact wording in the HUD definitions.

42 U.S.C. 1437a(b)(3)(E)

- Receipt of Social Security Disability or Supplemental Security Income is verification of disability. If such benefits are not received, the following can provide a basis for verification:

Verification Guide

- Original SSA notice confirming SSI payments
- Verification from a qualified professional having knowledge of the person's disability, who can verify the tenant's status
- The PHA may also accept doctor statements meeting the disability definition requirements in USC Title 42, Section 423

- PHAs are not permitted to inquire about the nature or extent of a person's disability. The PHA may not inquire about an individual's ability to live independently, or about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA should not place this information in the tenant file. The PHA should destroy the document. Under no circumstances should a PHA request a participant's medical record(s).

Section 2.2: Persons With Disabilities and Reasonable Accommodation

EXAMPLE

Cindy Kraus reports for an intake interview at the PHA. Ms. Kraus has applied for low-income housing. The interviewer reviews the application and sees that Ms. Kraus has checked “yes” to the question, “Is the head of household or spouse age 62 or older or a person with a disability?” listed under the *Qualifying for Deductions in Calculating Rent* section of the application.

Question: May the PHA ask Ms. Kraus about the nature of her disability?

Answer: The PHA may not ask Ms. Kraus the nature of her disability. However, the PHA may ask Ms. Kraus if she needs a unit with accessible features, provided that the PHA asks all participants this question, regardless of whether the participant appears to have a disability or says he or she has a disability. The PHA will verify the disability status if the deduction depends on the status.

6/2003: PUBLIC HOUSING OCCUPANCY GUIDEBOOK

Housing Authority

DISABILITY VERIFICATION FORM

Public Housing Authorities are required to verify the disability of applicants claiming to be disabled to determine the applicant's eligibility for the housing and to compute rent. The resident has signed a release form below giving you permission to supply us with this information. Please fill out the form below and return it at your earliest convenience.

Sincerely yours, _____

The Department of Housing and Urban Development defines a disabled person in 3 ways:

- (1) A disabled person is one with an inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.
- (2) A developmentally disabled person is one with a severe chronic disability that:
 - (a) is attributable to a mental and/or physical impairment;
 - (b) as manifested before age 22;
 - (c) is likely to continue indefinitely;
 - (d) results in substantial functional limitations in three or more of the following areas: capacity for independent living, self-care, receptive and expressive language; learning, mobility, self-direction, and economic self-sufficiency AND
 - (e) requires special interdisciplinary or generic care treatment, or other services which are of extended or lifelong duration and are individually planned or coordinated.
- (3) A disabled person is also one who has a physical, emotional or mental impairment that:
 - (a) is expected to be of long-continued or indefinite duration;
 - (b) substantially impedes the person's ability to live independently;
 - (c) is such that the person's ability to live independently could be improved by more suitable housing conditions.

I, _____, hereby certify that _____ (person signing the release below should be considered disabled in accordance with definition number _____ above.)

Name and Title _____ Date _____
Signature _____ Phone _____

TENANT/APPLICANT RELEASE

I, _____, hereby authorize the release of the requested information.

Signature _____ Date _____

Section 2.2: Persons With Disabilities and Reasonable Accommodation

MEANING OF THE LETTERS AFTER A SOCIAL SECURITY OR MEDICARE NUMBER

CODE	IDENTIFICATION	CODE	IDENTIFICATION
A	Primary claimant (wage earner)	E5	Surviving divorced father
B	Aged wife, age 62 or over	F1	Parent (father)
B1	Aged husband, age 62 or over	F2	Parent (mother)
B2	Young wife, with a child in her care	F3	Stepfather
B3	Aged wife, age 62 or over, second claimant	F4	Stepmother
B5	Young wife, with a child in her care, second claimant	F5	Adopting father
B6	Divorced wife, age 62 or over	F6	Adopting mother
BY	Young husband, with a child in his care	HA	Disabled claimant (wage earner)
C1-C9	Child - Includes minor, student, or disabled child	HB	Aged wife of disabled claimant, age 62 or over
D	Aged widow, age 60 or over	M	Uninsured – Premium health insurance benefits (Part A)
D1	Aged widower, age 60 or over	M1	Uninsured – Qualified for but refused health insurance benefits (Part A)
D2	Aged widow (second claimant)	T	Uninsured – Entitled to HIB (Part A) under deemed or renal provisions, or fully insured who have elected entitlement only to HIB
D3	Aged widower (second claimant)	TA	Medicare qualified government employment (MQGE)
D6	Surviving divorced wife, age 60 or over	TB	MQGE aged spouse
E	Surviving mother	W	Disabled widow
E1	Surviving divorced mother	W1	Disabled widower
E4	Widowed father	W6	Disabled surviving divorced wife

PROCEDURES FOR VERIFICATION OF DISABILITY

1. Review the application or recertification form to see if the person checked “yes” or “no” to the question about disability.
2. For participants: If they checked “yes,” check the EIV system to see if they receive Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI). Receipt of these benefits is verification that they are disabled. If EIV shows they receive SSI or SSDI, and the participant agrees with the information, then no verification of disability is needed.
3. For applicants: If they checked “yes,” since EIV is not available, require them to bring in an award letter from SSA dated within 60 days of the interview date. This can be obtained online at www.SSA.gov or by calling (800) 772-1213. Once you receive the award letter showing SSI or SSDI with a dollar amount, no further verification is needed. **NOTE:** The Section of EIV that says disability “yes” or “no” is **not** verification of disability.
4. If they receive Social Security, verify that the benefit is a disability benefit and not a retirement or spousal benefit. Generally, anyone who receives Social Security on their record who is under 62 is receiving a disability benefit. On the award letter, pay attention to the codes adjacent to their Social Security number. These codes are sufficient to verify their disability.
5. If the person does not receive SSI or SSDI, or the specialist cannot verify that Social Security benefits are for a disability, then send a verification of disability to a knowledgeable professional. Follow your verification procedures in your administrative plan if you do not receive a response from the knowledgeable professional within a reasonable time. **NOTE:** Your agency should develop two different forms of verification of disability. One should contain the reasonable accommodation definition of *disability* and one should contain the HUD definition of *disability*.

Section 2.2: Persons With Disabilities and Reasonable Accommodation

POP QUIZ

- Becky (age 36) states she is disabled and has submitted this document. Do we need to verify her disability?

Housing Authority

DISABILITY VERIFICATION FORM

Public Housing Authorities are required to verify the disability of applicants claiming to be disabled to determine the applicant's eligibility for the housing and to compute rent. The resident has signed a release form below giving you permission to supply us with this information. Please fill out the form below and return it at your earliest convenience.

Sincerely yours, _____

The Department of Housing and Urban Development defines a disabled person in 3 ways:

- (1) A disabled person is one with an inability to engage in any substantial gainful activity because of any physical or mental impairment that is expected to result in death or has lasted or can be expected to last continuously for at least 12 months; or for a blind person at least 55 years old, inability because of blindness to engage in any substantial gainful activities comparable to those in which the person was previously engaged with some regularity and over a substantial period.
- (2) A developmentally disabled person is one with a severe chronic disability that:
 - (a) is attributable to a mental and/or physical impairment;
 - (b) as manifested before age 22;
 - (c) is likely to continue indefinitely;
 - (d) results in substantial functional limitations in three or more of the following areas: capacity for independent living, self-care, receptive and expressive language; learning, mobility, self-direction, and economic self-sufficiency AND
 - (e) requires special interdisciplinary or generic care treatment, or other services which are of extended or lifelong duration and are individually planned or coordinated.
- (3) A disabled person is also one who has a physical, emotional or mental impairment that:
 - (a) is expected to be of long-continued or indefinite duration;
 - (b) substantially impedes the person's ability to live independently;
 - (c) is such that the person's ability to live independently could be improved by more suitable housing conditions.

I, _____, hereby certify that _____ (person signing the release below should be considered disabled in accordance with definition number _____ above.)

Name and Title _____ Date _____
Signature _____ Phone _____

TENANT/APPLICANT RELEASE

I, _____, hereby authorize the release of the requested information.

Signature _____ Date _____

DEFINITION OF A DISABLED PERSON FOR PURPOSES OF REASONABLE ACCOMMODATION

- The definition of a person with a disability for purposes of granting a reasonable accommodation request under either 504, FHAA or the ADA is much broader than the HUD definition of “disability.” The Fair Housing Act defines “handicap” as:
 - “a physical, mental or emotional impairment that substantially limits one or more of a person’s major life activities;
 - “has a record of such impairment; or
 - “is regarded as having such an impairment.”
- The physical or mental impairment can include practically any condition, disease, illness, disfigurement or disorder, as long as the impairment substantially limits one or more major life activities. Examples include:
 - Alcoholism
 - Cerebral palsy
 - Cancer
 - Mental illness
 - Emotional disorder
 - Former drug addiction
 - HIV infection

Section 2.2: Persons With Disabilities and Reasonable Accommodation

- Major life activities include, but are not limited to:
 - Caring for oneself
 - Performing tasks
 - Walking
 - Seeing
 - Hearing
 - Breathing
 - Learning
 - Working
- These federal civil rights laws were intended to cover a wide range of disabilities and do not require the severity of the HUD definition.
 - This broader definition is used for purposes of reasonable accommodation. This is because the laws were intended to ensure that a person with some limitation due to an impairment was not excluded from a program simply by virtue of that impairment so long as a reasonable shift in a program's rules or practices could allow them full access to the program.

LIMITATIONS SPECIFICALLY EXCLUDED FROM DISABILITY PROTECTION

- The following categories are excluded from Fair Housing Act protections:
 - Current drug users
 - People whose alcohol use interferes with the rights of others
 - A person with any disability whose tenancy poses a direct threat to the health or safety of others unless the threat can be controlled with a reasonable accommodation
 - Juvenile offenders and sex offenders, by virtue of that status, are not persons with disabilities protected by the Fair Housing Act.

NON-DISABLED PEOPLE WHO ARE PERCEIVED AS DISABLED

- A person does not have to have a mental or physical impairment to be discriminated against under fair housing laws.
 - A person is “handicapped” if others regard or treat them as if they are.
- If a staff member treats an applicant or tenant as though they had an impairment that substantially limits a major life activity, and because of that perception discriminates against that person, that person may file a discrimination claim under 504, whether or not they are actually disabled, and even though they are not qualified to receive an accommodation.

PHA OBLIGATION TO NOTIFY

- The PHA has an obligation to inform applicants and participants of the right for any person with disabilities to request a reasonable accommodation. The PHA should review forms, letters, posters and signs for inclusion of this information.
- PHAs should consider adding the following to relevant application and occupancy documents:
 - “If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact (name and phone number).”

Section 2.2: Persons With Disabilities and Reasonable Accommodation

- PHAs should create or adopt standardized forms that clearly and simply ask for all the information and verifications the PHA will use in considering the request. It is best to ask the same questions of everyone.
- However, PHAs must give appropriate consideration to reasonable accommodation requests even if the requester makes the request orally or does not use the PHA's preferred forms or procedures.

APPLICANT OR TENANT MUST *REQUEST* A SPECIFIC ACCOMMODATION

- An applicant's or participant's request triggers the need for an accommodation.
- The PHA should never offer an accommodation until one has been specifically requested. Treating people differently because of a perceived disability is discrimination.

THE REQUEST FOR AN ACCOMMODATION BEGINS A PROCESS

- It's important to be aware that sometimes the need for an accommodation first presents itself in the form of a complaint, or through issues of noncompliance.
 - For example, if an applicant is denied admission, the need for some type of accommodation may be brought up. This is the signal for the PHA to begin the reasonable accommodation *process*.
- The reasonable accommodation process should be documented beginning with the initial request for an accommodation.
- The PHA's legal protection from a discrimination complaint or lawsuit lies in having *written* proof that consideration was given to the request.

WHAT THE PHA CANNOT ASK

- The general rule is that the PHA cannot ask:
 - If a person has a disability (unless it is relevant to whether the applicant qualifies for the program or type of designated development)
 - The nature or extent of the disability
 - Any question that would require the disabled person to waive or disclose a medical condition or history
 - Whether any family member has a disability.
- It is always the right of a person with disabilities to not say anything about their disabilities.
 - However, the PHA does not have to provide any accommodation or special preference for that person.
- A PHA cannot require that the tenant be able to live independently.
 - The PHA can only require that the family meet all its defined family obligations.

VERIFICATION

- A PHA can ask only for information that is relevant.
 - If the person is trying to qualify for allowances that reduce their rent on the basis of a disability the PHA may ask the person to verify a disability.
 - If the person requests an accommodation due to their particular disability, you may ask the person to verify they have a disability and the need for the requested accommodation.
- If a person's disability is obvious or already known to the provider, and if the need for the requested accommodation is also readily apparent or known, then the provider may not request any additional information.

*DOJ/HUD Joint Statement
May 17, 2004
Reasonable Accommodations
under the Fair Housing Act*

INFORMATION MUST BE ACCESSIBLE

- Information must be provided in an accessible format, when requested. People must be informed of their right to ask for a reasonable accommodation.

CONSIDERATION OF REASONABLENESS OF REQUEST

- A PHA can deny a request for reasonable accommodation if the request was not made by or on behalf of a person with a disability or if there is no disability-related need for the accommodation.
 - In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable, i.e., if it would impose an undue financial and administrative burden on the PHA or it would fundamentally alter the nature of the PHA's operations.
- The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as:
 - The overall size of the PHA's program with respect to the number of employees, type of facilities, and size of budget
 - The type of operation, including the composition and structure of workforce
 - The nature and cost of the requested accommodation
 - The availability of alternative accommodations that would effectively meet the requesters disability-related needs

Notice PIH 2010-26

Section 2.2: Persons With Disabilities and Reasonable Accommodation

- When a PHA refuses a requested accommodation because it is not reasonable, the PHA should discuss with the requester whether there is an alternative accommodation that would effectively address the requesters disability-related needs without a fundamental alteration to the PHA's operations and without imposing an undue financial and administrative burden.
 - If an alternative accommodation would effectively meet the requesters disability-related needs and is reasonable, the PHA must grant it.

REQUIREMENT TO KEEP INFORMATION CONFIDENTIAL

- Under federal privacy laws, a PHA is required to keep confidential any personal information about an individual obtained in a confidential manner or from a confidential source.
- An applicant or participant may sign a consent form to allow the PHA to disclose information in their file, but staff should not talk to anyone about a particular applicant's or tenant's medical status without authorization from the applicant or tenant, preferably in writing.
 - For example, the individual may have a social worker or family member who will help with the annual reexamination and inspection.
- If a PHA receives a verification document that provides a person's diagnosis or details of treatment for a disability or medical condition, the PHA should dispose of it. The PHA should note in the file that a disability (in place of the specific disability information) and any other information requested has been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information.

Notice PIH 2010-26

EXCEPTION PAYMENT STANDARD AS A REASONABLE ACCOMMODATION

- The regulation at 24 CFR 982.503(d)(5) specifies that if a family includes a person with disabilities, the PHA may approve a higher payment standard for the family if necessary as a reasonable accommodation.
- This can be necessary to ensure that a family can rent a unit that meets the needs of a family member with disabilities and may also be necessary to enable a participant family to remain in an assisted unit.
- When a family requires a unit with specific features or for other disability-related reasons to accommodate a family member with a disability, and the family is unable to find a unit with those features or that otherwise meets the disability-related need within the established payment standard, the family may request an exception to the established payment standard as a reasonable accommodation.
- Examples of circumstances that may qualify for an exception payment standard include, but are not limited to:
 - Accessibility features such as accessible bathrooms or larger doorways;
 - Access to ground-level units or elevators for wheelchair/mobility devices;
 - Units with features to benefit individuals with hearing or visual impairments;
 - Proximity to medical providers or other services/supports;
 - Accessible parking on the premises;
 - Accessible to essential services or daily life activities;
 - Proximity to public transit or to other accessible transportation; and
 - Location with sidewalks for individuals who use wheelchairs/mobility devices.

Notice PIH 2025-12

Section 2.2: Persons With Disabilities and Reasonable Accommodation

- The PHA must evaluate each request on a case-by-case basis.
- If required 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/SAFMR for the unit size (or in the case of VASH, up to 140 percent of the FMR/SAFMR). The PHA may request HUD approval in accordance with Notice PIH 2025-12 for an exception to the payment standard for a particular family if the required amount exceeds 120 percent of the FMR/SAFMR.
- Unless the disability or the disability-related need is obvious, readily apparent, or already known, the family must document the disability-related need for the exception payment standard. In order to approve an exception, or request an exception from HUD, the PHA must determine that:
 - There is a disability-related need for the particular unit (which may include location);
 - The gross rent for the unit is above the PHA's payment standard;
 - The family share would otherwise exceed 40 percent of adjusted monthly income; and
 - The rent for the unit is reasonable.

Section 2.2: Persons With Disabilities and Reasonable Accommodation

- The exception payment standard for the specific dollar amount approved by the PHA or HUD remains effective as long as the family has a disability-related need for the features of the approved unit, and the rent remains reasonable. Requests for a higher exception payment standard for the same unit due to rent increases or changes in the family's income should only be submitted to HUD when the rent is no longer affordable to the family, typically (though not exclusively) when the family share exceeds 40 percent of adjusted monthly income, and if the higher payment standard is above 120 percent of the FMR/SAFMR in effect at the time the PHA determines that the higher payment standard is necessary.
- Guidelines for processing requests for exception payment standards as a reasonable accommodation can be found in Notice PIH 2025-12.

LIVE-IN AIDES

CFR 5.160

- Definition of *Household* – The family and the PHA-approved live-in aide

CFR 5.403

- Definition of *Live-in Aide* – A person approved by the PHA who resides in the unit to care for a family member who is disabled or at least 50 years of age, and who:
 - Is determined to be essential to the care and well-being of the person(s)
 - Is not obligated for support of the person(s)
 - Would not be living in the unit except to provide necessary supportive services.

CFR 982.316

- The PHA must approve a live-in aide, if needed, as a reasonable accommodation for a person with a disability.

Section 2.2: Persons With Disabilities and Reasonable Accommodation

Industry Practice

- Relatives are not automatically excluded. The relative must meet the requirements stated above to qualify.

*HUD Letter, Chicago Office,
7/3/90*

- Originally HUD anticipated that live-in aides would be single persons and that only one additional bedroom would be required.
- The PHA may not refuse to approve a live-in aide simply because the aide has family members that would be residing in the unit, provided that the presence of the live-in aide's family does not:
 - Overcrowd the unit or property, or
 - Create an undue financial burden (it might be an undue burden to provide a 3BR subsidy to a single eligible individual).
- In making decisions pertaining to the family members of live-in aides, a PHA cannot refuse to approve a particular live-in aide simply because they have children, since this would be familial status discrimination.

CFR 982.316

- At any time, the PHA may refuse to approve a particular person as a live-in aide, or may withdraw such approval, if the person:
 - Commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program
 - Commits drug-related criminal activity or violent criminal activity
 - Currently owes rent or other amounts to the PHA or to another PHA in connection with HCV or public housing assistance under the U.S. Housing Act of 1937

Section 2.3 **Violence Against Women Act (VAWA)**

CFR 960.200(b)(8)

- VAWA cites congressional findings that assert that women and families across the country are being discriminated against, denied access to, and even evicted from public and subsidized housing because of their status as victims of domestic violence.
 - These findings also note there is a strong link between domestic violence and homelessness.
- The general purpose of the law is to reduce domestic violence, dating violence, sexual assault, stalking, and human trafficking, and to prevent homelessness.
 - Although the VAWA 2022 statute does not specifically do so, HUD has recently begun including human trafficking as part of the list of victims protected under VAWA, as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24. In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, we have opted to include human trafficking in this text in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.
- The law protects victims of domestic violence, dating violence, stalking, and human trafficking who reside in public, assisted, and other types of housing and ensures that such victims have meaningful access to the criminal justice system without jeopardizing such housing.
 - To do so, VAWA amends the 1937 Housing Act. Title VI of VAWA affects the public housing and Housing Choice Voucher (HCV) programs by placing safeguards in the admissions and termination process, including provisions and procedures for certification, confidentiality and notification.
 - Section 3 of VAWA defines domestic violence, dating violence and sexual assault. Title VI defines stalking, as related to housing issues.

Section 2.3: Violence Against Women Act (VAWA)

FR Notice 1/4/23

- PHAs and owners may not coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA.

DEFINITIONS

24 CFR 5.2003

- *Bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- *Domestic violence* Includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the user or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:
 - The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim
 - A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner
 - A person with whom the victim shares a child in common
 - A person who commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction.

Section 2.3: Violence Against Women Act (VAWA)

- *Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship.
- *Sexual assault* means any nonconsensual sexual act proscribed by Federal, tribal, or state law, including when the victim lacks the capacity consent.
- *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's individual safety or the safety of others; or
 - Suffer substantial emotional distress
- *Affiliated person* means the tenant's spouse, parent, sibling, or child; or any individual, tenant, or lawful occupant living in the tenant's household; or anyone for whom the tenant acts as parent/guardian of a victim of domestic violence, dating violence, sexual assault, or stalking.
- *Victim* means any victim of VAWA violence/abuse, regardless of actual or perceived sexual orientation, gender identity, sex, or marital status.

Section 2.3: Violence Against Women Act (VAWA)

DENIAL OF ASSISTANCE

24 CFR 5.2005(b)

- VAWA prohibits denial of assistance to an otherwise qualified applicant on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

24 CFR 5.2011

- VAWA does not take precedence over any provision of federal, state, or local law that provides greater protection to victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking.
- If the PHA's voucher program screens applicants on the basis of their family behavior or suitability for tenancy, it may need to put some safeguards in place to ensure that you comply with this section of VAWA. Victims of domestic violence are often saddled with a bad credit rating and poor landlord references, possibly even a history of evictions or a crime record.
- A PHA must inform all applicants of the special protections afforded by VAWA, so that it does not inadvertently deny assistance to an individual who appears to be unsuitable but is in fact a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.
 - Notice PIH 2017-08 states that the PHA is prohibited from denying assistance or admission, terminating participation, or evicting a tenant based on adverse factors, if the adverse factor is determined to be a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.
 - *Adverse factors* refers to any factor that can be used as a basis for denying admission, terminating assistance, or evicting a tenant.

Section 2.3: Violence Against Women Act (VAWA)

EVICTING OR TERMINATING ASSISTANCE OF A PERPETRATOR

24 CFR 5.2009(a)

- An owner may bifurcate a lease in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, stalking, or human trafficking:
 - Regardless of whether the household member is a signatory of the lease
 - Without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such criminal activity who is also a tenant or lawful occupant

Notice PIH 2017-08

- In lease bifurcations for mixed families where the eligible individual is the perpetrator, the PHA must provide any remaining tenant or tenants that were not already eligible a period of 30 calendar days from the date of bifurcation of the lease to establish eligibility in the same or another housing program or find alternative housing. The 90-day time period does not apply to HCV or public housing.

THE HAP CONTRACT

- The Housing Assistance Payments (HAP) contract (form HUD-52641) and tenancy addendum (form HUD-52641-A) contain wording to reflect the requirements of VAWA, specifying the protections for victims of abuse.

Section 2.3: Violence Against Women Act (VAWA)

DENIAL OF MOVES

24 CFR 982.353(b)

- The change that VAWA makes in this area applies only to the voucher program. Under the current regulations, a PHA is prohibited from providing portable assistance to a family that has moved out of its assisted unit in violation of the lease. VAWA creates an exception to this prohibition for families that are otherwise in compliance with their obligations under the program but have moved out of their assisted dwelling unit:
 - In order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit
 - Or, if any family member has been the victim of a sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move

24 CFR 982.354 (c)(2)(iii)

- Likewise, policies that prohibit moves during the initial lease term or during any one-year period do not apply when the family or member of the family is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking and the move is needed to protect the health or safety of the family or family member, or if any family member has been the victim of a sexual assault on the premises during the preceding 90 calendar days.

Section 2.3: Violence Against Women Act (VAWA)

NOTIFICATION AND CERTIFICATION

24 CFR 5.2005(a)

- PHAs and owners are required to provide the Notice of Occupancy Rights (HUD-5380) and certification form (HUD-5382) at the time the individual is provided assistance or admission, along with any notice of denial or eviction.
 - The Notice of Occupancy Rights in the official HUD informing notice.
- PHAs are not required to demand official documentation or physical proof of domestic violence, dating violence, sexual assault, stalking, or human trafficking before granting an alleged victim any of the special protections afforded by VAWA. The PHA may accept the individual's statement alone.

Notice PIH 2017-08

- HUD recommends documenting in a confidential manner when a verbal statement or other evidence is accepted.

Notice PIH 2017-08

- If the PHA chooses to request an individual document their status as a victim, the PHA must make such a request in writing. Simply providing the victim with the form HUD-5382 does not constitute a written request for documentation.

Section 2.3: Violence Against Women Act (VAWA)

- If the PHA requests documentation, the applicant or participant may submit one of the following:
 - A signed HUD-5382
 - A document signed by a “professional” and the applicant or participant that specifies that the professional believes that the occurrence is grounds for VAWA protections
 - A “professional” can be an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional
 - Federal, state, tribal, territorial, or police or court records
 - A statement or other evidence provided by the individual, at the PHA's discretion
- Form HUD-5382 may also be filled out and submitted on behalf of a victim.
 - Notice PIH 2017-08 encourages PHAs and owners to advise applicants, tenants, and participants that forms submitted on their behalf will take the place of the victim's own statement.
- Individuals requesting protection cannot be required to provide additional third-party documentation, although the PHA may require third-party documentation if more than one applicant or tenant provides documentation (e.g., two household members each claiming to be the victim and the other the perpetrator) or the submitted documentation contains information that conflicts with existing information already available to the PHA.
 - In such cases, the applicant has 30 calendar days from the date of the PHA's request to submit third-party documentation.
 - Notice PIH 2017-08 provides several clarifications and considerations with respect to requesting third-party documentation in cases where information conflicts.

Section 2.3: Violence Against Women Act (VAWA)

Notice PIH 2017-08

- In addition, PHAs and owners may not conduct further “fact finding” to verify the validity of victim status, although if the PHA or owner already has or receives reliable conflicting information, they may require additional third-party documentation, as noted above.
- Form HUD-5382 states that victims are not expected and cannot be asked or required to claim, document, or prove victim status or VAWA violence or abuse other than as stated in the Notice of Occupancy Rights, Form HUD-5380

FORM HUD-5382

- Form HUD-5382 is the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking. The current version makes clear that:
 - Victims of sexual assault are protected by VAWA as well as victims of domestic violence, dating violence, and stalking.
 - The form applies not only to family members but also to affiliated persons of tenant, participant, and applicant families.
- *Affiliated person* is defined in Form HUD-5380.
- Notice PIH 2017-08 clarifies that while guests, unassisted members, and live-in aides are ineligible for VAWA protections, however, as a reasonable accommodation, a tenant or participant can request VAWA protections if a live-in aide is a victim or other reasonable accommodations on a case-by-case basis.
- The form, transmitted as form HUD-5382, includes a space for “your name (if different from the victim’s).”
- The form specifically states that whenever a victim asks for or about VAWA protections, any information provided will be kept confidential.

Section 2.3: Violence Against Women Act (VAWA)

- HUD's form leaves space for the family to provide the name of the perpetrator, if known and can be safely disclosed.
- The form contains space for the victim to specify the safest contact method as to not place the victim at risk (the abuser may monitor the mail, email, or phone).
- The PHA must give the individual at least 14 business days to respond to their written request for documentation.
- The PHA or owner may extend the 14-day deadline at its discretion.
- The VAWA certification requirements do not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

EMERGENCY TRANSFER PLAN

- VAWA regulations require PHAs to establish an emergency transfer plan (ETP) as part of their administrative plan or ACOP.
 - The ETP must provide for immediate transfer to a safe unit if one is available, and the client would not have to apply for a different program.
 - The ETP must describe policies for emergency transfers of HCV participants, and the priority of VAWA transfers in relation to other transfers.
 - The ETP must also include policies for transfers when a safe unit is not immediately available, including whether the client would or would not have to apply for a different program.
 - Since HCV and PBV owners are not required to establish ETPs, Notice PIH 2017-08 reiterates that it is the PHA's responsibility to do so.

Section 2.3: Violence Against Women Act (VAWA)

- Notice PIH 2017-08 also clarifies that as part of the PHA's Emergency Transfer Plan (ETP), the PHA may choose to provide a voucher to facilitate an emergency transfer without having terminated assistance to the perpetrator.
- The notice provides a detailed description of requirements for ETPs and other considerations when establishing ETPs, including examples.
- The ETP must be made available upon request or made publicly available.
- The ETP must state that victims of sexual assault qualify for emergency transfers if:
 - The tenant (or their household member) is a victim of VAWA violence/abuse;
 - The tenant expressly requests the emergency transfer; AND
 - EITHER
 - The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; OR
 - If the tenant (or their household member) is a victim of sexual assault, either the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or their household member) were to stay in the unit, or the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

Section 2.3: Violence Against Women Act (VAWA)

CONFIDENTIALITY

24 CFR 5.2007(b)(4)

- If a tenant inquires or requests any VAWA protections, or represents that they or a household member is a victim, all information provided to a PHA or owner in accordance with the certification requirements, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking:
 - Must be retained in confidence
 - Must not be entered into a shared database or provided to any related entity, unless
 - The individual consents or requests in writing
 - It is required for use in eviction proceedings, or
 - It is otherwise required by applicable law.
- For safety and legal reasons surrounding liability to the PHA and harm to a victim, a PHA may want to consider having all VAWA situations handled by a single staff member to limit access and knowledge with regards to the certification process and details regarding the abusive situation.
 - Notice PIH 2017-08 offers guidance and best practices for proper communication with victims, specifically for avoiding inadvertent disclosure of information and ensuring the safety of the victim.

CHAPTER 2 KNOWLEDGE CHECK

1. VAWA applies to men, women, and children
 - a. True
 - b. False
2. VAWA protections only apply to program participants, not program applicants.
 - a. True
 - b. False
3. The PHA must require third-party verification from a victim of domestic violence, dating violence, sexual assault, or stalking prior to providing protections under VAWA.
 - a. True
 - b. False
4. List the protected classes under the Fair Housing Act.

5. A live-in aide may not be related to any family member.
 - a. True
 - b. False
6. The income of a live-in aide is:
 - a. Included
 - b. Excluded
 - c. Included or excluded depending on PHA policy
7. When must the PHA provide the Notice of Occupancy Rights under VAWA and VAWA certification form?

Section 2.3: Violence Against Women Act (VAWA)

8. The PHA may not waive essential program requirements as a reasonable accommodation.
 - a. True
 - b. False
9. Verification of disability for purposes of reasonable accommodation may come from a knowledgeable, professional source and is not limited to physicians only.
 - a. True
 - b. False
10. The PHA is not required to provide reasonable accommodations if they would cause an undue administrative or financial burden on the PHA.
 - a. True
 - b. False
11. List the criteria the PHA may use to screen a live-in aide:

CHAPTER 3 Waiting List Management

LEARNING OUTCOMES

- Describe the application process
- Differentiate between special admissions and waiting list admissions
- Discuss the general requirements for waiting lists, including preferences

Section 3.1 Initial Application

APPLICANT STATUS

CFR 982.202(c)

- An applicant does not have any “right” or entitlement:
 - To be listed on the waiting list,
 - To any particular position on the waiting list, or
 - To be admitted to the program.
- Applicants do have a right to bring a judicial action to challenge a PHA violation of a constitutional or statutory requirement.

CFR 982.202(d)

ADMISSION POLICY

- The PHA must admit applicants for participation in accordance with HUD regulations and other requirements.
- The PHA must adhere to the policies stated in the PHA administrative plan and the PHA plan.

CFR 982.202(d)

- The PHA admission policy must state the system of admission preferences that the PHA uses to select applicants from the waiting list, including any residency or other local preferences.

INITIAL APPLICATION FOR ASSISTANCE

*CFR 1.4 and
CFR 982.206 (a) &(b)(2)*

- All persons who express a desire to participate in the program must be given an equal opportunity to apply for assistance whenever the waiting list is open, unless there is good cause for not accepting the application such as denial of assistance because of action or inaction by members of the family for grounds stated in 982.552 and 982.553.

CFR 982.206(b)

- The PHA must accept an application even if an informal discussion reveals the applicant may not be eligible (unless the waiting list is closed).

CFR 982.206(b)

- Families should not be discouraged from applying or be rejected out of hand, based on “apparent ineligibility.”

CFR 1.4

- The PHA is responsible for receiving and processing applications in a way which treats all applicants fairly and consistently.

Industry Practice

- HUD generally does not mandate the format or content of the application or the method for processing applications
- The PHA may require a preapplication or a full application initially. While the preapplication is optional, all applicants must complete a full application.
 - With a long waiting list, PHAs usually use a preapplication that collects only the information necessary to make a preliminary eligibility determination. A complete application is then taken just prior to voucher issuance or offer of a public housing unit.

Section 3.1: Initial Application

Industry Practice

- An exception to this procedure is if the waiting list is short (e.g., families could be selected within six months), the PHA may bypass the preapplication and take a full application. In addition, the PHA could opt to take full applications for all families, regardless of the wait, but it is time-consuming.
- Applications may be taken by the PHA at any of the following times:

HCV GB, p. 4-12

- Regular office hours
- At specially designated times and intervals, such as:
 - At specific hours of the day or days of the week
 - At regularly scheduled intervals (for example, quarterly)
 - For a specific time period (for example, two weeks) when the PHA requires additional applicants to meet the PHA's needs.

HCV GB, p. 4-12

- Applications may be taken by the PHA using various methods, including mail, email, online, fax, telephone, in person at the PHA's offices or at other locations established by the PHA, or through home visits (reasonable accommodation).
- Accepting applications online may be a convenient acceptance method as applicants would be able to access applications from various electronic devices using the internet. In addition, it allows a PHA to gather applicant data automatically and populate the PHA's waiting list database. Generally, all required fields will need to be completed prior to application submission and acceptance. This will eliminate the need for additional notifications to be provided to the applicant regarding their initial application status (accepted or rejected as incomplete).

Section 3.1: Initial Application

- Online applications must be accessible to individuals who are blind or visually impaired. If a PHA accepts online applications, accepting applications by other means as a reasonable accommodation is also required.
 - For example, PHAs may assist with the completion of applications during home visits upon request.
- While accepting applications by mail, email, online, or fax will limit staff time spent servicing walk-in applicants and scheduling and conducting applicant interviews, some PHAs prefer not to have applicants complete the full application form off-site because of the risk that questions may be interpreted or answered incorrectly. If a full application is mailed, follow-up phone calls or correspondence are often required to obtain additional information and to ascertain the accuracy of all entries on the application form prior to verification.
- Form HUD-92006, Supplement to Application for Federally Assisted Housing, must be provided to families “at the time of application.” The form gives the family the option to provide contact information for a friend, family member, organization, or advocate that can assist in providing services or special care to the family, and in resolving any tenancy issues that may arise.
 - The family is not required to provide the information.
 - The PHA should give the family the opportunity to revise or remove contact information at admission, annual reexamination, or at any other time.

Notice PIH 2009-36

Section 3.2 General Waiting List Management

CFR 982.554(a)

- Applicants must be admitted, placed on the waiting list, or rejected.
- If the family is obviously ineligible, the PHA must notify the applicant in writing of the following:
 - Reason(s) for the determination
 - Family's right to an informal review
 - How to arrange for the review.

CFR 982.204(a)

GENERAL REQUIREMENTS FOR WAITING LISTS

- PHAs must organize the waiting list(s) to assure that applicant selection takes place according to program requirements and PHA policy.

CFR 982.204(b)

- The waiting list must be organized to indicate the following:
 1. Applicant name
 2. Family unit size
 3. Date and time of application receipt and Application number (if applicable)
 4. Qualification for any local preferences for which the family may be eligible
 5. Racial or ethnic designation of Head of Household.

Section 3.2: General Waiting List Management

- The waiting list must contain enough information to allow selection from the waiting list according to the PHA's Administrative Plan (for HCV).

CFR 985.3(a)

- Any system the PHA uses to maintain its waiting list must document how and when applicants are selected in a way that allows for a clear, easy-to-understand HUD management review.
- **Note:** The waiting list is the beginning of a "paper trail" and must enable a reviewer to immediately determine if the selection process is in accordance with the PHA's policies.

CFR 982.204(f)

NUMBER OF WAITING LISTS

- A PHA must use a single waiting list for admission to its HCV tenant-based assistance program.
 - However, the PHA may use a separate single waiting list for a county or municipality.

CFR 982.205(a)

MERGER AND CROSS-LISTING

- PHAs may merge tenant-based waiting list with other assisted housing programs including federal (such as Public or Indian Housing), or local programs.
 - PHA discretion
 - Subject to HUD requirements for each covered program

Section 3.2: General Waiting List Management

CFR 982.205(a)(2)

NON-MERGED WAITING LIST: CROSS LISTING

- If PHA elects ***not*** to merge the tenant-based, public housing, project-based, or moderate rehabilitation voucher program waiting lists:
 - If the PHA's tenant-based waiting list is open when a family is placed on the waiting list for public housing, a project-based voucher program, or moderate rehabilitation waiting list, the PHA must offer to place the family on its tenant-based waiting list
 - If the PHA's project-based, public housing, or moderate rehabilitation voucher program waiting list is open when a family is placed on the tenant-based waiting list, and if the other program includes units suitable for the applicant, the PHA must offer to place the family on the project-based waiting list for the other program.

OTHER HOUSING ASSISTANCE

- The PHA may not take any of the following actions because an applicant has applied for, received, or refused other housing assistance:
 - Refuse to place the applicant on the tenant-based waiting list
 - Deny any admission preference for which the applicant currently qualifies
 - Change the applicant's place on the waiting list based on preference, date and time of application, or other factors affecting selection under the PHA's selection policy
 - Remove the applicant from the waiting list

CFR 982.205(b)

- Other housing assistance means a federal, state or local housing subsidy as determined by HUD, including public housing.

CFR 982.551(n)

- A family may not receive HCV tenant-based assistance while receiving another housing subsidy.

PURGING THE WAITING LIST

- The waiting list should be kept as up-to-date as possible.
- HUD regulations do not describe specific procedures for purging the waiting list. When and how to purge the waiting list is up to the PHA.
- Factors to consider include:
 - How quickly is the PHA running through its waiting list?
 - The average number of families that need to be considered to result in a positive eligibility determination
 - Length of the waiting list
 - Staff and financial resources available to the PHA for this purpose
- The PHA should include in the administrative plan policies regarding notification of changes in applicant status while on the waiting list. The PHA should explain both orally and in writing to applicants during the application process.

REMOVAL FROM WAITING LIST

CFR 982.204(c)

- Administrative Plan must state policy for removal from waiting list.
 - Examples are failure to respond to requests for information or updates, or refusal of assistance under the Housing Choice Voucher program.
 - Policy must not violate rights of disabled persons under regulations.

HCV GB, p. 4-1

- Waiting list should be sufficient to fill available openings.

Section 3.2: General Waiting List Management

CFR 8.4

- PHA must provide reasonable accommodation.
 - Example: home visits for those who cannot come to office.
- PHA is obligated to make application process available to applicants with a full range of disabilities.

CFR 982.204(c)(2)

- If an applicant does not respond to the PHA's request for information or update because of a family member's disability, the PHA must reinstate the applicant to the family's former position on the waiting list.

Industry Practice

- PHAs should document the reason any applicant's name was removed from the waiting list.
- Examples of acceptable policy on when an applicant's name may be removed from the waiting list include:
 - Applicant requests it,
 - Applicant was clearly advised of a requirement to notify the PHA of its continued interest by a particular time and failed to do so,
 - PHA has made reasonable efforts to contact the applicant to determine if there is continued interest, but has been unsuccessful, or
 - PHA has notified the applicant of its intention to remove the applicant's name because of ineligibility.

OPENING THE WAITING LIST

- The decision to open the waiting list depends on local needs and circumstances.

CFR 982.206(a)

- The PHA must provide public notice by publication in local newspaper of general circulation and in minority media and other suitable means in accordance with the administrative plan and HUD's fair housing requirements.

CFR 982.206(a)(3)

- The notice must state limitations on who may apply for available slots.

Section 3.2: General Waiting List Management

CFR 982.206(a)(1)

- The notice must provide information on where and when families may apply for the program.

CFR 982.206(b)

Criteria for Who May Apply

- PHAs who use local preferences other than date and time may adopt criteria defining what families may apply under a public notice.
 - A PHA may decide that applications will only be accepted from families who qualify for a particular local preference, if it is unlikely that an applicant without the preference would ever reach the top of the waiting list.

CFR 982.206(b)(2)

- PHA may also deny listing a family on waiting list because of action or inaction by members of the family, as allowed by the regulations (such as violent drug-related criminal activity).

CFR 982.206(c)

CLOSING THE WAITING LIST

- PHA may stop accepting new applications when waiting list is adequate for available program funding, or may accept only applications that meet criteria adopted by PHA.
- The PHA is not required to publish that the waiting list is being closed.

Section 3.3 Preferences

BACKGROUND

Admissions/Occupancy Final Rule, FR 3/29/00

- The Quality Housing and Work Responsibility Act of 1998 repealed the use of federal preferences effective October 1, 1998, and references to federal preferences were removed from HUD regulations as of 3/29/00.

QHWRA Notice, FR 2/18/99

- A PHA may choose to use as local preferences any of the preferences that were formerly known as federal preferences.

CURRENT REGULATIONS GOVERNING PREFERENCES

CFR 982.207(a)(1)

- A PHA may establish a system of local preferences for the selection of families admitted to the Housing Choice Voucher Program.

HCV Program GB 4-16

- Preferences are optional.

HCV Program GB 4-16

- Preferences only affect the order of applicants on the waiting list.
- Preferences do not make anyone eligible who was not otherwise eligible, and they do not change the right of an owner or a PHA to adopt and enforce tenant screening criteria.

QHWRA Notice, FR 2/18/99

- Any preference system adopted by a PHA should ensure compliance with income-targeting requirements.

HCV Program GB 4-18

- If a PHA does not have a system of local preferences, applicants are selected from the waiting list in sequence according to the date and time of their applications or the result of a random drawing.

HCV Program GB 4-18

- If a PHA has a preference system, an applicant that qualifies for a preference may be issued a housing choice voucher before an applicant that applied earlier but has no preference.

*CFR 982.202(d) &
982.207(a)(1)*

- A PHA's selection preferences must be described in its administrative plan.

CFR 982.207(a)(2)

- A PHA's system of local preferences must be consistent with its PHA plan and the consolidated plan for the jurisdiction.

CFR 982.207(a)(2)

- A PHA must base its selection preferences on local housing needs and priorities, as determined by the PHA.
 - In determining local housing needs and priorities, the PHA must use generally accepted data sources and consider public comment on its PHA plan and the consolidated plan under which the local PHA jurisdiction is covered.

HCV Program GB 4-18

- A PHA should clearly define any preferences that it adopts.
 - The definitions should be simple enough so that:
 - Families claiming preferences clearly understand what they are claiming
 - Preferences can be easily verified.

HCV Program GB 4-16

- A PHA must explain each preference to applicants and provide them with an opportunity to show that they are qualified for the preference.

CFR 982.207(a)(3)

- A PHA may limit the number of applicants that may qualify for any local preference.

Section 3.3: Preferences

CFR 982.207(c)

- A PHA may use either of the following to select among applicants with the same preference status:
 - Date and time of application
 - A drawing or other random choice technique.

HCV Program GB 4-16

- If a PHA wishes to change its current preference system, the PHA must give notice and opportunity for public comment.
 - This requirement is applicable even if the new system is simply based on date and time of application.
 - An opportunity for public comment can be a public meeting or an opportunity to submit written comment.
 - The PHA may not implement the new preference system before the system has been added to the PHA's administrative plan and approved by the Board.

LOCAL PREFERENCES IN CURRENT REGULATIONS

RESIDENCY PREFERENCE

- | | |
|-------------------------------|---|
| <i>CFR 982.207(b)(1)(i)</i> | <ul style="list-style-type: none">• Residency requirements are prohibited, but residency preferences are allowed. |
| <i>CFR 982.207(b)(1)(ii)</i> | <ul style="list-style-type: none">• A residency preference is a preference for admission of persons who reside in a specified geographic area.<ul style="list-style-type: none">- The specified geographic area may be a county or municipality, but it may not be a smaller area. |
| <i>HCV Program GB, 4-15</i> | <ul style="list-style-type: none">• A PHA may give a selection preference to families who live in public housing or other federally assisted housing, or may adopt a local residency preference. |
| <i>CFR 982.207(b)(1)(i)</i> | <ul style="list-style-type: none">• A PHA may adopt or implement a residency preference only in accordance with nondiscrimination and equal opportunity requirements listed at 24 CFR 5.105(a). |
| <i>HCV Program GB, 4-17</i> | <ul style="list-style-type: none">- Residency preferences no longer require HUD approval, but they are subject to HUD audit and review for compliance with nondiscrimination and equal opportunity requirements. |
| <i>CFR 982.207(b)(1)(iii)</i> | <ul style="list-style-type: none">• Any residency preference that a PHA adopts must be included in the statement of policies governing eligibility, selection, and admission in the PHA's annual plan.<ul style="list-style-type: none">- The policies must specify that the residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family. |

CFR 982.207(b)(1)(v)

- Applicants who work or have been hired to work in a residency preference area must be treated as residents of the preference area.
 - Graduates of or active participants in education and training programs in a residency preference area may be treated as residents of the area if the programs are designed to prepare individuals for the job market.

CFR 982.207(b)(1)(iv)

- A residency preference must not be based on how long an applicant has lived or worked in the preference area.

PREFERENCE FOR WORKING FAMILIES

CFR 982.207(b)(2)

- A PHA may adopt a preference for working families.
 - A working family is one whose head, spouse, or sole member is employed.

HCV Program GB 4-18

- A PHA must decide whether this includes a family in training.

Admissions/Occupancy Final Rule, FR 3/29/00 (preamble)

- A working family preference cannot be based on the amount of earned income.

CFR 982.207(b)(2)

- If a PHA adopts a preference for working families, it must extend the benefit of the preference to families whose head and spouse, or sole member is age 62 or older or is a person with disabilities.

PREFERENCE FOR VICTIMS OF DOMESTIC VIOLENCE

*CFR 982.207(b)(4),
QHWRA Notice, FR 2/18/99*

- HUD urges PHAs to consider adopting a preference for admission of families that include a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking.
 - Although the VAWA 2022 statute does not specifically do so, HUD has recently begun including human trafficking as part of the list of victims protected under VAWA, as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24. In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, we have opted to include human trafficking in this text in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

HUD Guidance

- In defining this preference, a PHA may wish to consider the following guidelines in line with the old federal preferences:
 - An applicant may qualify for a preference for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking if the applicant:
 - Vacated a unit because of such violence
 - Lives in a unit with a person who engages in such violence
 - An applicant who qualifies for the preference should certify that the person who engaged in the violence will not reside with the applicant family unless the PHA gives advance written approval.
 - If the family is admitted, the PHA may deny or terminate assistance for breach of the agreement

SINGLES PREFERENCE

CFR 982.207(b)(5)

- A PHA may adopt a preference for single persons who are elderly, displaced, homeless, or disabled over other single persons.
 - If no singles preference is adopted, singles will have equal preference status with everyone else.

OTHER PREFERENCES

CFR 982.207(b)(3)

- A PHA may adopt a preference for admission of families that include a person with disabilities.
 - However, the PHA may not adopt a preference for admission of persons with a specific disability.

CFR 982.207(a)(4)

- A PHA may establish a preference for admission of families residing in public housing who are victims of a crime of violence (as defined in 18 U.S.C. 16).

PREFERENCE PROHIBITIONS

- A PHA may not adopt a preference for admission of:

HCV Program GB 4-16

- Higher-income families over lower-income families

HCV Program GB 4-16

- Families who agree to participate in the family self-sufficiency program.

CFR 982.207(a)(4)

- A PHA may not deny a local preference solely because the family resides in a public housing project.

HCV Program GB 4-19

- Although a PHA can establish a preference system to admit families with certain characteristics from the waiting list, admission to the program may never be based on certain forms of discrimination.

USING PREFERENCES TO SELECT APPLICANTS

WEIGHING PREFERENCES

Industry Practice

- A PHA must develop a system for applying local preferences in selecting applicants. The methods for applying preferences include:
 - Lumping—all applicants who qualify for any preference are treated equally
 - Aggregating—two preferences outweigh one, three outweigh two, etc.
 - Ranking—ordering by number (applicants who qualify for the first preference are assisted first, etc.)

CFR 982.53

- Preferences must be consistent with HUD’s affirmative fair housing objectives and may not be incompatible with the Civil Rights Act or other nondiscrimination requirements.

PREFERENCE NOTIFICATION

HCV Program GB 4-16

- All applicants must be informed of available local preferences, and they must be given an opportunity to show that they qualify for a preference.

Industry Practice

- All families on the waiting list must be notified unless, because of the length of the list, it would be impractical.
- The determination of whom to notify must be made by weighing the number of people on the list who already claim a preference and the number of projected admissions.

HCV Program GB 4-17

CERTIFICATION OF PREFERENCE

- At the time of initial application, applicants only need to certify that they are eligible for a preference; they do not have to verify their eligibility.
- A PHA may place families on its waiting list according to the preferences they claim.

VERIFICATION OF PREFERENCE

- PHAs do not have to verify a claimed preference at the time of initial application.
- *HCV Program GB 4-17* Before a family receives assistance, a PHA must verify that the family qualifies for any preference based on the family's current circumstances.
- PHAs should adopt procedures for verifying preferences.
- *CFR 982.207(e)* The method for selecting applicants from a preference category must leave a clear audit trail to verify each applicant has been selected in accordance with the method specified in the administrative plan.
- *Industry Practice* Once a preference has been verified, it does not need to be reverified unless:
 - Reverification is desired because a long time has passed
 - A PHA has reasonable grounds to believe an applicant no longer qualifies.

NOTICE OF PREFERENCE DENIAL

- *HCV Program GB 4-17* If, upon verification, a PHA determines that a family does not qualify for a preference it has claimed, then the PHA must deny the preference.
- The PHA may choose to provide the family with a written notice of the preference denial and a method to dispute it.
- **Note:** The HCV Guidebook states that the PHA must provide written notice of preference denial, but no such requirement exists in the regulations.

Section 3.4 Evaluating Final Eligibility

CFR 982.202(a)

- Applicants can be admitted for participation in the program as either a Special Admission or as a Waiting List Admission.

SPECIAL ADMISSIONS

CFR 982.4

- Special Admission (non-waiting list) is defined as:
 - Admission of an applicant not on the PHA waiting list, or admission without considering the family's position on the waiting list.

CFR 982.203(a)

- PHAs can assist families who are not on the waiting list (special admissions) when HUD awards funding that is targeted for families living in specified units.
 - Funding must be used for the families living in these units.
 - PHA must maintain records showing that family was admitted with HUD targeted assistance.

CFR 982.203(b)

- Examples of types of program funding that may be targeted for a family living in a specified unit:
 - Families displaced because of demolition or disposition of a public or Indian housing project
 - Families residing in a HUD-owned multifamily rental housing project when HUD sells, forecloses, or demolishes the project

Section 3.4: Evaluating Final Eligibility

- Housing covered by the Low-Income Housing Preservation and Resident Homeownership Act of 1990
 - A non-purchasing family residing in a project subject to a homeownership program, or
 - A family displaced because of mortgage prepayment or voluntary termination of a mortgage insurance contract
 - A family residing in a project covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term
- A non-purchasing family residing in a HOPE 1 or HOPE 2 project.

FUNDING FOR SPECIFIED CATEGORY OF WAITING LIST FAMILIES

CFR 982.204(e)

- When HUD awards a PHA funding for a specified category of families on the waiting list, the PHA must select applicant families in the specified category.
 - **HUD Veterans Affairs Supportive Housing (HUD-VASH):** This special allocation of vouchers is not subject to selection from the PHA waiting list. Rather, selection for participation is based on referrals to the PHA from the participating Veteran's Affairs medical center.
 - **Family Unification Program (FUP):** Families eligible for participation are selected from the HCV program waiting list and must be approved as eligible by the Department of Children and Family Services (DCFS). Allocations are provided to PHAs to assist families who have lost, or are in danger of losing, their children to foster care but who may be able to retain custody of their children or reunite the family if they can obtain adequate housing.

Section 3.4: Evaluating Final Eligibility

- **Mainstream Housing Opportunities for Persons with Disabilities:** Periodically, funds are available to PHAs and nonprofits that provide services to disabled families that enable elderly and non-elderly persons with disabilities who face difficulties locating suitable and accessible housing to lease affordable units. The vouchers are available regardless of the type of disability. Recipients are selected from the regular HCV waiting list.
- **Shelter Plus Care:** The shelter plus care program provides rental assistance for hard-to-serve homeless persons with disabilities in connection with supportive services funded from sources outside the program. The program is designed to provide housing and supportive services on a long-term basis for homeless persons with disabilities and their families who are living in places not intended for human habitation (e.g., streets) or in emergency shelters
- **Housing Opportunities for Persons with AIDS:** HOPWA funding provides housing assistance and related supportive services to persons with AIDS/HIV. Grantees are encouraged to develop community-wide strategies and form partnerships with area nonprofit organizations. HOPWA funds may be used for a wide range of housing, social services, program planning, and development costs. These include, but are not limited to, the acquisition, rehabilitation, or new construction of housing units; costs for facility operations; rental assistance; and short-term payments to prevent homelessness. HOPWA funds also may be used for health care and mental health services, chemical dependency treatment, nutritional services, case management, assistance with daily living, and other supportive services.

FULL APPLICATION STAGE

CFR 982.207(e)

- When selected from the waiting list, the family is interviewed by the PHA, and a detailed application completed.
- Because the verification and selection process may take up to 90 days to complete, PHAs should schedule applicant interviews well in advance of when a voucher will be available.
- The PHA should provide applicants enough notice that they can gather any preliminary documentation requested and arrange their schedule to attend the interview.

CFR 8.6

- PHA should provide materials for sight-impaired and hearing-impaired persons.

APPLICANT INTERVIEWS

Industry Practice

- The interviewer should:
 - Provide an explanation of the program to the applicant, including the family's responsibilities while receiving assistance
 - Assist the applicant in completing the required forms, and obtain the applicant's authorization to verify the information provided
 - Determine on a preliminary basis whether the applicant is eligible
 - Collect the documentation the applicant brings to the interview and give clear instructions and deadlines for additional information needed to complete the application process
 - Inform the applicant that a final eligibility determination will be made when the information provided is verified.

Section 3.4: Evaluating Final Eligibility

FAMILY SIZE AT ADMISSION

CFR 982.204(d)(1)

- The order of admission cannot be based on family size or the unit size for which the family qualifies. PHAs are not permitted to select families based on predetermined unit size distribution.
- Families are selected in order and receive the appropriate subsidy for the family size.
- If funds are not available to assist the next family, the family cannot be skipped to admit a smaller family.

CFR 982.204(d)(2)

- The number of assisted families a PHA is able to serve is the number of families supported by available funding.

Notice PIH 2005-1

- PHAs are prohibited from using funding for over-leasing. Beginning with the calendar year 2005 funding cycle, over-leasing is defined as unit months leased in excess of unit months authorized as of the end of the calendar year.

APPLICANT SELECTION PROCEDURES FROM POOL

CFR 982.54(a)

- The PHA must specify its admission criteria in its administrative plan.

Industry Practice

- Selection is made sequentially based on:
 - Verification that the family is eligible for program participation.

Section 3.4: Evaluating Final Eligibility

PROHIBITED ADMISSION CRITERIA

CFR 982.202(b)(1)

- Admission cannot be based on where the family lives before admission to the program. (PHA may target assistance to families who live in other federally assisted housing).

CFR 982.202(b)(2)

- Admission cannot be based on where the family will live with assistance under the program.

CFR 982.202(b)(3)

- The PHA preference system may provide a preference for admission of families with certain characteristics from the PHA waiting list. However, admission cannot be based on:
 - Discrimination because members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
 - Discrimination because a family includes children.
 - Discrimination because of age, race, color, religion, sex, or national origin
 - Discrimination because of disability or a specific disability
 - The family's willingness to participate in a family self-sufficiency program.

DEFINITION OF ADMISSION

CFR 982.4

- Admission is the effective date of the first HAP contract with an owner for assistance to a family in the PHA's tenant-based program. At this point, the applicant family becomes a participant family.
 - Issuance of a voucher is not considered an "admission."

Section 3.5 Verification

60 DAY VERIFICATION REQUIREMENT

CFR 982.201(e)

- PHAs must obtain verification of eligibility no more than 60 days before initial issuance of a voucher.
- While eligibility must be determined within 60 days before voucher issuance, the documentation received during that time must be dated within 120 days of when it was received by the PHA, with the exception of fixed-income sources which must be dated within the appropriate benefit year.

VERIFICATION AT INTAKE

- Verification time limits do not apply to permanent documents such as birth certificates and citizenship declaration forms.
- Various HUD regulations require the PHA to verify:
 - Type of family (for purpose of preferences and allowances)
 - Income/assets of all family members
 - Appropriate allowances and/or deductions
 - Local preference claims
 - Documentation required by local PHA policy
- Social Security numbers for all household members, except noncontending persons
- Eligible immigration status

CFR 5.216

CFR 5.512

VERIFICATION OF LEGAL IDENTITY

- Verification of legal identity is not required by regulations, but is recommended by HUD, notably in Notice PIH 2001-15 and in its appendix, the Improving Income Integrity Guidance Booklet. Since verification of legal identity is a PHA policy issue, the PHA can determine what forms of documentation are acceptable.

VERIFICATION OF AGE

- Regulations at 24 CFR 982.516(a)(2)(iv) state that in addition to income, assets, and deductions, the PHA must verify “other factors that affect the determination of adjusted income.” Such factors include spousal relationships, age, and citizenship status, among others.
- Age is especially important for determination of income and deductions when someone in the family is under 18 or is age 62 or older.
- Generally, a birth certificate or other official record of birth is the preferred form of age verification, and for elderly family members an original document that provides evidence of the receipt of Social Security retirement benefits is acceptable.
- The PHA needs to provide guidance to staff when these types of verification are not available.

VERIFICATION OF SOCIAL SECURITY NUMBERS

*24 CFR 5.216(g) and Notice
PIH 2018-24*

- The family must provide documentation of a valid Social Security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing program participants who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.
- Note that an individual who previously declared to have eligible immigration status may not change their declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements.
 - The PHA must accept the following documentation as acceptable evidence of the Social Security number:
 - An original SSN card issued by the Social Security Administration (SSA)
 - An original SSA-issued document, which contains the name and SSN of the individual
 - An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual
- While PHAs must attempt to gather third-party verification of SSNs prior to admission as listed above, PHAs also have the option of accepting a self-certification and a third-party document (such as a bank statement, utility or cell phone bill, or benefit letter) with the applicant's name printed on it to satisfy the SSN disclosure requirement if the PHA has exhausted all other attempts to obtain the required documentation.
 - If verifying an individual's SSN using this method, the PHA must document why the other SSN documentation was not available.

Section 3.5: Verification

- If the tenant's SSN becomes verified in EIV, then no further verification is required.
- If the tenant's SSN fails the SSA identity match, then the PHA must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The tenant's assistance must be terminated if they fail to provide the required documentation.
- The PHA may only reject documentation of an SSN provided by an applicant or participant if the document is not an original document or if the original document has been altered, mutilated, is illegible, or appears to be forged.

Section 3.6 Use of Other Programs' Determination of Income

24 CFR 5.609(c)(3)
Notice PIH 2023-27

- PHAs may, but are not required to, determine a family's annual income, including income from assets, prior to the application of any deductions, based on income determinations made within the previous 12- month period, using income determinations from means-tested federal public assistance programs. This is known as a "Safe Harbor" income determination.
- PHAs are not required to accept or use determinations of income from other federal means-tested forms of assistance.
- If the PHA adopts a policy to accept this type of verification, the PHA must establish in policy:
 - When they will accept Safe Harbor income determinations
 - From which programs the PHA will accept Safe Harbor determinations
 - The course of action when families present multiple verifications from the same or different acceptable Safe Harbor programs
- Means-tested federal public assistance programs include:
 - Temporary Assistance for Needy Families (TANF) (42 U.S.C. 601, et seq.);
 - Medicaid (42 U.S.C. 1396 et seq.);
 - Supplemental Nutrition Assistance Program (SNAP) (42 U.S.C. 2011 et seq.);
 - Earned Income Tax Credit (EITC) (26 U.S.C. 32);
 - Low-Income Housing Credit (LIHTC) program (26 U.S.C. 42);
 - Special Supplemental Nutrition Program for Woman, Infants, and Children (WIC) (42 U.S.C. 1786);
 - Supplemental Security Income (SSI) (42 U.S.C. 1381 et seq.);

Section 3.6: Use of Other Programs' Determination of Income

- Other programs administered by the HUD Secretary;
 - Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding; and
 - Other federal benefit determinations made in other forms of means-tested federal public assistance that the Secretary determines to have comparable reliability and announces through the Federal Register.
- If the PHA elects to use the annual income determination from one of the above-listed forms of means-tested federal public assistance, then they must obtain the income information by means of a third-party verification.
 - The third-party verification must state the family size, must be for the entire family, and must state the amount of the family's annual income.
 - The annual income need not be broken down by family member or income type.
 - Annual income includes income earned from assets, therefore when using Safe Harbor to verify a family's income, PHAs will neither further inquire about a family's net family assets, nor about the income earned from those assets, except with respect to whether or not the family owns assets that exceed the asset limitation in 24 CFR 5.618.
 - The Safe Harbor documentation will be considered acceptable if any of the following dates fall into the 12-month period prior to the receipt of the documentation by the PHA:
 - Income determination effective date;
 - Program administrator's signature date;
 - Family's signature date;
 - Report effective date; or
 - Other report-specific dates that verify the income determination date.

Section 3.6: Use of Other Programs' Determination of Income

- The only information that PHAs are permitted to use to determine income under this method is the total income determination made by the federal means-tested program administrator. Other federal programs may provide additional information about income inclusions and exclusions in their award letters; however, these determinations and any other information must not be considered by the PHA. PHAs are not permitted to mix and match Safe Harbor income determinations and other income verifications.
- If the PHA is unable to obtain Safe Harbor documentation or if the family disputes the other program's income determination, the PHA must calculate the family's annual income using traditional methods as outlined in Notice PIH 2023-27.
- If the PHA uses a Safe Harbor determination to determine the family's income, the family is obligated to report changes in income that meet the PHA's reporting requirement and occur after the effective date of the transaction.
 - For example, the PHA completed an annual for the Heeler family effective 3/1/25 using Safe Harbor. The Heelers start receiving a new source of income 2/15/25. The family does not need to report the change to the PHA. If the family has a change in adjusted income after 3/1/25, then the family must report the change in accordance with PHA policy.
- Safe harbor income determinations only apply to the family's annual income, including income from assets. They do not apply when calculating any deductions to calculate adjusted income.

Section 3.6: Use of Other Programs' Determination of Income

- The amounts of unreimbursed reasonable attendant care expenses and childcare expenses deducted from a family's annual income, except for when a family is approved for a child care expense hardship exemption, must still be capped by the amount earned by any family member who is enabled to work as a result of the expense. PHAs are therefore required to obtain third-party verification of the applicable employment income and cap the respective expense deductions accordingly.
- The PHA is not required to use the EIV Income, IVT, or New Hires reports at annual reexam if a Safe Harbor income determination is used.

EXAMPLE: THE SMITH FAMILY

A PHA implements the Safe Harbor provision for annuals only. PHA policy says they will accept determinations from SNAP. At the Smith family's annual, the family provides the PHA with an original printout from the agency that administers SNAP.

- The printout from SNAP:
 - Shows the correct family size of four
 - Shows the current household composition
 - Shows the family's annual income is \$1,625 per month
 - Is dated 30 days prior to the PHA's request
 - Shows the income was determined six months ago
- The PHA lists \$19,500 as the family's annual income
 - \$1,625 earned income + \$0 unearned income x 12 months
- The PHA does not need to take any additional steps to verify or calculate annual income, including comparing the income to EIV data or verifying the amount of the family's assets. The PHA must verify any applicable deductions to calculate the family's adjusted income.

Section 3.7 Hierarchy of Verification Methods

Notice PIH 2023-27

- When the PHA does not use a streamlined determination of income or an income determination from a means-tested federal assistance program, HUD requires the PHA to obtain third-party verification of:
 - Reported family annual income;
 - The value of net family assets when the net value exceeds the HUD-determined threshold (adjusted annually for inflation);
 - Expenses related to deductions from annual income; and
 - Other factors that affect the determination of adjusted income.
- HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information, in addition to specifying the circumstances in which each method will be used. In general HUD requires the PHA to use the most reliable form of verification that is available and to document the reasons when the PHA uses a lesser form of verification.
- HUD developed a hierarchy that described verification documentation from most acceptable to least acceptable. The PHA must demonstrate efforts to obtain third-party verification prior to accepting self-certification except instances when self-certification is explicitly allowed.
- HUD has established a hierarchy of six verification levels:
 - Highest: Level 6: Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system
 - Highest: Level 5: Up-front Income Verification (UIV) using a non-EIV system

Section 3.7: Hierarchy of Verification Methods

- High: Level 4:
 - Written third-party verification from the source, also known as “family-provided verification,” or
 - EIV plus self-certification
- Medium: Level 3: Written third-party verification form
- Medium: Level 2: Oral third-party verification
- Low: Level 1: Self-certification (non-third-party verification)

LEVEL 5 AND 6 VERIFICATIONS: UP-FRONT INCOME VERIFICATION (UIV)

- UIV is the verification of income through an independent source that systematically and uniformly maintains income information in computerized form for a large number of individuals.
- There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until the PHA has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of the PHA.
- HUD’s Enterprise Income Verification (EIV) System is a type of UIV system. The EIV is a web-based application which provides PHAs with employment, wage, unemployment, and Social Security benefit information for participants in the Public Housing and Housing Choice Voucher programs.
 - Information in EIV is derived from computer matching programs with the Social Security Administration (SSA) and the Department of Health and Human Services.

Section 3.7: Hierarchy of Verification Methods

EIV FOR VERIFICATION

- The EIV Income Report is not available for applicant families or new members added to a currently assisted household.
- PHAs are required to obtain an EIV Income Report for each family any time the PHA conducts an annual reexamination. However, PHAs are not required to use the EIV Income Report:
 - At annual reexamination if the PHA used safe harbor verification from another means-test federal assistance program to determine the family's income; or
 - During any interim reexaminations.
- When required to use the EIV Income Report, in order for the report to be considered current, the PHA must pull the report within 120 days of the effective date of the annual reexamination.
- The EIV Income Report may be used to verify and calculate income at annual reexamination if the family self-certifies that the amount is accurate and representative of current income. The family must be provided with the information in EIV.
- While EIV is mandatory, UIV using other sources is optional.
- Current UIV resources include the following:
 - State government databases/SWICA
 - State Temporary Assistance for Needy Families (TANF) systems
 - Credit Bureau Association (CBA) credit reports
 - Internal Revenue Service (IRS) tax transcript (request with IRS form 4506-T)
 - Private sector databases (e.g., The Work Number)

LEVEL 4 VERIFICATION

- HUD identifies two types of Level 4 verification: written third-party verification from the source and EIV + self-certification.

WRITTEN THIRD-PARTY VERIFICATION FROM THE SOURCE

- An original or authentic document generated by a third-party source, generally dated within 120 days of the date received by the PHA.
 - Includes documents provided by the family.
 - For fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation.
 - The PHA may use the verification obtained during an interim reexamination for an annual reexamination if there have been no other changes to annual income since the interim reexamination.
- For written third-party verification, documents must be original and authentic and may be supplied by the family or received from a third-party source.
 - Examples of acceptable tenant-provided documents include, but are not limited to pay stubs, payroll summary reports, employer notice/letters of hire/termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Income tax returns with corresponding official tax forms and schedules attached and including third-party receipt of transmission for income tax return filed (i.e., tax preparers transmittal receipt, summary of transmittal from online source, etc.) are also considered acceptable as written third-party verification.

Section 3.7: Hierarchy of Verification Methods

- The PHA is required to obtain, at minimum, two current and consecutive pay stubs for determining annual income from wages.
- For new sources of income where pay stubs are not available, the PHA should use a traditional third-party verification form or the best available information.
- When the family disputes EIV-reported employment income, the PHA uses written third-party verification.
- The PHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated or illegible.
 - The PHA must explain this to the family and request additional documentation.

EIV + SELF CERTIFICATION

- EIV may be used as written third-party verification and may be used to calculate income if the family agrees with the information in EIV and self-certifies that the amount is accurate and representative of current income. This practice is known as EIV + self-certification.
- When calculating income using this method, the PHA may use its discretion to determine which method of calculation is reasonable: the last four quarters combined or an average of any number of quarters.
- The family must be provided with the information from EIV.
- Written, third-party verification must be used when the family disputes the EIV-reported information

LEVEL 3: WRITTEN THIRD-PARTY VERIFICATION FORM

- This form of verification is also known as traditional third-party written verification. A written third-party verification form is a standardized form used to collect information from a third-party source.
- Tenant-provided documents generated by a third-party rank higher than third-party forms.
- PHAs may mail, fax, or email third-party written verification form requests to third-party sources.
- The PHA may use this method when higher forms are unavailable or are rejected by the PHA or when the family is unable to provide acceptable verification.
- The PHA may skip this level of verification and may instead substitute oral third-party verification before moving to self-certification.

LEVEL 2: THIRD-PARTY ORAL VERIFICATION

- For third-party oral verification, PHAs contact sources, identified by UIV techniques or by the family, by telephone or in person.
- PHAs must document in the file the date and time of the telephone call or visit, the name of the person contacted, and the telephone number, as well as the information confirmed.
- The PHA may skip this level of verification if they attempted written third-party verification via a form and the source did not respond and move directly to self-certification.

LEVEL 1: SELF-CERTIFICATION

- Non-third-party verification consists of a signed statement of reported income and/or expenses. This verification method should be used as a last resort when the PHA has not been successful in obtaining information via all other required verification techniques.
- When the PHA was required to obtain third-party verification but instead relies on self-certification, the family's file must be documented to explain why third-party verification was not available.
- HUD does not require that a self-certification be notarized; however, HUD recommends including language on any self-certification to ensure the certifier understands the consequences of knowingly providing false information. See Notice PIH 2023-27 for sample language.
- Self-certification is an acceptable form of verification when:
 - A source of income is fully excluded
 - Net family assets are equal to or less than the HUD-determined threshold (adjusted annually for inflation) and the PHA has adopted a policy to accept self-certification;
 - The family declares that they do not have any present ownership in any real property
 - A family states that they have nonrecurring income that will not be repeated in the coming year
 - The PHA has adopted a policy to implement streamlined annual recertifications for fixed sources of income
 - When a family reports zero income

VERIFYING INCOME EXCLUSIONS

- For fully excluded income, the PHA is not required to:
 - Follow the verification hierarchy
 - Document why third-party verification is not available
 - Report the income on the 50058
- Fully excluded income is defined as income that is entirely excluded from the annual income determination, such as food stamps.
- PHAs may accept a family's signed application or reexamination form as self-certification of fully excluded income. They do not have to require additional documentation. However, if there is any doubt that a source of income qualifies for full exclusion, PHAs have the option of requiring additional verification.
- For partially excluded income, the PHA is required to:
 - Follow the verification hierarchy and all applicable regulations
 - Report the income on the 50058

Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income, such as the income of an adult full-time student.

CHAPTER 3 KNOWLEDGE CHECK

1. The PHA must use a model application provided by HUD.
 - a. True
 - b. False
2. The PHA may place applicants on the waiting list using a lottery system or other random technique.
 - a. True
 - b. False
3. If the PHA adopts a working family preference, to whom else must the preference be extended besides working families?

-
4. The PHA must either admit families as a waiting list admission or a special admission.
 - a. True
 - b. False
 5. Applicants living in public housing may not apply to the PHA's HCV waiting list.
 - a. True
 - b. False
 6. If an applicant claims a preference and the PHA later verifies that they do not qualify for the preference, the PHA must remove the applicant from the waiting list.
 - a. True
 - b. False

Section 3.7: Hierarchy of Verification Methods

7. When does the PHA verify preferences?
 - a. Before an applicant is placed on the waiting list
 - b. Within six months of the eligibility determination
 - c. Before the family receives assistance
8. Preferences are:
 - a. Mandatory
 - b. Optional
9. There is no requirement to purge the waiting list annually.
 - a. True
 - b. False

10. When is the family admitted to the program?

11. Income verifications for HCV final eligibility must be confirmed no more than _____ days prior to voucher issuance.

12. If a residency preference is adopted, applicants who have been notified that they are hired to work in the PHA's jurisdiction will be treated as residents.
- a. True
 - b. False

Section 3.7: Hierarchy of Verification Methods

13. The Garcia family applied for both public housing and HCV. Their name came up on the public housing list and they were housed. What happens to their name on the HCV list?
 - a. Their name is removed from the HCV list now that they have been housed
 - b. Their name remains on the HCV list, but they are not offered assistance
 - c. Their name remains on the HCV list, and they are offered assistance when their name comes to the top
 - d. It depends on the PHA's policy
14. Written third-party verification of income must generally be dated within _____ days of receipt by the PHA.
 - a. 60
 - b. 90
 - c. 120
 - d. 180
15. HUD does not require that self-certifications be notarized.
 - a. True
 - b. False
16. All of the following are true about the Form HUD-92006, except:
 - a. While the PHA must provide the form to each family, the family is not required to provide information
 - b. The PHA must provide the form at the time of admission and every year thereafter
 - c. The PHA must provide the form at the time of application
 - d. The family may revise or remove contact information at any time

Section 3.7: Hierarchy of Verification Methods

17. What is a special admission?

18. If a family applies for both public housing and HCV and is housed first in public housing, their name may remain on the HCV waiting list.

- a. True
- b. False

19. The PHA determines when/if to close the waiting list for the HCV program based on policies in the administrative plan.

- a. True
- b. False

20. When calculating income from paystubs, at a minimum, how many paystubs must the PHA collect from the family?

21. According to HUD regulations, the highest form of verification is a third-party verification form sent directly to the source.

- a. True
- b. False

22. A family has a minor child who works part-time. The PHA must obtain third-party verification of the minor's wages.

- a. True
- b. False

CHAPTER 4 Eligibility

LEARNING OUTCOMES

- When you have completed the **Eligibility** portion of the seminar, you should be able to:
 - Recognize the factors of eligibility and how they affect families
 - Identify the different family types defined by HUD
 - Explain the requirements for disclosure and documentation of social security numbers and the requirements for verification
 - Categorize the different types of citizenship status as well as the resulting types of families and identify how citizenship status affects eligibility and rent
 - Discuss income limits and their role in the eligibility process
 - Apply the student rule to the eligibility process

FACTORS OF ELIGIBILITY

CFR 982.201(a)

CFR 982.201(b)

CFR 5.216(a)
CFR 5.216(g)(3)

CFR 5.500

- To be eligible for participation, an applicant must meet HUD's criteria. HUD eligibility factors are:
 - The applicant must be a "family"
 - The family's annual income may not exceed the applicable income limit
 - Social Security numbers must be disclosed and documented for all household members, except noncontending persons.
 - Applicant must furnish evidence of citizenship or eligible immigrant status.
- See Denial of Assistance provisions for other factors.

Section 4.1 Family Types

FAMILY

CFR 5.403;
24 CFR 5.100

- HUD’s definition of “family” includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - A single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or
 - An otherwise eligible youth between the ages of 18 and 24 who has either left foster care or will leave foster care within 90 days, and who is homeless or at risk of becoming homeless at age 16 or older; or
 - A group of persons residing together. Such a group includes, but is not limited to:
 - A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family)
 - An elderly family
 - A near-elderly family
 - A disabled family
 - A displaced family
 - The remaining member of a tenant family

CFR 5.403;
24 CFR 5.100

- HUD further defines *elderly*, *disabled* and *displaced* families.
- *Gender identity* means actual or perceived gender characteristics.
- *Sexual orientation* means homosexuality, heterosexuality, or bisexuality.

CFR 982.54(d)(4)(i)

- The PHA determines (in the Administrative Plan) what groups other than the HUD-defined groups constitute a family.

Section 4.1: Family Types

*Form HUD-50058 Instruction
Booklet*

COHEAD

- An individual in the household who is equally responsible for the lease with the head of household.
- Indicate either a spouse or a co-head, but not both.
- A co-head never qualifies as a dependent. However, a co-head may be under 18 years old if declared an “emancipated minor”, as many states will allow an emancipated minor to sign a lease.

*CFR 5.403;
FR Notice 02/03/12*

ELDERLY FAMILY

- An elderly family includes:
 - A family whose head (including cohead), spouse, or sole member is at least 62 years of age
 - Two or more persons at least 62 years of age living together
 - One or more persons at least 62 years of age living with one or more live-in aides

*CFR 5.403;
FR Notice 02/03/12*

DISABLED FAMILY

- A family whose head (including cohead), spouse or sole member is a person with disabilities.
- Two or more persons with disabilities living together.
- One or more persons with disabilities living with one or more live-in aides.

PERSONS WITH DISABILITIES

- Note: See full definition under “Legislative Reference” in Chapter 2.

CFR 5.403

DISPLACED FAMILY

- A family in which each member or sole member is a person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster formally recognized pursuant to federal disaster relief laws.

Section 4.1: Family Types

CFR 5.403

SINGLE PERSONS

- All single persons are eligible if they meet other eligibility criteria.
- A single-person family may be:
 - An elderly person (62 and over)
 - A displaced person
 - A disabled person
 - Any other single person who is not elderly, displaced, disabled, or the remaining member of a tenant family.

FOSTER CHILDREN AND ADULTS

*CFR 982.551(h)(4);
982.401(d)(2)(ii)*

- With PHA approval, families may have foster children or foster adults live with them if it would not result in overcrowding. PHAs should adopt reasonable policies regarding when PHA approval may be given or denied.

*CFR 5.603(b); HUD-50058
instruction booklet, p. 35*

- The regulatory definition of *dependent* specifically excludes foster children and foster adults. So while PHA-approved foster children and foster adults are counted in determining family unit size, they do not qualify for the dependent allowance.

HCV Program GB p. 5-29

- Child care expenses for foster children are deductible to the same extent that child care expenses for other children are deductible.

Section 4.1: Family Types

CFR 5.609(c)(2)

CHILD CUSTODY

HUD Guidance

- PHAs should establish policies on whether to count a child as part of the family in these situations:
 - When a family member does not have full custody of the child
 - When the child lives only part of the time with the family
- The PHA should consider custody and the amount of time the child spends with the applicant/participant.
- If the child does not currently reside with the applicant, the PHA should consider the child part of the family only if there is evidence that the child would reside with the applicant if the applicant were issued a voucher.
- The same child should not be claimed by more than one applicant.

CFR 5.609

- If a child is included as part of the family, typical determinations on income and allowances are to be made.

Section 4.1: Family Types

ELIGIBILITY FAMILY DESCRIPTIONS

- Directions: The following families will be used for case studies in the eligibility section.

THE FRASIER FAMILY

- The Frasier family is an applicant family that consists of head of household Jamie Frasier (age 48, eligible noncitizen) and his wife Claire (age 51, eligible citizen). Claire is a person with disabilities. They are the only members of their family. Claire is a full-time student. She collects SSDI in the amount of \$850 per month. Jamie works full-time in a grocery store earning \$9.50 per hour. They also receive a regular contribution from Claire's mother of \$100 per month. The PHA has calculated an asset income of \$995, an annual income of \$31,160, and a total annual income of \$32,155.

THE PERRY FAMILY

- The Perry family is an applicant family that consists of head of household Ashley Perry (age 37) who has been living with her boyfriend Steven (age 38) for the last year, and their two children Katy (age 10) and Russell (age 8). No one in the family is disabled. All family members are eligible citizens. The family claims to be zero income on their initial application. The PHA requested the family fill out a zero-income questionnaire, and the family did not identify other sources of income.

Section 4.1: Family Types

Learning Activity 4-1: Family Type

- Using the following excerpt from a PHA's definition of *family* in their administrative plan, decide whether the Frasier and Perry families are eligible for admission to the PHA's HCV program. Refer to the previous page for a description of each family.

PHA Policy
• A family may be a single person or a group of persons. <i>Family</i> as defined by HUD includes a family with a child or children, two or more elderly or disabled persons living together, one or more elderly or disabled persons living with one or more live-in aides, or a single person regardless of actual or perceived sexual orientation, gender identity, or marital status. A single person family may be an elderly person, a displaced person, a disabled person, or any other single person. A family includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law, but can either demonstrate that they have lived together previously or certify that each individual's income or other resources will be available to meet the needs of the family. Each family must identify the individuals to be included in the family at the time of application and must update this information if the family's composition changes.

1. Is the Frasier family eligible per this PHA's definition of *family*?

2. Is the Perry family eligible per this PHA's definition of *family*?

3. At your PHA, what documentation would you require (if any) from the Frasier family with regard to their family type?

4. At your PHA, what documentation would you require (if any) from the Perry family regarding their family type?

Section 4.2 Social Security Number Requirements

- The regulations governing disclosure and verification of Social Security numbers were revised effective January 31, 2010. The regulations cover the requirements for disclosure and documentation of SSNs for every applicant and participant household member. While applicants and participants must disclose and document SSNs under the regulations, the actual “verification” of SSNs is performed by the PHA through HUD’s automated systems. The regulations also provide penalties for failure to disclose or document SSNs.

REQUIRED DISCLOSURE

*CFR 5.216; Notice PIH
2018-24*

- All assistance applicants and participants must disclose a complete and accurate SSN for each member of the household, including foster children, foster adults and live-in aides.
- Some household members are exempt from the SSN disclosure requirement. These include:

CFR 5.216(a)

- Individuals who do not contend eligible immigration status (“noncontending” family members in a mixed family receiving prorated assistance).
 - Note that an individual who previously declared to have eligible immigration status may not change his or her declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements.

Section 4.2: Social Security Number Requirements

CFR 5.216(e)

- Current program participants who had not previously disclosed a SSN, and who were at least 62 years old on January 31, 2010. The exemption applies at all future reexaminations, and continues if the individual moves to a new assisted unit or receives another form of housing assistance.
- Household members who have already provided a valid SSN prior to January 31, 2010. The new regulations do not require the PHA to re-verify the SSNs of current program participants whose SSNs have been validated through HUD's automated systems.

REQUIRED DOCUMENTATION

*CFR 5.216(g);
Notice PIH 2018-24*

- Several forms of documentation are now acceptable. For each household member, the applicant or participant family must provide any one of the following:
 - An original social security card issued by the Social Security Administration.
 - Documentation issued by the Social Security Administration that contains the name and SSN of the individual(e.g., a benefit award letter, Medicare card, or printout).
 - An original document showing the individual's name and SSN, issued by a federal, state or local government agency. This could include welfare agency documents, military papers, unemployment insurance documents, or any other government-issued documentation.

Section 4.2: Social Security Number Requirements

CFR 5.216(i); PIH 2018-24

- Since SSNs for all household members are matched against SSA records through HUD's automated systems, the PHA must generally accept any of the documents listed above. The PHA may only reject documents which:
 - Are not original
 - Appear to be forged, or
 - Appear to be altered, mutilated, or not legible.
- While PHAs must attempt to gather third-party verification of SSNs prior to admission as listed above, PHAs also have the option of accepting a self-certification and a third-party document (such as a bank statement, utility or cell phone bill, or benefit letter) with the applicant's name printed on it to satisfy the SSN disclosure requirement if the PHA has exhausted all other attempts to obtain the required documentation.
 - If verifying an individual's SSN using this method, the PHA must document why the other SSN documentation was not available.
 - If the tenant's SSN becomes verified in EIV, then no further verification is required.
 - If the tenant's SSN fails the SSA identity match, then the PHA must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The tenant's assistance must be terminated if they fail to provide the required documentation
- If the PHA rejects the family's documentation, the PHA should explain why the documents were not acceptable. The PHA should then request acceptable documentation within a specified time frame.

Section 4.2: Social Security Number Requirements

Notice PIH 2018-24

- The PHA verifies the SSN by making a copy of the original documentation submitted, returning it to the individual, and retaining the copy in the family's file. In addition, the PHA records the SSN on line 3n of form HUD-50058 and transmitting the form to HUD in a timely manner.
 - PHAs are required to submit the form no later than 30 calendar days of receiving the SSN documentation to enable HUD to initiate its computer matching efforts for current program participants.

Notice PIH 2018-24

- HUD allows PHAs, at their discretion, to remove and destroy SSN documentation from the file once the SSN has been validated through the EIV system. The EIV printout will be considered adequate to verify the SSN. Doing so minimizes the risk of exposing the individual's SSN.

WHEN DISCLOSURE AND DOCUMENTATION ARE REQUIRED

CFR 5.216(b); 5.216(h)
Notice PIH 2018-24

- The HUD regulations provide differing time frames for SSN disclosure and documentation. The time limits depend upon the assistance program, type of certification, ages of household members and other factors.
- For HCV applicant families, the SSN for each household member (except noncontending persons) must be disclosed and documented when program eligibility is being determined. The family may not be admitted to the program until this requirement has been met. If otherwise eligible, the family may retain its place on the waiting list pending SSN disclosure and documentation.

Section 4.2: Social Security Number Requirements

- For applicants to the Section 8 Moderate Rehabilitation SRO for Homeless Individuals (“SRO Homeless”) program, a longer time period is allowed. The applicant may be admitted to the program, and must disclose and document his/her SSN within 90 days. The PHA must allow an additional 90 days if it determines that failure to comply was outside the control of the participant, or was due to unforeseen circumstances.

CFR 5.216(e)

- Current program participants who have not previously disclosed a SSN for any non-exempt household member must do so at the next interim or annual reexamination. This includes children under 6 for whom a SSN was not previously provided, family members who certified that they had not been assigned a SSN, and other household members.

*CFR 5.216(e)(2);
Notice PIH 2018-24*

- When adding a new household member to a participant family, the time frames depend upon the age of the new member and whether he or she has been assigned a SSN.
 - If the new household member is at least six years old, or is under 6 but already has a SSN, the SSN must be disclosed and documented at the time of the request, or during processing of the interim reexamination to add the new member. The new member cannot be added to the household until this requirement is met.
 - If the new household member is under the age of 6 and has not been assigned a SSN, the participant must disclose and verify the child's SSN within 90 days of the child's addition to the household. The PHA must allow an additional 90 days if it determines that failure to comply was outside the control of the participant, or was due to unforeseen circumstances. The PHA must include the child as part of the household during this period and must provide the family with any related benefits such as allowances and deductions.

Section 4.2: Social Security Number Requirements

PENALTIES FOR FAILURE TO DISCLOSE/DOCUMENT SSNs

*CFR 5.218;
Notice PIH 2018-24*

- The PHA must deny assistance for an applicant family if the regulatory requirements for SSN disclosure and documentation are not met. The applicant must disclose and document the SSN for every household member (except noncontending persons) in order to qualify for the program.
- The PHA must terminate assistance of participant households if the regulatory requirements for SSN disclosure and documentation are not met. Assistance must be terminated for the entire household if these requirements are not met for every non-exempt household member.
 - The PHA must defer termination for a period not to exceed 90 days if it determines that the participant's failure to meet the requirements was due to unforeseen circumstances outside the control of the family, and if it is reasonably likely that the participant will be able to disclose and document the SSN(s) by the deadline.
- The PHA must deny admission or terminate the family's assistance, or both, if the family submits falsified SSN documentation.
- The head of household may not remove a household member from the family composition in order to avoid these penalties. Prorated assistance is not permitted in this situation.

Section 4.3 Restriction on Assistance to Noncitizens

EFFECTIVE DATE AND PURPOSE OF RULE

CFR Part 5, Subpart E

- Effective Date: 6/19/95, revised by an interim rule issued 11/29/96.
- The purpose of the regulation is to:
 - Provide implementation procedures
 - Ensure only citizens, nationals, and certain categories of eligible immigrants are assisted
 - Preserve family status.

DEFINITIONS

- *Child*: A member of the family other than the family head or spouse who is under 18 years of age.
- *Citizen*: Citizen/national of the United States.
- *Evidence of citizenship or eligible immigration status*: The documents which must be submitted to establish citizenship or eligible immigration status.
- *Head of Household*: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.
- *Mixed family*: A family including citizens or eligible immigrants, and members without citizenship or eligible immigration status.
- *National*: A person who owes permanent allegiance to the United States.
- *Noncitizen*: A person who is neither a citizen nor a national of the United States.

Section 4.3: Restriction on Assistance to Noncitizens

- *Spouse*: The marriage partner, either a husband or wife, who must be divorced to dissolve the relationship. Includes common law marriages, but not boy/girl friends, significant others or co-heads.
- *USCIS*: United States Citizenship and Immigration Services (formerly known as INS).

RULES FOR ADMISSION

CFR 5.512(a) and (b)

- No family applying for federal assistance may receive such assistance prior to the affirmative establishment and verification of eligibility of at least one family member.

CFR 5.506 (a)

CFR 5.514(c)

- However, if a PHA elects not to affirmatively establish and verify eligibility before providing assistance to a family, the PHA must terminate the assistance if the verification process results in a determination that no family member has eligible immigration status.

NOTIFICATION REQUIREMENTS

CFR 5.508

- All families must be notified of the requirement to provide verification of their citizenship status:
 - New applicants must be notified when they apply
 - Current participants should have been notified.

Section 4.3: Restriction on Assistance to Noncitizens

ELIGIBILITY FOR ASSISTANCE

CFR 5.508

- To determine the family type and eligibility status of any family, the eligibility of each individual in the family must be established first.
- Individuals will fall into one of these categories:
 - Citizens or nationals
 - Eligible immigrants 62 or older
 - Other eligible immigrants
 - Ineligibles, including noncitizen students on student visas.
- Providing housing assistance to noncitizen students is prohibited.
 - This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student.
 - The prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance.

Notice PIH 01-27

- Public Law 106-504, which was enacted on November 3, 2000, defines geographic parameters by which aliens who are lawful residents of the Marshall Islands, the Federated States of Micronesia and Palau (together known as the Freely Associated States, or FAS) are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and Governments of the FAS.

Section 4.3: Restriction on Assistance to Noncitizens

- PIH Notice 2001-27 offers guidance on the implementation of the law, such as:
 - PHAs must consider certain FAS citizens to be eligible applicants for federal housing assistance
 - PHAs must notify all affected families of the eligibility changes made by Public Law 106-504. Such changes might alter the status of some families from “mixed” to “eligible” if one or more of the family members is a FAS citizen
 - PHAs must conduct an interim reexamination of income for any family that requests a reexamination as a result of changes in the law.
- An FAS citizen who is a lawful resident of the United States (including territories and possessions) is eligible for housing assistance.
 - FAS stands for ‘the Freely Associated States’
 - Republic of the Marshall Islands
 - Federated States of Micronesia
 - Republic of Palau

Notice PIH 01-27

CFR 5.504 and 5.506

FAMILY CATEGORIES

- After the status of each person has been determined, families will fall into one of the categories below:
 - An **eligible** family will be comprised of citizen(s), national(s) or noncitizen(s) with *eligible* immigrant status
 - Eligible for full assistance
 - An **ineligible** family is one in which no member is a citizen, national or eligible immigrant
 - Denied or terminated assistance
 - **Mixed families** are comprised of citizen(s) or eligible noncitizen(s) and those without citizenship or eligible noncitizen status
 - A mixed family is eligible for prorated assistance.

Section 4.3: Restriction on Assistance to Noncitizens

VERIFICATION REQUIREMENTS

CFR 5.508

- Unlike the third-party verification process for income eligibility, verification of citizenship or national status is provided directly by the family.
 - Persons who claim citizenship status by executing a signed declaration (Section 214 Status).
 - Persons 62 and older who claim eligible immigration status by executing a signed declaration and providing proof of age.
 - Persons who declare themselves ineligible or don't contend eligibility status.
- PHAs may require verification of either citizen/national declaration in the form of a U.S. passport, resident alien card, registration card, social security card or other appropriate documentation.
- Verification is required by law for all other noncitizens who claim eligible immigration status.
 - A signed declaration of eligible immigration status.
 - A United States Citizenship and Immigration Service (USCIS) card or other USCIS document.
 - A signed verification consent form.

DOCUMENTATION REQUIRED

- PHA documents:
 - Declaration of Section 214 Status
 - Verification Consent Form
 - Listing of Non-contending Family Members
 - Notice of Section 214 requirements.

Section 4.3: Restriction on Assistance to Noncitizens

CFR 5.512

- Eligible immigration status must be verified.
 - Verification of eligible immigration status may be obtained through accessing the Systematic Alien Verification for Entitlements (SAVE) Program's Automated Status Verification System (ASVS) online.
 - <http://uscis.gov/graphics/services/save.htm>

TIMEFRAME FOR SUBMISSION

CFR 5.508(g) & (h)(3)

- Applicants present documents at final eligibility determination. Extensions for submission of required documents shall not exceed 30 days.

CFR 5.508(g)(1)

- For applicants:
 - At any stage of the application process, but not later than the date the PHA verifies other eligibility factors.

CFR 5.508(g)(3)

- New occupants joining an assisted family:
 - At the first interim or regular reexam following their occupancy.

CFR 5.508(h)(2)

- A time extension may be granted in writing by the PHA if needed for the individual to obtain the needed documentation.

CFR 5.508(g)(5)

- For each family member this is a one-time requirement. If the family moves between units or between programs and the PHA has previously obtained the required verification, the family is not required to produce the documentation again.

Housing Choice Voucher Eligibility

Verification Consent Form

CONSENT: I consent to allow the _____ (name of PHA) (PHA) to request and to obtain information from the Immigration and Naturalization Service (INS) for the purpose of verifying my eligibility and level of benefits under HUD's assisted housing programs. I understand that the PHA cannot use it to delay, deny or terminate housing assistance because of the immigration status of a family member except as provided in this Guidebook. In addition, I understand I must be given an opportunity to contest the determination with the INS or the PHA, or both.

This consent form expires 15 months after signed.

Signatures:

ADULT:

Head of Household _____	A- Alien Number _____	Date _____	Family Member Age 18 or over _____	A- Alien Number _____	Date _____
Spouse _____	A- Alien Number _____	Date _____	Family Member Age 18 or over _____	A- Alien Number _____	Date _____
Family Member Age 18 or over _____	A- Alien Number _____	Date _____	Family Member Age 18 or over _____	A- Alien Number _____	Date _____
Family Member Age 18 or over _____	A- Alien Number _____	Date _____	Family Member Age 18 or over _____	A- Alien Number _____	Date _____

CHILD:

Family Member Age Under 18 _____	A- Alien Number _____	Signature of Adult Residing in Unit Responsible for Child _____	A- Alien Number ¹ _____	Date _____
Family Member Age Under 18 _____	A- Alien Number _____	Signature of Adult Residing in Unit Responsible for Child _____	A- Alien Number ¹ _____	Date _____
Family Member Age Under 18 _____	A- Alien Number _____	Signature of Adult Residing in Unit Responsible for Child _____	A- Alien Number ¹ _____	Date _____
Family Member Age Under 18 _____	A- Alien Number _____	Signature of Adult Residing in Unit Responsible for Child _____	A- Alien Number ¹ _____	Date _____

1. If citizenship declared by adult, leave blank.

Housing Choice Voucher Eligibility

Who must sign: In order to be eligible to receive housing assistance, each noncitizen adult or child applying for, or currently receiving, housing assistance must be lawfully within the U.S. Please read the Verification Consent Form carefully and sign and return to the Housing Authority's Admissions Office. Please feel free to consult with an immigration lawyer or other immigration expert of your choosing.

Privacy Act Statement:

The information on this form is being collected by the _____ (name of PHA) _____ to determine the applicant's or tenant's eligibility for housing assistance. The PHA may release this information, without responsibility for the further use or transmission of the evidence by the entity receiving it to: (1) the Department of Housing and Urban Development (HUD), as required by HUD; and (2) to the Immigration and Naturalization Service (INS) for purposes of verification of the immigration status of each individual and not for any other purpose.

Penalties for Misusing this Consent:

HUD, the PHA and any owner (or any employee of HUD, the PHA or the owner) may be subject to penalties for unauthorized disclosures or improper uses of information collected based on the consent form.

Use of the information collected on this consent form is restricted to the purposes cited on the form. Any person who knowingly or willfully requests, obtains or discloses any information under false pretenses concerning an applicant or participant may be subject to a misdemeanor and fined not more than \$5,000. Any applicant or participant affected by negligent disclosure of information may bring civil action for damages, and seek other relief, as may be appropriate, against the officer or employee of HUD, the PHA or the owner responsible for the unauthorized disclosure or improper use.

Declaration of Section 214 Status

Notice to applicants and tenants: In order to be eligible to receive the housing assistance sought, each applicant for or recipient of housing assistance must be lawfully within the U.S. Please read the Declaration statement carefully and sign and return to the Housing Authority's Admissions Office. Please feel free to consult with an immigration lawyer or other immigration expert of your choosing.

I, _____ certify, under penalty of perjury,¹ that, to the best of my knowledge, I am lawfully within the United States because (please check the appropriate box):

- ☐ I am a citizen by birth, a naturalized citizen or national of the United States; or
- ☐ I have eligible immigration status and I am 62 years of age or older. Attach evidence of proof of age²; or
- ☐ I have eligible immigration status as checked below (see reverse side of this form for explanations). Attach INS document(s) evidencing eligible immigration status and signed verification consent form.
 - ☐ Immigrant status under §§1001(a)(15) or 101(a)(20) of the INA³; or
 - ☐ Permanent residence under §249 of INA⁴; or
 - ☐ Refugee, asylum, or conditional entry status under §§207, 208 or 203 of the INA⁵; or
 - ☐ Parole status under §§212(d)(f) of the INA⁶; or
 - ☐ Threat to life or freedom under §243(h) of the INA⁷; or
 - ☐ Amnesty under §245 of the INA⁸.

(Signature of Family Member)

(Date)

- ☐ Check box on left if signature is of adult residing in the unit who is responsible for child named on statement above.

PHA: Enter INS/SAVE Primary Verification #: _____ Date: _____

[See reverse side for footnotes and instructions]

Housing Choice Voucher Eligibility

- 31 Warning:** 18 U.S. C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any manner within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than five years, or both.

The following footnotes pertain to noncitizens who declare eligible immigration status in one of the following categories:

- 2** Eligible immigration status and 62 years of age or older. For noncitizens who are 62 years of age or older or who will be 62 years of age or older and receiving assistance under a Section 214 covered program on June 19, 1995. If you are eligible and elect to select this category, you must include a document providing evidence of proof of age. No further documentation of eligible immigration status is required.
- 3** Immigrant status under ¶101(a)(15 or 101(a)(20) of INA. A noncitizen lawfully admitted for permanent residence, as defined by ¶101(a)(20) of the Immigration and Nationality Act (INA), as an immigrant, as defined by ¶101(a)(15) of the INA (8 U.S.C. 1101(a)(20) and 1101(a)(15), respectively [*immigrant status*]. This category includes a noncitizen admitted under ¶210 or 210A of the INA (8 U.S.C. 1160 or 1161), [*special agricultural worker status*], who has been granted lawful temporary resident status.
- 4** Permanent residence under ¶249 of INA. A noncitizen who entered the U.S. before January 1, 1972, or such later date as enacted by law, and has continuously maintained residence in the U.S. since the, and who is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under ¶249 of the INA (8 U.S.C. 1259) [*amnesty granted under INA 249*].
- 5** Refugee, asylum, or conditional entry status under ¶207, 208 or 203 of INA. A noncitizen who is lawfully present in the U.S. pursuant to an admission under ¶207 of the INA (8 U.S.C. 1157) [*refugee status*]; pursuant to the granting of asylum (which has not been “terminated” under ¶208 of the INA (8 U.S.C. 1158) [*asylum status*]; or as a result of being granted conditional entry under ¶203(a)(7) of the INA (U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic national calamity [*conditional entry status*].
- 6** Parole status under ¶212(d)(5) of INA. A noncitizen who is lawfully present in the U.S. as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under ¶212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) [*parole status*].
- 7** Threat to life or freedom under ¶243(h) of INA. A noncitizen who is lawfully present in the U.S. as a result of the Attorney General’s withholding deportation under ¶243(h) of the INA (8 U.S.C. 1253(h)) [*threat to life or freedom*].
- 8** Amnesty under ¶245A of INA. A noncitizen lawfully admitted for temporary or permanent residence under ¶245A of the INA (8 U.S.C. 1255a) [*amnesty granted under INA 245A*].

Instructions to Housing Authority: Following verification of status claimed by persons declaring eligible immigration status (other than for noncitizens age 62 or older and receiving assistance on June 19, 1995), the PHA must enter INS/SAVE Verification Number and date that it was obtained. A PHA signature is not required.

Instructions to Family Member For Completing Form: On opposite page, print or type first name, middle initial(s) and last name. Place an “X” or “✓” in the appropriate boxes. Sign and date at bottom of page. Place an “X” or “✓” in the box below the signature if the signature is by the adult residing in the unit who is responsible for child.

Listing of Non-Contending Family Members

I, _____ certify, under penalty of perjury,¹
that the persons listed below are members of my household. Each person listed
below has elected not to contend that he or she has eligible immigration status.

(First Name, Middle Initial(s), Last Name)

(First Name, Middle Initial(s), Last Name)

(First Name, Middle Initial(s), Last Name)

(First Name, Middle Initial(s), Last Name)

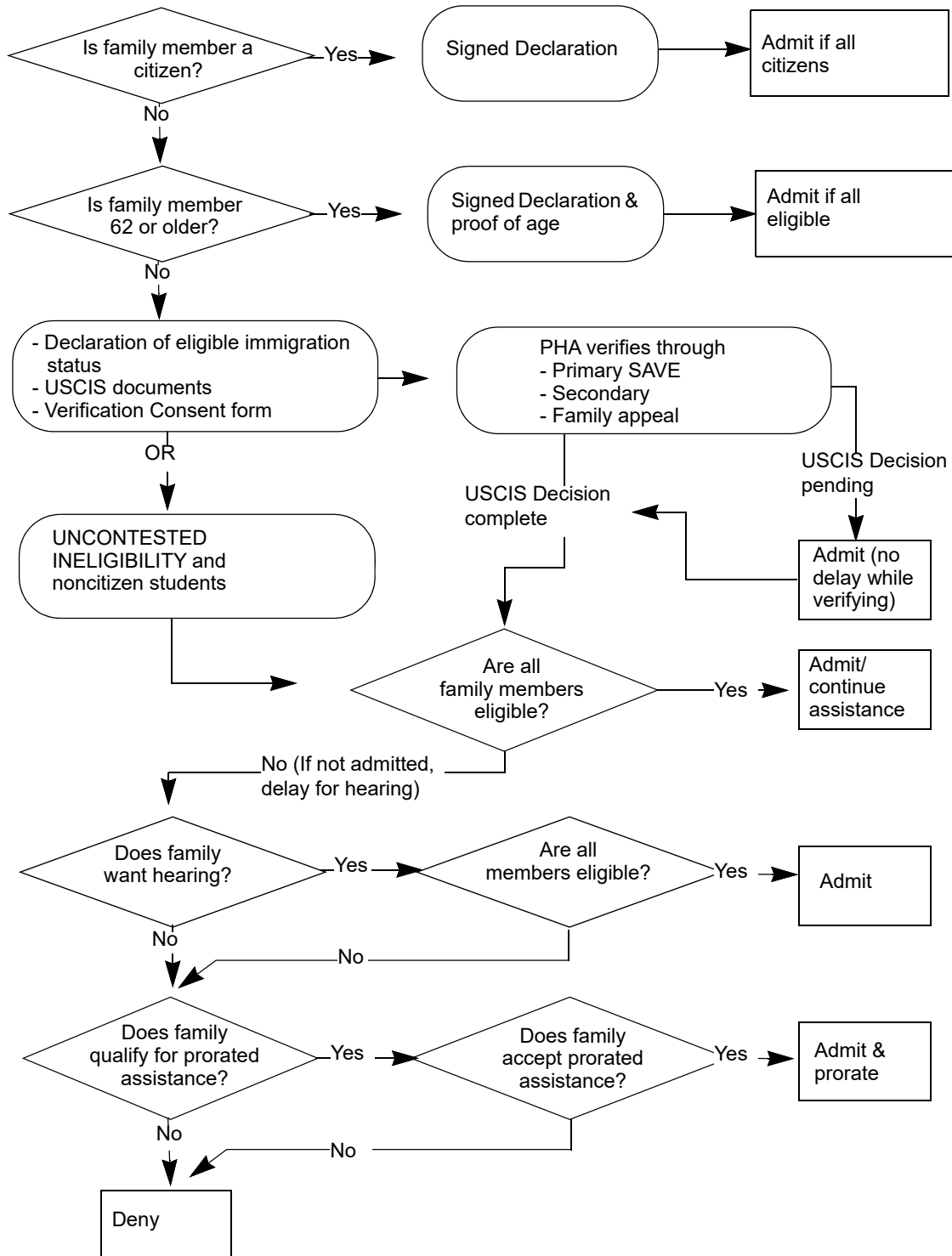
(Signature of Head of Household or Spouse)

(Date)

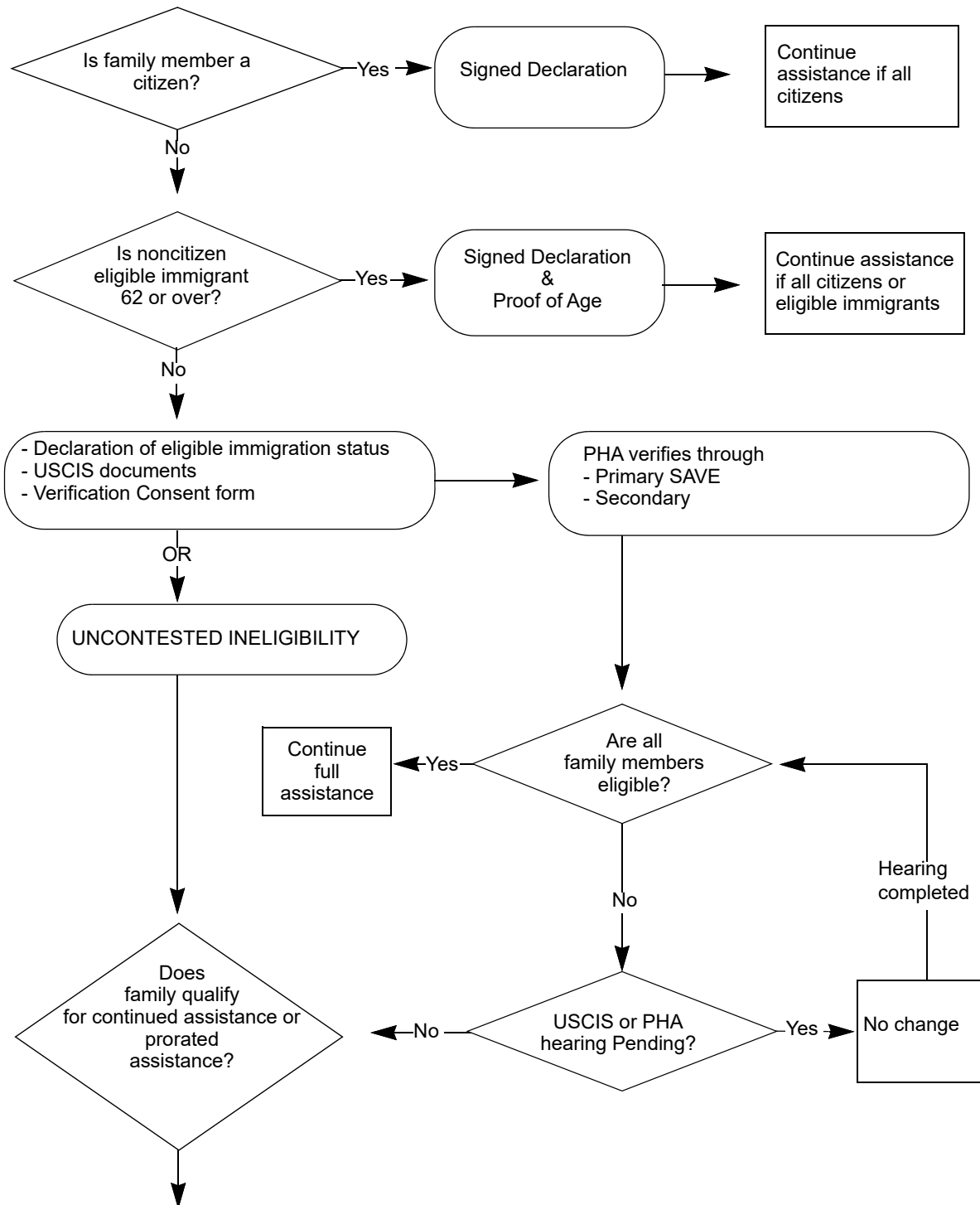
¹ **Warning:** 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000, imprisoned for not more than five years, or both.

Instructions: If one or more members of a family elect not to contend that he or she has eligible immigration status and the other members of the family establish their citizenship or eligible immigration status, the family may be considered for assistance despite the fact that no declaration or documentation of eligible immigration status is submitted by one or more members of the family. The family, however, must identify to the PHA the family member(s) who will elect not to contend that he or she has eligible immigration status. In the space(s) provided above, type or print the names of the family members who elect not to contend that he or she has eligible immigration status. Listed members of the family do not sign above. However, the Head of Household or Spouse must sign and date the form in the space provided.

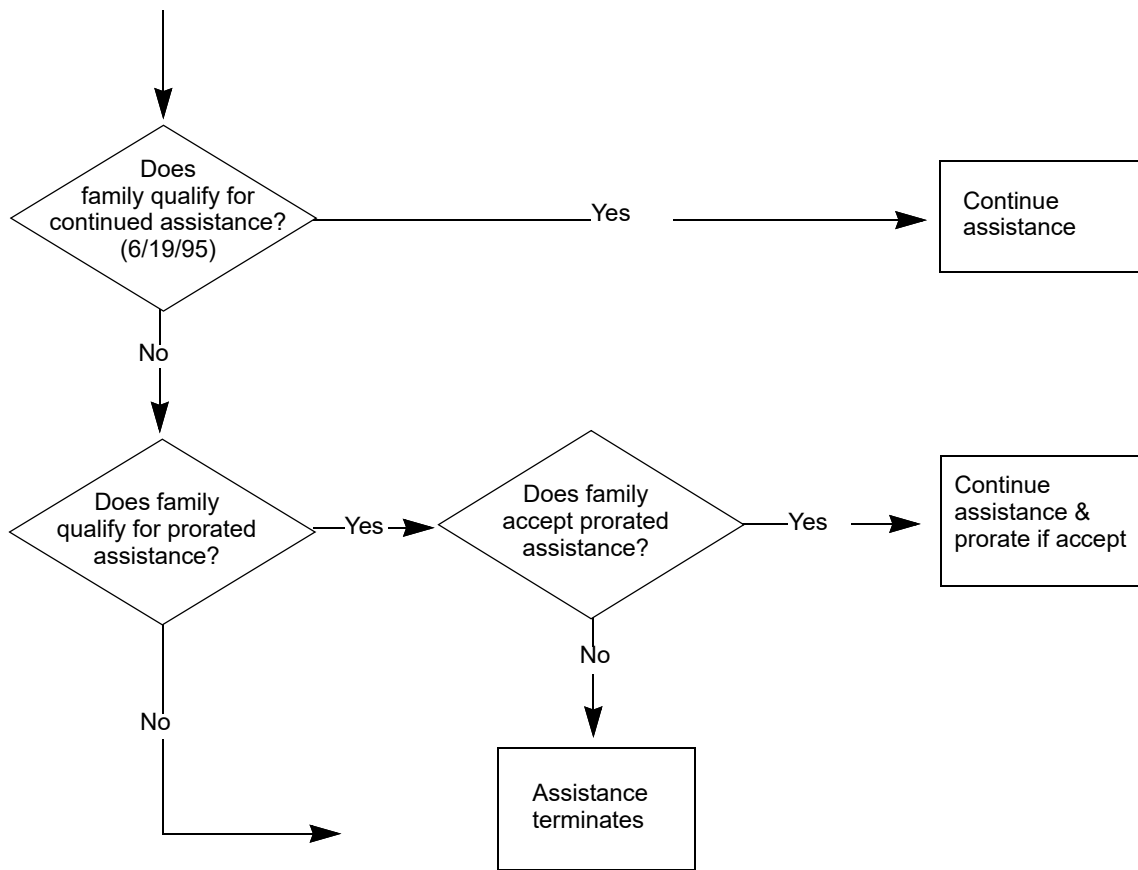
CITIZEN & NONCITIZEN ELIGIBILITY DETERMINATION FLOWCHART FOR APPLICANTS



CITIZEN & NONCITIZEN ELIGIBILITY DETERMINATION FLOWCHART FOR PARTICIPANTS



Housing Choice Voucher Eligibility



Section 4.3: Restriction on Assistance to Noncitizens

PROCEDURES AFTER VERIFICATION OF FAMILY STATUS

CFR 5.516(a)(2)(i)

FAMILIES ADMITTED AFTER 6/19/95

- Eligible families are admitted with full subsidy.
- Mixed families are eligible for prorated assistance.
- Ineligible families are denied assistance or assistance is terminated.

FAMILIES ASSISTED AS OF 6-19-95

- The protections afforded these families relates to whether the PHA implemented the noncitizens rule before or after 11/29/96.¹
- Families assisted when the noncitizen rule was implemented may have been eligible for full continued assistance.
 - For more information refer to HUD Guidebook 7465.7, Restrictions on Assistance to Noncitizens, Chapter 10, dated July 1995.

TERMINATION FOR ALLOWING INELIGIBLE INDIVIDUALS TO LIVE IN UNIT

CFR 5.514(c)(1)(iii)

- The PHA must terminate assistance for at least 24 months of a family that knowingly permits an ineligible individual to reside on a permanent basis in the family's unit.
 - Termination does not apply to ineligible individuals already in the family where the family's assistance has been prorated.

1. On this date, a change in the rule was published and effective. Families who had been provided certain protections prior to that date were not affected, but, after that date, any other families receiving benefits would be considered under the new rule.

CALCULATION OF PRORATED ASSISTANCE

Housing Choice Vouchers

1. Determine normal total HAP.
2. Divide total eligible family members by total number in family to get the percent eligible.
3. Determine prorated HAP by multiplying total HAP times the percent eligible.
 - Example: Assume 4 out of 5 of the family members are eligible for assistance.

HAP	\$400
x	4/5
Prorated Housing Voucher Subsidy	320

Gross Rent	800
minus prorated HAP	320
Revised TTP	\$480

Section 4.3: Restriction on Assistance to Noncitizens

Learning Activity 4-2: Social Security/noncitizens

- The Martinez family is applying for assistance.

Relation	Name	Age	Citizenship Status	SSN
Head	Alberto Martinez	36	Ineligible Noncitizen	Does not have one
Spouse	Maria Martinez	35	Ineligible Noncitizen	Does not have one
Son	Juan Martinez	8	Eligible Citizen	238-44-2342
Daughter	Elsa Martinez	5	Eligible Citizen	445-23-2584
Other Adult	Laura Alvarez	34	Eligible Noncitizen	239-32-2353
Other Adult	Inez Martinez	63	Eligible Noncitizen	325-33-2234

1. Does this family qualify for the program under the noncitizens rule?
 - a. Yes, because at least one member meets the requirement under Section 214
 - b. No, because neither the head or spouse are citizens or eligible immigrants
 - c. No, because only the children are citizens
 - d. Yes, because there is one adult in the family that meets the requirement under Section 214
2. What documentation concerning their Social Security/Immigration information must the PHA have on file?

Section 4.3: Restriction on Assistance to Noncitizens

3. Which family members are eligible for the program under the noncitizens rule?
 - a. Juan and Elsa
 - b. Inez and Laura
 - c. No one
 - d. Juan, Elsa, Laura, Inez
4. If the family refused to disclose Elsa's SSN, what action may the PHA take?
 - a. The PHA may deny assistance
 - b. The PHA must deny them assistance
 - c. The PHA has no authority to require Elsa to disclose her SSN
 - d. The PHA may subpoena the Social Security Administration to obtain information
5. What must the PHA do if Inez has not provided documentation of her SSN?
 - a. Admit the family and require the documentation within 60 days
 - b. Inez does not have to provide documentation of her SSN because she is elderly
 - c. The family cannot be admitted until the documentation is provided
 - d. Inez can sign a certification to document her SSN
6. If the family failed to inform the PHA that Maria was living in the house and the PHA later discovered this, what action must it take?
 - a. Issue the family a voucher to find a larger unit
 - b. Terminate the family's assistance indefinitely
 - c. Allow the family to enter into repayment agreement
 - d. Terminate the family's assistance for at least 24 months
 - e. Refer to its policy to determine the appropriate course of action

Section 4.4 Income Limits

INCOME LIMITS AT ADMISSION

1937 Housing Act

- HUD establishes income limits annually by family size for the area in which the PHA is located:
 - Extremely Low Income Limit: higher of 30% of area median income or the federal poverty level
 - Very-Low Income Limit: 50% of area median
 - Low Income Limit: 80% of area median.

CFR 982.201(b)(2)

- Compare family's gross annual income to the income limit. The income limit may be applied for preliminary and/or final eligibility as an eligibility limit.

CFR 982.201(a & b)

- An eligible applicant must be a "family" whose annual income does not exceed the applicable income limit as set by HUD.
- The PHA may set the income limit at 80% of median income if it is in the Administrative Plan.
 - PHA-specified criteria.
 - PHA may specify as the income limit used.
- If the PHA does not specify another limit, annual income must not exceed under the Very Low Income Limit to qualify.
- The PHA must use the 80 percent income limit for admission of VASH families.

Section 4.4: Income Limits

CFR 982.201(b)(1)

- To be income eligible, the applicant must be a family in any of the following categories:
 - A very low income family
 - A low-income family that:
 - Is continuously assisted under the 1937 Housing Act
 - Qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 or HOPE 2 project
 - Qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program
 - A low income or moderate income family displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low-income housing.

CFR 982.201(d)

CONTINUOUSLY ASSISTED FAMILIES

- An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the Voucher program.
- PHAs must establish policy as to when, and to what extent, brief interruptions between assistance and admission to the voucher program will be considered to break continuity of assistance under the 1937 Housing Act.

Industry Practice

- Income limits are established by family size, so a change in family composition while on the waiting list may affect the family's eligibility for admission. Applicants on the waiting list who have an increase in income above the limits may not be admitted.
- Annual Income is compared to the income limit and is applied only at admission as a test for eligibility.

Section 4.4: Income Limits

*HB 7420.7, 10-2
(c)(2)(a)*

- Once a family is admitted (leased), it is no longer subject to initial income limits in order to retain eligibility.

APPLICABLE INCOME LIMITS

CFR 982.353(d)

- For voucher issuance, a family must be income-eligible in the area where the family initially leases a unit with assistance under the program.

CFR 982.201(b)(4)

- PHAs with more than one income-limit area (such as State or Regional PHAs) must use the highest income limit of all the income limit areas in its jurisdiction.

*CFR 982.201(b)(4)
CFR 982.353(d)*

- The applicable income limit for admission to the program is the income limit for the area where the family is initially assisted in the program.

*CFR 982.201(b)(4)
CFR 982.353(d)*

- The family may only use the voucher to rent a unit in an area where the family is income-eligible at admission to the program.

INCOME TARGETING

CFR 982.201(b)(2)

- In each PHA fiscal year, at least 75 percent of a PHA's new admissions to the HCV program must have incomes that do not exceed 30 percent of the area median income as published by HUD, with adjustments for smaller and larger families.

CFR 982.201(b)(2)

- HUD may determine that a higher or lower percent is necessary because of unusually high or low family incomes.

CFR 982.201(b)

- Other admissions must comply with eligibility limits under the current regulations.

Section 4.4: Income Limits

CFR 982.201(b)(2)(iii)

- Admission of continuously assisted families or families subject to displacement as a result of the prepayment of a mortgage or voluntary termination of an eligible low-income housing contract is not subject to the income targeting requirement.

CFR 982.201(b)(2)(vi)

- Two or more PHAs that administer HCV tenant-based assistance in an identical jurisdiction shall be treated as a single PHA for income targeting purposes.
 - Such PHAs must cooperate to assure that aggregate admissions comply with the targeting requirement.
 - If the two PHAs do not have the same fiscal year, HUD will determine which fiscal year will be used for this purpose.

CFR 982.201(b)(3)

- Gross annual income is used both for determination of income eligibility at admissions and for the income targeting requirement.

*HUD Guidance;
CFR 982.201(b)(2)*

- The admission of an extremely low-income family that ports out and has initial lease-up in the jurisdiction of the receiving PHA will be credited to the initial PHA only, unless the receiving PHA absorbs the portable family from the point of admission.
- A PHA whose admissions of families below the extremely low-income limit have not reached 75 percent for a fiscal year may not pull from the waiting list families that are not extremely low-income, even if there are no extremely low-income families on the waiting list, without HUD approval.

Learning Activity 4-3: Income Limits

- Using the tables below, answer the questions about the Frasier and Perry families that follow. The Frasier family's total annual income is \$32,155. The Perry family's total annual income is \$0.

Area A

Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Very Low (50%) Income Limit	\$28,150	\$32,150	\$36,150	\$40,150	\$43,400	\$46,600	\$49,800	\$53,000
Extremely Low (30%) Income Limits	\$16,000	\$19,300	\$21,700	\$24,100	\$26,050	\$28,000	\$29,900	\$31,850
Low (80%) Income Limits	\$45,000	\$51,400	\$57,850	\$64,250	\$69,400	\$74,550	\$79,000	\$84,850

Area B

Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Very Low (50%) Income Limits	\$29,550	\$33,750	\$37,950	\$42,150	\$45,550	\$48,900	\$52,300	\$55,650
Extremely Low (30%) Income Limits	\$17,750	\$20,250	\$22,800	\$25,300	\$27,350	\$29,350	\$31,400	\$33,400
Low (80%) Income Limits	\$47,250	\$54,000	\$60,750	\$67,450	\$72,850	\$78,250	\$83,650	\$89,050

Section 4.4: Income Limits

- The PHA has two income limit areas in its jurisdiction. The PHA uses the very low-income limit of 50 percent of area median income.
 1. Is the Frasier family income-eligible for the PHA's HCV program?

 2. May the Frasier family lease up anywhere in the PHA's jurisdiction?

 3. Is the Perry family income-eligible for the PHA's HCV program?

 4. May the Perry family lease up anywhere in the PHA jurisdiction?

 5. Bonus question: May a PHA set a minimum income for families for eligibility purposes?

Section 4.5 Eligibility of College Students

BACKGROUND

- Congress has imposed new restrictions on housing assistance to students (affects HCV only, not public housing).
- HUD has determined that the new rule does not apply to students residing with their parents receiving or applying for HCV assistance.

RESTRICTIONS ON ASSISTANCE

CFR 5.612

- *No assistance* shall be provided to any individual who is enrolled (full-time or part-time) as a student at an institution of higher education who is:
 - Under 24
 - Not a U.S. veteran
 - Unmarried
 - Does not have a dependent child, unless:
 - The student is eligible, and the student's parents (individually or jointly) are income eligible for the program
- In other words, students and parents both have to be income eligible unless the student can demonstrate absence or independence from their parents.

Section 4.5: Eligibility of College Students

*FR Notice 4/10/06,
FR Notice 9/21/16*

- The PHA's administrative plan must define situations where the parents' income will not be used for purposes of program eligibility. The criteria may include, but is not limited to:
 - Student must be of legal contract age per state law
 - Student must have established separate household for at least one year or must meet Dept. of Education definition of "independent student"
- *Independent Student*: a student must meet one or more of the following criteria:
 - At least 24 years old by December 31 of the award year for which the aid is sought
 - Be an orphan, in foster care, or ward of court, or have been an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older
 - Be or have been immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
 - Be a veteran of the U.S. Armed Forces or currently serving on active duty in the Armed Forces for other than training purposes
 - Be a graduate or professional student
 - Be married
 - Have one or more legal dependents other than a spouse (e.g., dependent children or an elderly dependent parent)
 - Have been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by a local educational agency homeless liaison

Section 4.5: Eligibility of College Students

- The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director
- A financial aid administrator
- Be a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
- The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director
- A financial aid administrator
- Be a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances
- Student must not be claimed as a dependent on another person's tax return
- Student must obtain parental certification of the amount of support that will be provided by parents (including if no financial assistance will be provided).
- If the PHA determines that an individual meets the definition of a vulnerable youth, such a determination is all that is necessary to determine that the person is an independent student for the purposes of using only the student's income for determining eligibility for assistance.

Section 4.5: Eligibility of College Students

- A vulnerable youth is an individual who meets the U.S. Department of Education's definition of independent student in paragraphs (b), (c), or (h), as adopted in Section II of FR Notice 9/21/16, specifically:
 - Being an orphan, in foster care, or a ward of the court, or having been an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older
 - Being or having been immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
 - Having been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by a local educational agency homeless liaison, the director or designee of the director of a program funded under the McKinney-Vento Act, or a financial aid administrator.

Student Rule Q&A

- For purposes of income eligibility, both students and parents must meet the 80 percent low-income limit. The PHA will have to determine the eligibility of each student family member, the parent (in cases where the student has not established independence), and the student family household as a unit.

CFR 982.552 (b)(5)

- The PHA must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Final Rule 12/30/05

- HUD strongly encourages PHAs to recertify existing HCV participants that have family members that may meet these new requirements, as soon as is practical.

Section 4.5: Eligibility of College Students

Learning Activity 4-4: Student Rule

- Using the “Student Eligibility Checklist” (following pages), determine if the Frasier family is eligible under the student rule.
- The Frasier family consists of head of household, Jamie Frasier (age 48) and his wife Claire (age 51). Claire is a full-time student.

1. Are they eligible?

a. Yes

b. No

2. Why or why not?

- Six months after the Frasier family is admitted to the program, they request to add their friend Roger to their unit. The landlord approves the addition. PHA policy on who may be added to the unit after a family is admitted to the program would also permit the family to add him. Roger is 19, single, not a veteran, and has no children. Both of his parents have passed away. He has a full-time job where he earns \$48,000 per year. He does not go to school.

3. If Roger’s income is added, the Frasier family’s total annual income would be over the three-person income limit. Assuming he is otherwise eligible, may Roger be added? Why or why not?

Section 4.5: Eligibility of College Students

- A year later, Claire and Jamie move out. Roger is the sole remaining family member. Roger informs the PHA that he has become a part-time student. He still works full-time and earns \$48,000 a year. Assuming no other changes with Roger, use the income limit tables in Learning Activity 4-3 on page 4-36 to answer the following questions:

4. Does the student rule apply to Roger? Why or why not?

5. Is Roger income-eligible for the program at this point?

6. What action must the PHA take at this point?

Section 4.6 Denial of Assistance

GENERAL

*CFR 982.301(b)(13),
(14) & (15)
CFR 982.552(d)*

- The PHA must give the family a written description of:
 - Family obligations under the program
 - Grounds on which the PHA may deny assistance because of family action or failure to act
 - The PHA informal review and hearing procedures.
- Denial of assistance for an applicant may include:
 - Denying listing on waiting list
 - Denying or withdrawing a Voucher
 - Refusing to enter into a HAP contract or to approve a lease
 - Refusing to process or provide portability.
- HUD clarifies that PHAs can deny admission for criminal activity:
 - Other than criminal activity stated in the rule or
 - Which has taken place at times other than specified in the rule
- Under federal law and HUD regulations, PHAs:
 - Are required to adopt screening policies that absolutely prohibit admission for certain types of conduct
 - Have the broad discretion to prohibit admission and may consider relevant circumstances for other types of conduct

CFR 982.552(a)

REQUIRED DENIAL FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

- The PHA must deny admission of an applicant to the program if any household member has been evicted from federally assisted housing for drug-related criminal activity.
 - This applies for a period of three years from the date of eviction.
 - The PHA may admit the household member if:
 - The member has successfully completed a supervised drug rehabilitation program approved by the PHA; or
 - The circumstances leading to the eviction no longer exist, for example, if the member died or is imprisoned.
- The PHA must deny admission if the PHA determines that any household member is currently engaging in illegal drug use.
- If the PHA has reasonable cause to believe that any household member's use or pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents, the PHA must deny admission of the family.
- The PHA must deny admission to any household member who has ever been convicted of drug-related criminal activity for methamphetamine production on the premises of federally assisted housing.

Section 4.6: Denial of Assistance

- The PHA must deny admission to any household member who is subject to a lifetime registration requirement under a state sex offender registration program.
 - The PHA must do the criminal records check in the state where the housing is located and in other states where the household member is known to have resided.
 - PHAs may check listings provided by internet databases.
 - Notice PIH 2012-28 specifies how this requirement can be fulfilled. Which ever method the PHA chooses must be included in its administrative plan.
 - Note: PHAs may only create policies that permanently deny admission to sex offenders subject to *lifetime* registration requirements as per the regulatory requirements, and may not implement policies that automatically deny admission to applicants for the duration of their sex offender registration requirement, regardless of circumstances, if it is less than life.
 - Should the process reveal an applicant's household includes an individual subject to a state lifetime registered sex offender registration, the PHA must offer the family the opportunity to remove that individual from the household.
- The PHA must deny admission if it has reasonable cause to believe that any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

*HUD FAQs on Notice PIH
2012-28*

Notice PIH 2012-28

Section 4.6: Denial of Assistance

MANDATORY DENIALS

CFR 5.232(a)
CFR 982.552(b)(3)

- The PHA must deny admission to the program for an applicant if any member fails to sign consent forms for obtaining information.

CFR 982.552(b)(5)

- The PHA must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

- See page 2-33 for reference

CFR 5.514(c)

- The family must submit evidence of citizenship or eligible immigration status, and the PHA must deny assistance based on noncitizen rule regulations and applicable informal hearing procedures.

CFR 5.512(a)

- No individual or family applying for assistance may receive assistance prior to the verification of U.S. citizenship or the eligible immigration status of at least one member of the family.

CFR 5.512(b)

- A PHA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member.
- There are two circumstances under which a family is ineligible for the program based on asset ownership.
 - First, assistance may not be provided to any family if the family's net assets exceed an amount that is adjusted annually by HUD.

Section 4.6: Denial of Assistance

- Second, the family has real property that is suitable for occupancy by the family as a residence and the family has:
 - A present ownership interest in the real property;
 - A legal right to reside in the real property; and
 - The effective legal authority to sell (based on State or local laws of the jurisdiction where the property is located) the real property. However, the real property restriction does not apply in the following circumstances:
 - Any property for which the family is receiving assistance for a manufactured home under 24 CFR 982.620 or under the HCV Homeownership program;
 - Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the nonhousehold member resides at the jointly owned property;
 - Any family that is offering the property for sale;
 - Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking.
- When a family asks for an exception because a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the PHA must comply with all the confidentiality requirements under VAWA. The PHA must accept a self-certification from the family member, and the restrictions on requesting documentation under VAWA apply.

Section 4.6: Denial of Assistance

- A property is considered suitable for occupancy unless the family demonstrates that it:
 - Does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);
 - Is not sufficient for the size of the family;
 - Is located so as to be a hardship to the family (e.g., the location would be a hardship for the family's commute to work or school);
 - Is unsafe because of physical condition;
 - Is not a property that a family may reside in per local and state laws (e.g., a storefront zoned for commercial use only). The PHA may determine compliance based on a self-certification by a family that the family does not have any present ownership interest in any real property at the time of the income determination or review.

Section 4.6: Denial of Assistance

PERMISSIBLE DENIALS

CFR 982.552(c)

- PHAs **may** at any time deny assistance to a family for reasons including:
 - If family violates any family obligation
 - If any member of the family has been evicted from federally-assisted housing in the last five years
 - If a PHA has ever terminated assistance under the program for any member of the family
 - If any family member commits fraud, bribery, or another corrupt or criminal act regarding any federal housing program
 - If the family currently owes rent or other amounts to the PHA or to another PHA in connection with HCV or public housing programs
 - If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for:
 - Rent
 - Damage to unit
 - Other amounts owed by family under the lease
 - Note: the PHA may offer a family the opportunity for a repayment agreement. The PHA may prescribe the terms of the agreement
 - If the family breaches an agreement with the PHA to pay amounts owed to the PHA, or amounts paid to an owner by a PHA
 - If the family has engaged in or threatened abusive or violent behavior towards PHA personnel
 - If the welfare-to-work family fails, willfully and persistently, to fulfill its obligations under the Section 8 welfare-to-work voucher program.

24 CFR 984.101(d)

- Note that PHAs are not allowed to deny assistance for failure to comply with the obligations of the Family Self-Sufficiency (FSS) contract of participation.

Section 4.6: Denial of Assistance

CFR 982.553(a)(2)(ii)

PERMISSIBLE DENIAL OF ADMISSION FOR DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

- The PHA may prohibit admission of a household if the PHA determines that any household member is currently engaged in or has engaged in, during a reasonable time before admission:
 - Drug related criminal activity
 - Violent criminal activity
 - Other criminal activity that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity
 - Criminal activity that may threaten the health or safety of the owner, property management staff or persons performing work on behalf of the PHA.
- The PHA may establish a period before the admission decision during which an applicant must not have engaged in the activities (listed above) to determine a “reasonable time.”
- If the PHA previously denied admission to a household due to criminal activity, the PHA may reconsider the applicant if there is “sufficient evidence” that members of the household:
 - Are not currently engaging in such criminal activity; or
 - Have not engaged in such criminal activity during a reasonable period prior to admission.

Section 4.6: Denial of Assistance

- “Sufficient evidence” might consist of a certification by a household member with supporting documentation (verified by the PHA) from one of the following sources:
 - Probation officer
 - Landlord
 - Neighbors
 - Social service agency workers
 - Criminal records
- The term “currently engaging in” for PHA denial decisions refers to behavior occurring recently enough to justify a reasonable belief that the behavior is current.

PHA SCREENING AND ADMISSIONS POLICIES

CFR 982.307(a)(1)

- The PHA may opt to screen family behavior or suitability for tenancy.
 - The PHA must conduct screening in accordance with policies stated in the PHA Administrative Plan.

CFR 982.307(a)(1)

- However, the PHA has no liability or responsibility to the owner or other persons for the family’s behavior or conduct while in tenancy.

CFR 982.307(a)(2)

- The owner is responsible for screening the tenant.

EIV REPORTS

- Debts Owed to PHAs and Terminations
 - All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations one time.
 - Prior to admission to the program, the PHA must search for each adult family member in the EIV Debts Owed to PHAs and Terminations module.
 - If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV.
 - Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.
- EIV Existing Tenant Search
 - Prior to admission to the program, the PHA must search for all household members using the EIV Existing Tenant Search module.
 - The PHA must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified.
 - The PHA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.
 - If the tenant is a new admission to the PHA, and a match is identified at a multifamily property, the PHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation they no longer live in the Multifamily unit.

Section 4.6: Denial of Assistance

CFR 982.552(c)(2)

CONSIDERATION OF CIRCUMSTANCES

- When determining whether to deny admission because of action or failure to act by members of the family, the PHA has the discretion of considering circumstances including:
 - The seriousness of the case
 - The extent of participation or culpability of family members
 - Mitigating circumstances relating to the disability of a family member
 - The effect that denial of admission would have on other members of the family who were not involved in the action or failure to act.
- For an admission decision based on illegal use of drugs or alcohol abuse by a family member who no longer engages in such behavior, the PHA may consider whether the member:
 - Has successfully completed a rehabilitation program
 - Is currently participating in a rehabilitation program
 - Has otherwise been successfully rehabilitated.
- The PHA may also require the family member to submit evidence of such rehabilitation.

Section 4.6: Denial of Assistance

- When determining whether to deny assistance based on criminal activity in cases when there is a record of arrest, the PHA may obtain a copy of the police report associated with the arrest and consider the circumstances of the arrest, including:
 - Any statements made by witnesses or the participant not included in the police report
 - Whether criminal charges were filed
 - Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
 - Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity
- PHA denial decisions for a family that includes a disabled person are subject to consideration of reasonable accommodations (in accordance with CFR Part 8).
- PHA denial decision must also be consistent with fair housing and equal opportunity provisions (see CFR 5.101).
- PHAs should include examples of credible evidence in the Administrative Plan.
- Examples include evidence provided by police and the court system, such as drug raids, drugs found in the dwelling unit, evidence which is tied to the activity, arrest warrant issued, etc.
- PHAs should combine testimony from neighbors with other credible evidence.

Industry Practice

Section 4.6: Denial of Assistance

Industry Practice

- The Administrative Plan should state what will be used for violation of this family obligation, such as:
 - Arrests (how many in what period)
 - Convictions (how long ago)
 - Preponderance of evidence (define)
 - Credible evidence (define)

Section 4.7 PHA Access to Criminal Records and Information

CFR 5.901

APPLICABILITY

- The types of criminal records searches that are covered by Subpart J of 24 CFR Part 5 include:
 - Criminal conviction background checks, as authorized by Section 6(q) of the 1937 Housing Act (42 U.S.C. 1437d(q))
 - Sex offender registration information searches from state and local agencies.
- The regulations at Subpart J of 24 CFR Part 5 do not apply to criminal conviction or sex offender information obtained other than under the authority of that subpart.

CFR 5.902(b)

DEFINITIONS

- Terms used in this subpart are:
 - *Adult* is a person who is 18 years of age or older or who has been convicted of a crime as an adult under any Federal, State, or tribal law
 - *Covered housing* includes HCV tenant-based housing
 - *Law enforcement agency* is defined as the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records
 - *Responsible entity* means a PHA administering a HCV program under an annual contributions contract with HUD.

Section 4.7: PHA Access to Criminal Records and Information

CFR 5.903

SPECIAL AUTHORITY

- The Screening and Eviction Final Rule authorizes PHAs to obtain criminal records from a law enforcement agency to screen applicants for admission to the Housing Choice Voucher program.
- To obtain records under this authority, PHAs must require that every applicant family submit a consent form signed by each adult household member.
- Following a PHA request, a law enforcement agency:
 - Must send promptly to the PHA a certified copy of any criminal conviction records concerning the household member that the law enforcement agency has possession of or control over
 - May charge the PHA a reasonable fee for releasing the criminal conviction records.

CFR 982.553(d)(3)

- A PHA may not pass along to an applicant the costs of a criminal records check.

CFR 5.905

SPECIAL AUTHORITY TO ACCESS SEX OFFENDER REGISTRATION INFORMATION

- A PHA that administers a HCV program under an annual contributions contract (ACC) with HUD must carry out background checks necessary to determine whether applicants are subject to a state sex offender registration program.
- The background checks must be carried out in the state where the housing is located and in states where the applicant's household members are known to have resided.
 - With regard to this requirement, Notice PIH 2012-28 states explicitly that applicants for admission into HUD-assisted housing programs must provide a complete list of all states in which any household member has resided.

Notice PIH 2012-28

Section 4.7: PHA Access to Criminal Records and Information

- Alternatively, PHAs may use a national database covering sex offender registries in all states, such as the Dru Sjodin National Sex Offender Database, in lieu of asking for a complete list of states on the application.
 - The Dru Sjodin National Sex Offender Database can be found on the Web at:
<http://www.nsopw.gov>
- The PHA must state which of the two methods listed above it will use in its admissions and continued occupancy policy.
- The state or local agency that collects and is responsible for sex offender registration information must provide a PHA with requested information in a prompt manner.
- The state or local agency providing the information to a PHA may charge a reasonable fee for the service.
- The same requirements for criminal records information apply to sex offender registration information regarding:
 - Records management
 - PHA obligation to notify the household
 - PHA obligation to provide a copy of the information to the subject of the record and the applicant
 - Opportunity for the applicant to dispute the information.
- The records management requirements for sex offender registration information do not apply to information that is considered public or that is obtained by a PHA other than under the authority of 24 CFR 5.905.

Section 4.7: PHA Access to Criminal Records and Information

CFR 5.903(e)

PERMITTED USE AND DISCLOSURE

- PHAs are permitted to use criminal records obtained under the authority of Subpart J of 24 CFR Part 5 only for the applicable purposes of that subpart, which includes applicant screening for the Housing Choice Voucher Program.
- PHAs do not have authority to request criminal records under this part for the purpose of terminating assistance under the Housing Choice Voucher program.
- A PHA may disclose the criminal records that it receives from a law enforcement agency only to:
 - Officers or employees of the PHA
 - Authorized representatives of the PHA with a job-related need to access the information (for example, a PHA hearing officer conducting an administrative grievance hearing concerning a proposed eviction).
- If disclosure of criminal records obtained under the authority of 24 CFR 5.903 is necessary in connection with judicial proceedings, a PHA is not responsible for controlling access to or knowledge of the records after disclosure.

CFR 5.903(f)

CFR 982.553(d)(1) & (2)

OPPORTUNITY TO DISPUTE

- If a PHA's decision to deny admission to an applicant is based on criminal record information, the PHA must notify the head of household of the proposed action and:
 - Supply the subject of the record and the applicant with a copy of the information
 - Provide the opportunity for the subject or applicant to dispute the accuracy and relevance of the information before the denial action.

Section 4.7: PHA Access to Criminal Records and Information

CFR 5.903(g)

RECORDS MANAGEMENT

- PHAs must have a system of records management that assures that criminal records received from a law enforcement agency under the authority of 24 CFR 5.903 are:
 - Maintained confidentially
 - Not misused or improperly disseminated
 - Destroyed, once the purpose for which the records were requested has been accomplished, including expiration of the period for filing a challenge to PHA action if a challenge is not instituted or final disposition of related litigation.

CFR 5.903(h)

IMPROPER RELEASE AND CIVIL LIABILITY

- HUD regulations provide for conviction for a misdemeanor and fine of not more than \$5000 for:
 - Any person who knowingly and willfully requests or obtains criminal record information under false pretenses
 - Any person who knowingly and willfully discloses criminal record information to any individual not entitled under law to receive the information.
- A PHA may be liable to applicants affected by:
 - Negligent or knowing disclosure of criminal records information obtained by an officer, employee or authorized representative if the disclosure is not authorized by the regulations
 - Any other negligent or knowing action inconsistent with applicable regulations.
- Applicants or those affected may bring civil action for damages.

Section 4.7: PHA Access to Criminal Records and Information

PROJECT-BASED OWNER ACCESS TO CRIMINAL RECORDS

CFR 5.903(d)

- The owners referred to in 24 CFR 5.903(d) are owners participating in the HCV project-based program, not the HCV tenant-based program.
- PHAs are required to perform criminal records checks for these owners upon such request.
- If an owner submits a request to a PHA for criminal records regarding an applicant, the PHA must request criminal conviction records from the appropriate law enforcement agency, as determined by the PHA.
- If the PHA receives the criminal records, the PHA must determine whether the criminal action shown on the records may be a basis for applicant screening, lease enforcement, or eviction.
- The PHA must notify the owner whether:
 - The PHA has received the requested criminal records
 - The PHA has determined whether the records demonstrate a basis for applicant screening, lease enforcement, or eviction.
- The PHA cannot disclose a conviction record or its content to an owner.
- For purposes of screening, an owner must submit a request to a PHA for a PHA to obtain criminal conviction records of a household member.
- The owner request must include:
 - A copy of the consent form signed by the household member
 - The owner's standards for prohibiting admission, lease enforcement, or eviction of drug criminals and other criminals.

Section 4.7: PHA Access to Criminal Records and Information

- A PHA may charge a reasonable fee to an owner for making a criminal records request on behalf of an owner as well as for:
 - Law enforcement agency fees
 - PHA staff and administrative costs.
- The owner may not pass such costs and fees on to an applicant.

Section 4.8 Informal Reviews

CFR 982.554(a)

- If, as a result of the interview and/or verification, the applicant is determined ineligible, the applicant must be informed of the reasons for the determination.
- The notice must state:
 - The reasons why the applicant is ineligible
 - The family's right to request an informal review
 - How to obtain the informal review.
- Notices should be:

Industry Practice

- Carefully worded to avoid unnecessary questioning of every PHA decision
- Clearly stated so that the family knows which decisions they have a right to appeal and those they do not.

CFR 982.554(b)(1)

- All reviews must be conducted by a PHA-designated person, who must be someone other than those who made or approved the decision or their subordinates.
- Applicants may present oral or written objections to the decision to deny.
- After the review is completed, the PHA must promptly notify the applicant in writing of the final decision and state the reasons for its determination.

Industry Practice

- PHAs need to select the Hearing Officer carefully.

Industry Practice

- Small PHAs should consider using the staff of neighboring PHAs if there are no other available persons.

CFR 982.158(e)

- All requests for a review, supporting documentation, and copy of the final decision must be retained in the family's file.

Section 4.8: Informal Reviews

CFR 982.554
CFR 982.554(c)

- Informal reviews are not required for established policies and procedures, such as:
 - Discretionary administrative determinations by the PHA
 - General policy issues or class grievances
 - Determination of the family unit size under the PHA subsidy standards
 - PHA determination not to approve an extension of a voucher term
 - PHA determination not to grant approval of the tenancy
 - PHA determination that a unit selected by the applicant is not in compliance with HQS
 - PHA determination that the unit is not in accordance with HQS because of the family size or composition.
- The informal hearing provisions for denial of assistance on the basis of ineligible immigration status are listed in 24 CFR 5.514(f).

CFR 982.553(d)

- The applicant must be given an opportunity to dispute the accuracy and relevance of a criminal record. Before denial of admission, the PHA must provide an opportunity for an informal review.
- In denying admission for criminal activity as shown by a criminal record, the PHA must provide the applicant with a copy of the criminal record before the informal review.

CHAPTER 4 KNOWLEDGE CHECK

1. Describe the income targeting requirement:

2. What is an elderly family?

3. If an applicant is determined ineligible, what must the written notice contain?

4. What is the definition of “admission”?

5. What is a disabled family?

6. Define household:

Section 4.8: Informal Reviews

7. List the reasons for which a PHA is not required to perform an informal review:

8. Describe the verification requirements for eligible noncitizens who are 62 or older.

9. Describe the documents the PHA must accept as verification of the applicant's social security number.

10. Describe the verification requirements for an eligible noncitizen under age 62.

Section 4.8: Informal Reviews

11. Which of the following is a mandatory denial? Select all that apply.
 - a. Methamphetamine manufacture or production on the premises of federally assisted housing
 - b. Violent or abusive behavior toward PHA personnel
 - c. Owing the PHA money
12. Before the PHA denies a family due to one member's status as a registered lifetime sex offender, the PHA must give the family an opportunity to remove that member.
 - a. True
 - b. False
13. The PHA is required to review the EIV income report within 30 days after submission of the new admission to PIC.
 - a. True
 - b. False
14. Income limits do not apply to program participants.
 - a. True
 - b. False
15. All household members, except for noncontending individuals, must disclose and document their SSNs. This includes the live-in aide.
 - a. True
 - b. False
16. The PHA must destroy criminal records received under the authority of 24 CFR 5.903 once their purpose has been accomplished.
 - a. True
 - b. False
17. A family may have a cohead and a spouse.
 - a. True
 - b. False

Section 4.8: Informal Reviews

18. What is the default income limit for the HCV program?
 - a. 30% of AMI
 - b. 50% of AMI
 - c. 80% of AMI
19. The student rule may apply to which of the following individuals?
 - a. A student living with their parents
 - b. A student with a minor child
 - c. An 18-year-old student
 - d. A student who is a veteran
20. A PHA must deny admission to applicants who currently owe rent or other amounts to the PHA in connection with public housing or Section 8 programs.
 - a. True
 - b. False
21. The PHA may impose a requirement that a family remove a culpable family member before providing assistance to remaining family members.
 - a. True
 - b. False
22. Which of the following people can preside at an informal review?
 - a. The person who made or approved the decision
 - b. A staff member who reports to the person who made the decision
 - c. A PHA staffer, other than the above
23. The PHA determines in the administrative plan what groups other than HUD-defined groups constitute a family.
 - a. True
 - b. False

Section 4.8: Informal Reviews

Notes

CHAPTER 5 Voucher Issuance and Leasing

LEARNING OUTCOMES

- Describe and explain the process of voucher issuance.
 - Determine how PHAs establish subsidy standards and how they affect voucher size
 - Discuss mandatory and optional practices for voucher issuance, extensions, and suspensions
 - Identify the required and optional components of the oral briefing and briefing packet
 - Listing the pre-leasing requirements for families and owners, including submission of the RFTA, inspection requirements, and eligible housing types
 - Discussing the required components of the owner's lease
 - Discussing mandatory and optional disapproval of owner
 - Discussing rent to owner and analyze the rent reasonableness process

Section 5.1 Introduction

CFR 982.302(a)

- The voucher, form HUD-52646, is the family's authorization to search for an eligible unit and specifies the size of the unit.

CFR 982.302(a)

- The voucher is issued after the family has been certified eligible and briefed on program requirements or when the participant family wishes to move to another unit with continued tenant-based assistance.

Form HUD-52646

- The voucher lists family obligations.

CFR 982.4

- The voucher describes the program and the procedures for PHA approval of a unit selected by the family.

Form HUD-52646

- Issuance of a voucher does not obligate the PHA to approve a tenancy.

Section 5.2 Subsidy Standards

CFR 982.54(d)(9)
CFR 982.402(a)(1)

- Each PHA must establish subsidy standards in its administrative plan.

CFR 982.4

- The subsidy standard is the criteria established by the PHA for determining the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

CFR 982.402(a)(3)

- The appropriate unit size for a family must be listed on the family's voucher.

- The subsidy standard must:

CFR 982.402(b)(1)

- Provide for the smallest number of bedrooms needed to house the family without overcrowding

CFR 982.402(b)(2)

- Comply with space requirements

CFR 982.402(b)(3)

- Be applied consistently for all families of the same size and composition.

CFR 982.402(b)(8)

- If circumstances are justified, the PHA may grant an exception based on:

- Age
- Sex
- Health
- Disability
- Relationship of family members
- Other personal circumstances

CFR 982.402(b)(7 & 8)

- A single person who is not a remaining family member, disabled or elderly must get only a zero or one-bedroom unit and is not eligible for an exception.

CFR 982.402(b)(4)

- A child temporarily absent because of placement in foster care is considered in determining family size.

CFR 982.402(b)(5)

- A family that consists of only a pregnant woman (with no other persons) must be treated as a two-person family.

CFR 982.402(b)(6)

- Any live-in aide must be counted in determining unit size.

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- Occasional, intermittent, multiple, or rotating care givers typically do not reside in the unit and would not qualify as live-in aides. For this reason, PHAs should not approve an additional bedroom under these circumstances. However, a family's composition or circumstances may justify having an additional bedroom to allow disability-related overnight care and allow the family equal use and enjoyment of their unit.
 - PHAs must consider such requests for an exception to the established subsidy standards on a case-by-case basis, provide the exception where necessary as a reasonable accommodation, and document the justification for all granted exceptions.

UNIT SELECTED

- NSPIRE requires that for units assisted under the HCV program, the unit must have at least one bedroom or living/sleeping room for each two persons
- The unit must have two working outlets or one working outlet and a permanent light within all habitable rooms.
 - HUD defines a habitable room as it is typically defined in model codes: a room in a building for living, sleeping, eating, or cooking, but excluding bathrooms, toilet rooms, closets, hallways, storage or utility spaces, and similar areas.

ACTUAL UNIT SIZE SELECTION

- CFR 982.402(d)(2)* • Families may select larger units than listed on their voucher.
- CFR 982.402(d)(1)* • Families may select smaller units than listed on their voucher if the units selected have at least one bedroom or living/sleeping room for each two persons in the household.
- CFR 982.517(d)* • The PHA must use the lower of the family's voucher bedroom size or the actual unit size when determining the applicable payment standard and utility allowance for the family.

Example 1

Table 1: Occupancy Range

Voucher size	3
Selected unit size	4
Applicable PS	3
Utility allowance	3

Example 2

Table 2: Occupancy Range

Voucher size	3
Selected unit size	2
Applicable PS	2
Utility allowance	2

Section 5.3 General Procedures

HOUSING CHOICE VOUCHER ISSUANCE, EXTENSIONS AND EXPIRATIONS

CFR 982.303(a)

CFR 982.302(c)

- The initial term of the voucher must be at least 60 calendar days. The initial term must be stated on the voucher. The family must submit a request for approval of the tenancy and proposed lease within this initial period unless an extension is granted by the PHA.

CFR 982.303(d)

- At intervals determined by the PHA, the family may be required to submit a report on their progress in leasing a unit.

CFR 982.303(b)(1)

- PHA policy may allow for extending the voucher in one or more increments. Any extension of the term is granted by PHA notice to the family.

CFR 982.303(b)(2)

- If the family needs and requests an extension of the initial voucher term as a reasonable accommodation to make the program accessible for a person with a disability, the PHA must extend the term up to the term reasonably required for that purpose.

CFR 982.303(c)

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

FAMILY BRIEFING

CFR 982.301(a)(1)

- When the PHA selects a family to participate in a tenant-based program, the PHA must give the family an oral briefing.
- Briefings may be conducted in person or remotely, depending on PHA policy. See Notice PIH 2020-32 for the requirements regarding conducting remote oral briefings.
- The oral briefing must include information on the following subjects:

CFR 982.301(a)(1)(i)

- Description of how the program works

CFR 982.301(a)(1)(ii)

- Family and owner responsibilities

CFR 982.301(a)(1)(iii)

- Where the family may lease a unit, including areas outside the PHA's jurisdiction and any information on selecting a unit that HUD provides

CFR 982.301(a)(1)(iv)

- Explanation of how portability works

CFR 982.301(a)(1)(v)

- An explanation of the advantages of moving to an area that does not have a high concentration of low-income families

CFR 982.301(a)(2)

- The PHA may not discourage the family from choosing to live anywhere in the PHA's jurisdiction or outside the PHA's jurisdiction under portability procedures.
- The family must be informed of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process that may affect the family's assistance.

CFR 982.301(a)(3)

- The PHA must take appropriate steps to ensure effective communication in accordance with regulations for “Nondiscrimination Based on Handicap in Federally Assisted Programs” (CFR 8.6). and 28 CFR part 35, subpart E, and must provide information on the reasonable accommodation process. This applies to all families, not just a family that includes a person with disabilities. This applies to both in-person and remote briefings.

NMA CONTINUED LEARNING: BRIEFINGS

REQUIRED VOUCHER HOLDER’S PACKET ITEMS

CFR 982.301(b)

- When the PHA issues a voucher to a family for the first time, it also must give the family a packet that includes the following items required by HUD.

CFR 982.301(b)(1)

- Term of the voucher, voucher suspensions, and PHA policy on any extensions of the term.
 - If extensions are allowed, an explanation of how the family can request an extension.

CFR 982.301(b)(2)

- How the PHA determines HAP for the family, including:

CFR 982.301(b)(2)(i)

- How the PHA determines the payment standard for the family.

CFR 982.301(b)(2)(ii)

- How the PHA determines TTP.

CFR 982.301(b)(3)

- How the PHA determines maximum rent for an assisted unit.

CFR 982.301(b)(4)

- Where the family may lease a unit.
 - This includes an explanation of how portability works and how portability may affect the family’s assistance through screening, subsidy standards, and any other elements of the portability process.

Section 5.3: General Procedures

- | | |
|---------------------------|---|
| <i>CFR 982.301(b)(5)</i> | <ul style="list-style-type: none">• HUD-required tenancy addendum, which must be included in the lease. |
| <i>CFR 982.301(b)(6)</i> | <ul style="list-style-type: none">• Form that the family uses to request PHA approval of their assisted tenancy.<ul style="list-style-type: none">- Explanation of how to request such approval. |
| <i>CFR 982.301(b)(7)</i> | <ul style="list-style-type: none">• Statement of PHA policy on providing family information to prospective owners. |
| <i>CFR 982.301(b)(8)</i> | <ul style="list-style-type: none">• PHA subsidy standards, including when the PHA will consider exceptions and when exceptions are required as a reasonable accommodation for persons with disabilities under Section 504, the Fair Housing Act, or the Americans with Disabilities Act. |
| <i>CFR 982.301(b)(9)</i> | <ul style="list-style-type: none">• Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides. |
| <i>CFR 982.301(b)(10)</i> | <ul style="list-style-type: none">• Information on federal, state, and local equal opportunity laws, the contact information for the Section 504 coordinator, a copy of the housing discrimination complaint form, and information on how to request a reasonable accommodation or modification (including information on requesting exception payment standards as a reasonable accommodation) under Section 504, the Fair Housing Act, and the Americans with Disabilities Act. |
| <i>CFR 982.301(b)(11)</i> | <ul style="list-style-type: none">• List of landlords known to the PHA who may be willing to lease a unit or other resources (e.g., newspapers, organizations, online search tools) known to the PHA that may assist the family in locating a unit.<ul style="list-style-type: none">- PHAs must ensure that the list of landlords or other resources covers areas outside of minority concentration. |

Section 5.3: General Procedures

- CFR 982.301(b)(12)*

 - A notice that if the family includes a person with disabilities, the PHA is subject to the requirement under 24 CFR 8.28(a)(3) to provide a current listing of accessible units known to the PHA and, if necessary, other assistance in locating an available accessible dwelling unit.
- CFR 982.301(b)(13)*

 - Family obligations under the program.
 - Including any obligations of other special programs if the family is participating in one of those programs.
- CFR 982.301(b)(14)*

 - The advantages of areas that do not have a high concentration of low-income families, which may include access to accessible and high-quality housing, transit, employment opportunities, educational opportunities, recreational facilities, public safety stations, retail services, and health services.
- CFR 982.301(b)(15)*

 - PHA informal hearing procedures.
 - These procedures must describe when the PHA is required to provide the opportunity for an informal hearing and how the family may request a hearing.
- HCV Guidebook*

 - The HUD pamphlet on lead-based paint entitled “Protect Your Family from Lead in Your Home.”
- CFR 985.3(g)(3)(C)*

 - SEMAP regulations require PHAs with jurisdiction in metropolitan FMR areas to:
 - Have and use maps showing various areas with housing opportunities outside areas of concentration, both within its jurisdiction and in neighboring jurisdictions.
 - Use information about services in these areas in its briefings.
- CFR 985.3(g)(3)(D)*

 - Provide lists of owners willing to lease under the program, or organizations that operate outside clearly defined areas of poverty or minority concentration.

HCV Guidebook

OPTIONAL VOUCHER HOLDER'S PACKET ITEMS

- Summary of items included in briefing packet.
- Brochures to explain the program to landlords.
- Form HUD-52641, HAP contract, for both the participant and owner to review.
- Description of the PHA's security deposit policy, if the PHA has one.
- Information on service organizations and utility companies.
- Requirements for notifying HUD or the PHA of any income or family composition changes during the search period.
- Information on the payment standard and the PHA utility allowance schedule.
- Explanation of rent reasonableness.
- List of known units available to rent.
- Explanation of special programs/services offered by PHA (i.e., FSS).
- Checklist of items to consider before signing a lease.
- Contact information for PHA staff/local social service agencies.
- List of items that commonly fail inspection.

Section 5.4 Where a Family Can Lease

CFR 982.353(a)

- The family may receive tenant-based assistance to lease a unit located:

CFR 982.353(b)

- Anywhere within the initial PHA's jurisdiction
- Outside the initial PHA's jurisdiction under the portability requirements

CFR 982.353(e)

- The family may select the dwelling unit they have been residing in prior to participation in the program if the unit is approvable. This is called leasing in place.

CFR 982.353(f)

- The PHA may not directly or indirectly reduce a family's opportunity to select among available units other than exceptions identified in the regulations, such as:
 - The housing is ineligible
 - The housing does not meet housing quality standards
 - The rent to owner exceeds reasonable rent

Section 5.4: Where a Family Can Lease

PROHIBITION AGAINST OTHER HOUSING SUBSIDY

24 CFR 982.352(c)

- A family may not receive the benefit of tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:
 - Public or Indian housing assistance;
 - Other Section 8 assistance (including other tenant-based assistance);
 - Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);
 - Section 101 rent supplements;
 - Section 236 rental assistance payments;
 - Tenant-based assistance under the HOME Program;
 - Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);
 - Any local or State rent subsidy;
 - Section 202 supportive housing for the elderly;
 - Section 811 supportive housing for persons with disabilities;
 - Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or
- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, “housing subsidy” does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

Section 5.4: Where a Family Can Lease

PHA OPTION AND OWNER RESPONSIBILITY FOR SCREENING TENANTS

- The PHA may elect to screen applicants for family behavior or suitability for tenancy in accordance with policies stated in the PHA's administrative plan.
- CFR 982.307(a)(1), (2)*
- However, the PHA has no liability or responsibility to the owner for a family's behavior or suitability for tenancy.
 - The PHA must inform the owner that it is the owner's responsibility to screen the family's behavior or suitability for tenancy.
- CFR 982.307(b)(1)*
- The PHA must give the owner from its records:
 - The family's current and prior address (as shown in PHA records)
 - The names and addresses (if known) of the family's current and prior landlords.
- CFR 982.307(b)(2)*
- The PHA may offer to the owner other information about the tenancy history of family members or about drug trafficking by family members.
- CFR 982.307(a)(3)*
- The owner is responsible for screening a family's behavior or suitability for tenancy.
 - The owner is permitted to screen based on a family's tenancy history
- CFR 982.307(a)(3)(i) through (v)*
- The owner may consider a family's background regarding factors such as:
 - Payment of rent and utility bills
 - Caring for rental units/premises
 - Respecting others' rights to peaceful enjoyment of their housing
 - Drug-related criminal activity or other criminal activity that is a threat to the life, safety, or property of others
 - Compliance with other essential conditions of tenancy

Section 5.5 Initial Steps in the Leasing Process

REQUEST FOR TENANCY APPROVAL

CFR 982.302(b)

CFR 982.302(c)

- When a family finds a suitable unit and the owner is willing to lease the unit under the program, the family must submit to the PHA:
 - A completed Request for Tenancy Approval Form HUD-52517
 - A copy of the proposed lease, including the HUD-prescribed tenancy addendum
- Both documents must be submitted during the term of the voucher.

CFR 982.302(d)

- The PHA specifies the procedure for requesting approval of the tenancy.
 - The family must submit the request in the form and manner required by the PHA for review and approval

Form HUD-52517

- The Request for Tenancy Approval includes:
 - Distribution of utilities and appliances
 - Certification that the rent charged for the HCV tenant is not more than the rent charged for unassisted units
 - Certification that the owner is not a prohibited relative of any family member
 - Lead-based paint disclosure
 - Notice that the PHA has not screened the family for behavior and suitability for tenancy (such screening is the responsibility of the owner)

HUD-52517 Request for Tenancy Approval

Request for Tenancy Approval

Housing Choice Voucher Program

U.S Department of Housing and
Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
exp. 04/30/2026

When the participant selects a unit, the owner of the unit completes this form to provide the PHA with information about the unit. The information is used to determine if the unit is eligible for rental assistance.

1. Name of Public Housing Agency (PHA)			2. Address of Unit (street address, unit #, city, state, zip code)		
3. Requested Lease Start Date	4. Number of Bedrooms	5. Year Constructed	6. Proposed Rent	7. Security Deposit Amt	8. Date Unit Available for Inspection
9. Structure Type ☐ Single Family Detached (one family under one roof) ☐ Semi-Detached (duplex, attached on one side) ☐ Rowhouse/Townhouse (attached on two sides) ☐ Low-rise apartment building (4 stories or fewer) ☐ High-rise apartment building (5+ stories) ☐ Manufactured Home (mobile home)			10. If this unit is subsidized, indicate type of subsidy: ☐ Section 202 ☐ Section 221(d)(3)(BMIR) ☐ Tax Credit ☐ HOME ☐ Section 236 (insured or uninsured) ☐ Section 515 Rural Development ☐ Other (Describe Other Subsidy, including any state or local subsidy) _____		

11. Utilities and Appliances
The owner shall provide or pay for the utilities/appliances indicated below by an "O". The tenant shall provide or pay for the utilities/appliances indicated below by a "T". Unless otherwise specified below, the owner shall pay for all utilities and provide the refrigerator and range/microwave.

Item	Specify fuel type	Paid by
Heating	☐ Natural gas ☐ Bottled gas ☐ Electric ☐ Heat Pump ☐ Oil ☐ Other	
Cooking	☐ Natural gas ☐ Bottled gas ☐ Electric ☐ Other	
Water Heating	☐ Natural gas ☐ Bottled gas ☐ Electric ☐ Oil ☐ Other	
Other Electric		
Water		
Sewer		
Trash Collection		
Air Conditioning		
Other (specify)		
Refrigerator		
Range/Microwave		

	Provided by

12. Owner's Certifications

- a. The program regulation requires the PHA to certify that the rent charged to the housing choice voucher tenant is not more than the rent charged for other unassisted comparable units. Owners of projects with more than 4 units must complete the following section for most recently leased comparable unassisted units within the premises.

	Address and unit number	Date Rented	Rental Amount
1.			
2.			
3.			

- b. The owner (including a principal or other interested party) is not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving leasing of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

- c. Check one of the following:

- ☐ Lead-based paint disclosure requirements do not apply because this property was built on or after January 1, 1978.
- ☐ The unit, common areas servicing the unit, and exterior painted surfaces associated with such unit or common areas have been found to be lead-based paint free by a lead-based paint inspector certified under the Federal certification program or under a federally accredited State certification program.
- ☐ A completed statement is attached containing disclosure of known information on lead-based paint and/or lead-based paint hazards in the unit, common areas or exterior painted surfaces, including a statement that the owner has provided the lead hazard information pamphlet to the family.

13. The PHA has not screened the family's behavior or suitability for tenancy. Such screening is the owner's responsibility.

14. The owner's lease must include word-for-word all provisions of the HUD tenancy addendum.

15. The PHA will arrange for inspection of the unit and will notify the owner and family if the unit is not approved.

OMB Burden Statement: The public reporting burden for this information collection is estimated to be 0.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Collection of information about the unit features, owner name, and tenant name is voluntary. The information sets provides the PHA with information required to approve tenancy. Assurances of confidentiality are not provided under this collection. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions to reduce this burden, to the Office of Public and Indian Housing, US. Department of Housing and Urban Development, Washington, DC 20410. HUD may not conduct and sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Privacy Notice: The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by 24 CFR 982.302. The form provides the PHA with information required to approve tenancy. The Personally Identifiable Information (PII) data collected on this form are not stored or retrieved within a system of record.

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct. WARNING: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012; 31 U.S.C. § 3729, 3802).

Print or Type Name of Owner/Owner Representative		Print or Type Name of Household Head	
Owner/Owner Representative Signature		Head of Household Signature	
Business Address		Present Address	
Telephone Number	Date (mm/dd/yyyy)	Telephone Number	Date (mm/dd/yyyy)

Section 5.5: Initial Steps in the Leasing Process

PROGRAM REQUIREMENTS

CFR 982.305

- The PHA may not approve an assisted tenancy or execute a contract until the following program requirements are met:
 1. The unit is eligible
 2. The unit has been inspected and has met inspection standards (some temporary exceptions are optional)
 3. The lease includes the HUD tenancy addendum
 4. The rent to owner is reasonable
 5. At the initial assisted leasing of a unit for which the gross rent exceeds the payment standard, the family share does not exceed 40 percent of monthly adjusted income

INELIGIBLE HOUSING

CFR 982.352

- The following types of housing may not be assisted in the tenant-based program:
 - Public housing or Indian housing unit
 - Units receiving project-based section assistance
 - Nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services
 - College or other school dormitories
 - Units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions
 - Owner-occupied units

Section 5.5: Initial Steps in the Leasing Process

NSPIRE

CFR 982.4

- The National Standards for the Physical Inspection of Real Estate (NSPIRE) is a new physical inspection model developed by HUD's Real Estate Assessment Center (REAC) to align multiple HUD program to a single set of standards.
- NSPIRE replaces Uniform Physical Condition Standards (UPCS) in public housing and HQS in HCV and PBV.
- The goal of NSPIRE is to ensure that all residents live in safe, habitable dwellings, the items and components located inside the building, outside the building, and within the units of HUD housing must be functionally adequate, operable, and free of health and safety hazards.
- HUD extended the compliance date for NSPIRE-V from October 1, 2024, to February 1, 2027, to give PHAs additional time to transition to the NSPIRE standards. HUD encourages any PHA that is ready to implement NSPIRE to do so at their earliest convenience.
 - However, the regulations on inspection administration will continue to use "HQS" and "housing quality standards" not "NSPIRE" when discussing inspections in the HCV program
 - HUD defines housing quality standards (HQS) as the minimum quality standards developed by HUD in accordance with 24 CFR 5.703 (NSPIRE) for the HCV program, including any variations approved by HUD for the PHA
- Note that PHAs and owners must also comply with state, local, and other codes.

Section 5.5: Initial Steps in the Leasing Process

CFR 982.305

- Before the beginning of the initial term of the lease for a unit, the PHA must have completed an inspection of the unit and determined that the unit satisfies inspection standards, unless the PHA has adopted an alternative policy.
- The PHA must inspect the unit, determine whether the unit satisfies NSPIRE, and notify the family and owner of the determination:
 - In the case of a PHA with up to 1250 budgeted units in its tenant-based program, within 15 days after the family and the owner submit a request for approval of the tenancy
 - In the case of a PHA with more than 1250 budgeted units in its tenant-based program, within a 'reasonable time' after the family submits a request for approval of the tenancy
 - To the extent practicable, inspection and determination must be completed within 15 days after the family and the owner submit a request for approval of the tenancy.
 - The 15 day clock is suspended during any period the unit is not available for inspection
- Failed items must be verified as corrected before the beginning of the initial lease term and prior to HAP contract execution. For both initial and ongoing inspections, the PHA may:
 - Verify deficiencies are corrected without going on site
 - Establish different methods for initial and other inspections or for different deficiencies
 - Accept photos or other reliable evidence of correction

Section 5.5: Initial Steps in the Leasing Process

OPTIONAL INSPECTION CHANGES UNDER HOTMA

- HUD regulations require that units assisted under the HCV program be inspected to determine that the units meet housing quality standards before the PHA approves assisted tenancy.
- However, PHAs have two options for bringing units under HAP contract more quickly. The PHA may, but is not required to, approve assisted tenancy and start HAP if the unit:
 - Fails the initial inspection, but only if no life-threatening deficiencies are identified (known as the “NLT option”); and/or
 - Passed an alternative inspection in the last 24 months
- Otherwise, if neither of the above provisions are adopted, the PHA must determine that the unit the family selects meets housing quality standards prior to approving tenancy.
- More information is available in Continued Learning at the end of this chapter.

Section 5.6 The Owner's Lease

LEASE REQUIREMENTS

- | | |
|--------------------------|--|
| <i>CFR 982.308(a)</i> | • A tenant must have the legal capacity to enter into a lease under state and local law. |
| <i>CFR 982.308(b)</i> | • The tenant and the owner must enter a lease for the unit. The HAP contract contains the owner's certification that: |
| <i>CFR 982.308(b)</i> | - If the owner uses a standard lease form for unassisted tenancies on the premises, the lease for this assisted tenancy is in the same standard form |
| <i>CFR 982.308(c)</i> | - The terms and conditions of the lease are consistent with state and local law |
| <i>CFR 982.308(c)</i> | • The PHA may review the lease to see if it complies with state and local law and may decline to approve the lease if it does not comply. |
| <i>CFR 982.308(d)</i> | • The lease must contain: |
| | - The name of the owner and tenant |
| | - The address of the unit rented (including the apartment number) |
| | - The amount of the monthly rent to owner |
| | - Specifications about which utilities and appliances are to be supplied by the owner and which are to be supplied by the family |
| <i>Industry Practice</i> | • The lease form used by the owner sets: |
| | - Tenant termination notice |
| | - Owner rent increase periods |
| <i>CFR 982.308(d)</i> | - The term of the lease (initial and any provisions for renewal) |

INITIAL TERM OF THE LEASE

CFR 982.309(a)

HAP Contract Instructions

- The initial term of the lease must be for at least one year.
- However, the PHA may approve a shorter term if the PHA determines that:
 - A shorter term would improve housing opportunities for the tenant
 - Shorter terms are the prevailing market practice
- The rent to owner must be reasonable.

CFR 982.308(e)

Tenancy Addendum

CFR 982.308(f)(2)

HAP Contract

Tenancy Addendum

- All provisions of the HUD-required tenancy addendum must be added word for word to the standard form lease used by the owner for unassisted tenancies.

CFR 982.308(f)(1)(i)

- The tenancy addendum sets forth tenancy requirements for the program.

CFR 982.308(f)(2)

HAP Contract

Tenancy Addendum

- The tenant shall have the right to enforce the tenancy addendum against the owner, and the terms of the tenancy addendum shall prevail over any other provisions of the lease.

TENANCY ADDENDUM
Section 8 Tenant-Based Assistance
Housing Choice Voucher Program
(To be attached to Tenant Lease)

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169
exp. 7/31/2022

The Tenancy Addendum is part of the HAP contract and lease. Public reporting burden for this collection of information is estimated to average 0.5 hours. This includes the time for collection, reviewing and reporting the data. The information is being collected as required by 24 CFR 982.451 which in part states the PHA must pay the housing assistance payment promptly. This agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless there is a valid OMB number. Assurances of confidentiality are not provided under this section.

HUD is committed to protecting the privacy of an individual's information stored electronically or in paper form in accordance with federal privacy laws, guidance and best practices. HUD expects its third-party business partners including Public Housing Authorities who collect, use, maintain, or disseminate HUD information to protect the privacy of that information in accordance with applicable law.

1. Section 8 Voucher Program

- a. The owner is leasing the contract unit to the tenant for occupancy by the tenant's family with assistance for a tenancy under the Section 8 housing choice voucher program (voucher program) of the United States Department of Housing and Urban Development (HUD).
- b. The owner has entered into a Housing Assistance Payments Contract (HAP contract) with the PHA under the voucher program. Under the HAP contract, the PHA will make housing assistance payments to the owner to assist the tenant in leasing the unit from the owner.

2. Lease

- a. The owner has given the PHA a copy of the lease, including any revisions agreed by the owner and the tenant. The owner certifies that the terms of the lease are in accordance with all provisions of the HAP contract and that the lease includes the tenancy addendum.
- b. The tenant shall have the right to enforce the tenancy addendum against the owner. If there is any conflict between the tenancy addendum and any other provisions of the lease, the language of the tenancy addendum shall control.

3. Use of Contract Unit

- a. During the lease term, the family will reside in the contract unit with assistance under the voucher program.
- b. The composition of the household must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. Other persons may not be added to the household without prior written approval of the owner and the PHA.
- c. The contract unit may only be used for residence by the PHA-approved household members. The unit must be the family's only residence. Members of the household may engage in legal profit making activities incidental to primary use of the unit for residence by members of the family.
- d. The tenant may not sublease or let the unit.
- e. The tenant may not assign the lease or transfer the unit.

4. Rent to Owner

- a. The initial rent to owner may not exceed the amount approved by the PHA in accordance with HUD requirements.
- b. Changes in the rent to owner shall be determined by the provisions of the lease. However, the owner may not raise the rent during the initial term of the lease.
- c. During the term of the lease (including the initial term of the lease and any extension term), the rent to owner may at no time exceed:

- (1) The reasonable rent for the unit as most recently determined or redetermined by the PHA in accordance with HUD requirements, or
- (2) Rent charged by the owner for comparable unassisted units in the premises.

5. Family Payment to Owner

- a. The family is responsible for paying the owner any portion of the rent to owner that is not covered by the PHA housing assistance payment.
- b. Each month, the PHA will make a housing assistance payment to the owner on behalf of the family in accordance with the HAP contract. The amount of the monthly housing assistance payment will be determined by the PHA in accordance with HUD requirements for a tenancy under the Section 8 voucher program.
- c. The monthly housing assistance payment shall be credited against the monthly rent to owner for the contract unit.
- d. The tenant is not responsible for paying the portion of rent to owner covered by the PHA housing assistance payment under the HAP contract between the owner and the PHA. A PHA failure to pay the housing assistance payment to the owner is not a violation of the lease. The owner may not terminate the tenancy for nonpayment of the PHA housing assistance payment.
- e. The owner may not charge or accept, from the family or from any other source, any payment for rent of the unit in addition to the rent to owner. Rent to owner includes all housing services, maintenance, utilities and appliances to be provided and paid by the owner in accordance with the lease.
- f. The owner must immediately return any excess rent payment to the tenant.

6. Other Fees and Charges

- a. Rent to owner does not include cost of any meals or supportive services or furniture which may be provided by the owner.
- b. The owner may not require the tenant or family members to pay charges for any meals or supportive services or furniture which may be provided by the owner. Nonpayment of any such charges is not grounds for termination of tenancy.
- c. The owner may not charge the tenant extra amounts for items customarily included in rent to owner in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

7. Maintenance, Utilities, and Other Services

a. Maintenance

- (1) The owner must maintain the unit and premises in accordance with the HQS.
- (2) Maintenance and replacement (including redecoration) must be in accordance with the standard practice for the building concerned as established by the owner.

b. Utilities and appliances

- (1) The owner must provide all utilities needed to comply with the HQS.
- (2) The owner is not responsible for a breach of the HQS caused by the tenant's failure to:
 - (a) Pay for any utilities that are to be paid by the tenant.
 - (b) Provide and maintain any appliances that are to be provided by the tenant.

c. **Family damage.** The owner is not responsible for a breach of the HQS because of damages beyond normal wear and tear caused by any member of the household or by a guest.

d. **Housing services.** The owner must provide all housing services as agreed to in the lease.

8. Termination of Tenancy by Owner

a. **Requirements.** The owner may only terminate the tenancy in accordance with the lease and HUD requirements.

b. **Grounds.** During the term of the lease (the initial term of the lease or any extension term), the owner may only terminate the tenancy because of:

- (1) Serious or repeated violation of the lease;
- (2) Violation of Federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the unit and the premises;
- (3) Criminal activity or alcohol abuse (as provided in paragraph c); or
- (4) Other good cause (as provided in paragraph d).

c. Criminal activity or alcohol abuse

- (1) The owner may terminate the tenancy during the term of the lease if any member of the household, a guest or another person under a resident's control commits any of the following types of criminal activity:
 - (a) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);
 - (b) Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
 - (c) Any violent criminal activity on or near the premises; or
 - (d) Any drug-related criminal activity on or near the premises.
- (2) The owner may terminate the tenancy during the term of the lease if any member of the household is:

- (a) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or

- (b) Violating a condition of probation or parole under Federal or State law.

(3) The owner may terminate the tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

(4) The owner may terminate the tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.

d. Other good cause for termination of tenancy

(1) During the initial lease term, other good cause for termination of tenancy must be something the family did or failed to do.

(2) During the initial lease term or during any extension term, other good cause may include:

- (a) Disturbance of neighbors,
- (b) Destruction of property, or
- (c) Living or housekeeping habits that cause damage to the unit or premises.

(3) After the initial lease term, such good cause may include:

- (a) The tenant's failure to accept the owner's offer of a new lease or revision;
- (b) The owner's desire to use the unit for personal or family use or for a purpose other than use as a residential rental unit; or
- (c) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, the owner's desire to rent the unit for a higher rent).

(4) The examples of other good cause in this paragraph do not preempt any State or local laws to the contrary.

9. Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

a. **Purpose:** This section incorporates the protections for victims of domestic violence, dating violence, sexual assault, or stalking in accordance with subtitle N of the Violence Against Women Act of 1994, as amended (codified as amended at 42 U.S.C. 14043e et seq.) (VAWA) and implementing regulations at 24 CFR part 5, subpart L.

b. **Conflict with other Provisions:** In the event of any conflict between this provision and any other provisions included in Part C of the HAP contract, this provision shall prevail.

c. **Effect on Other Protections:** Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

d. **Definition:** As used in this Section, the terms “actual and imminent threat,” “affiliated individual,” “bifurcate,” “dating violence,” “domestic violence,” “sexual assault,” and “stalking” are defined in HUD’s regulations at 24 CFR part 5, subpart L. The terms “Household” and “Other Person Under the Tenant’s Control” are defined at 24 CFR part 5, subpart A.

e. **VAWA Notice and Certification Form:** The PHA shall provide the tenant with the “Notice of Occupancy Rights under VAWA and the certification form described under 24 CFR 5.2005(a)(1) and (2).

f. **Protection for victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking:**

(1) The landlord or the PHA will not deny admission to, deny assistance under, terminate from participation in, or evict the Tenant on the basis of or as a direct result of the fact that the Tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the Tenant otherwise qualifies for admission, assistance, participation, or occupancy. 24 CFR 5.2005(b)(1).

(2) The tenant shall not be denied tenancy or occupancy rights solely on the basis of criminal activity engaged in by a member of the Tenant’s Household or any guest or Other Person Under the Tenant’s Control, if the criminal activity is directly related to domestic violence, dating violence, sexual assault, or stalking, and the Tenant or an Affiliated Individual of the Tenant is the victim or the threatened victim of domestic violence, dating violence, sexual assault, or stalking. 24 CFR 5.2005(b)(2).

(3) An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of the incident. Nor shall it not be construed as other “good cause” for termination of the lease, tenancy, or occupancy rights of such a victim or threatened victim. 24 CFR 5.2005(c)(1) and (c)(2).

g. **Compliance with Court Orders:** Nothing in this Addendum will limit the authority of the landlord, when notified by a court order, to comply with the court order with respect to the rights of access or control of property (including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking) or with respect to the distribution or possession of property among members of the Tenant’s Household. 24 CFR 5.2005(d)(1).

h. **Violations Not Premised on Domestic Violence, Dating Violence, Sexual Assault, or Stalking:** Nothing in this section shall be construed to limit any otherwise available authority of the Landlord to evict or the public housing authority to terminate the assistance of a Tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the Tenant or an Affiliated Individual of the Tenant. However, the Landlord or the PHA will not subject the tenant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, to a more demanding standard than other tenants in determining whether to evict or terminate assistance. 24 CFR 5.2005(d)(2).

i. **Actual and Imminent Threats:**

(1) Nothing in this section will be construed to limit the authority of the Landlord to evict the Tenant if the Landlord can demonstrate that an “actual and imminent threat” to other tenants or those employed at or providing service to the property would be present if the Tenant or lawful occupant is not evicted. In this context, words, gestures, actions, or other indicators will be construed as an actual and imminent threat if they meet the following standards for an actual and imminent threat: “Actual and imminent threat” refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. 24 CFR 5.2005(d)(3).

(2) If an actual and imminent threat is demonstrated, eviction should be used only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence, developing other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents. 24 CFR 5.2005(d)(4).

j. **Emergency Transfer:** A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking may request an emergency transfer in accordance with the PHA’s emergency transfer plan. 24 CFR 5.2005(e). The PHA’s emergency transfer plan must be made available upon request, and incorporate strict confidentiality measures to ensure that the PHA does not disclose a tenant’s dwelling unit location to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant;

For transfers in which the tenant would not be considered a new applicant, the PHA must ensure that a request for an emergency transfer receives, at a minimum, any applicable additional priority that is already provided to other types of emergency transfer requests. For transfers in which the tenant would be considered a new applicant, the plan must include policies for assisting a tenant with this transfer.

k. **Bifurcation:** Subject to any lease termination requirements or procedures prescribed by Federal, State, or local law, if any member of the Tenant’s Household engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking, the Landlord may “bifurcate” the Lease, or remove that Household member from the Lease, without regard to whether that Household member is a signatory to the Lease, in order to evict, remove, or terminate the occupancy rights of that Household member without evicting, removing, or otherwise penalizing the victim of the criminal activity who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the housing choice voucher program. 24 CFR 5.2009(a).

If the Landlord bifurcates the Lease to evict, remove, or terminate assistance to a household member, and that household member is the sole tenant eligible to receive assistance, the landlord shall provide any remaining tenants or residents a period of 30 calendar days from the date of bifurcation of the lease to:

- (1) Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease;
- (2) Establish eligibility under another covered housing program; or
- (3) Find alternative housing.

l. **Family Break-up:** If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. 24 CFR 982.315.

m. **Move with Continued Assistance:** The public housing agency may not terminate assistance to a family or member of the family that moves out of a unit in violation of the lease, with or without prior notification to the public housing agency if such a move occurred to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking; and who reasonably believed they were imminently threatened by harm from further violence if they remained in the dwelling unit, or if any family member has been the victim of sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move.

- (1) The move is needed to protect the health or safety of the family or family member who is or has been a victim of domestic violence dating violence, sexual assault or stalking; and
- (2) The family or member of the family reasonably believes that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit. However, any family member that has been the victim of a sexual assault that occurred on the premises during the 90-calendar day period preceding the family's move or request to move is not required to believe that he or she was threatened with imminent harm from further violence if he or she remained in the dwelling unit. 24 CFR 982.354.

n. **Confidentiality.**

- (1) The Landlord shall maintain in strict confidence any information the Tenant (or someone acting on behalf of the Tenant) submits to the Landlord concerning incidents of domestic violence, dating violence, sexual assault or stalking, including the fact that the tenant is a victim of domestic violence, dating violence, sexual assault, or stalking.
- (2) The Landlord shall not allow any individual administering assistance on its behalf, or any persons within its employ, to have access to confidential information unless explicitly authorized by the Landlord for reasons that specifically call for these individuals to have access to the information pursuant to applicable Federal, State, or local law.
- (3) The Landlord shall not enter confidential information into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is requested or consented to in writing by the individual in a time-limited release; required for use in an eviction proceeding; or is required by applicable law.

10. Eviction by court action

The owner may only evict the tenant by a court action.

11. Owner notice of grounds

- a. At or before the beginning of a court action to evict the tenant, the owner must give the tenant a notice that specifies the grounds for termination of tenancy. The notice may be included in or combined with any owner eviction notice.
- b. The owner must give the PHA a copy of any owner eviction notice at the same time the owner notifies the tenant.
- c. Eviction notice means a notice to vacate, or a complaint or other initial pleading used to begin an eviction action under State or local law.

12. Lease: Relation to HAP Contract

If the HAP contract terminates for any reason, the lease terminates automatically.

13. PHA Termination of Assistance

The PHA may terminate program assistance for the family for any grounds authorized in accordance with HUD requirements. If the PHA terminates program assistance for the family, the lease terminates automatically.

14. Family Move Out

The tenant must notify the PHA and the owner before the family moves out of the unit.

15. Security Deposit

- a. The owner may collect a security deposit from the tenant. (However, the PHA may prohibit the owner from collecting a security deposit in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. Any such PHA-required restriction must be specified in the HAP contract.)
- b. When the family moves out of the contract unit, the owner, subject to State and local law, may use the security deposit, including any interest on the deposit, as reimbursement for any unpaid rent payable by the tenant, any damages to the unit or any other amounts that the tenant owes under the lease.
- c. The owner must give the tenant a list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must promptly refund the full amount of the unused balance to the tenant.
- d. If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may collect the balance from the tenant.

16. Prohibition of Discrimination

In accordance with applicable equal opportunity statutes, Executive Orders, and regulations, the owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status or disability in connection with the lease. Eligibility for HUD's programs must be made without regard to actual or perceived sexual orientation, gender identity, or marital status.

17. Conflict with Other Provisions of Lease

- a. The terms of the tenancy addendum are prescribed by HUD in accordance with Federal law and regulation, as a condition for Federal assistance to the tenant and tenant's family under the Section 8 voucher program.
- b. In case of any conflict between the provisions of the tenancy addendum as required by HUD, and any other provisions of the lease or any other agreement between the owner and the tenant, the requirements of the HUD-required tenancy addendum shall control.

18. Changes in Lease or Rent

- a. The tenant and the owner may not make any change in the tenancy addendum. However, if the tenant and the owner agree to any other changes in the lease, such changes must be in writing, and the owner must immediately give the PHA a copy of such changes. The lease, including any changes, must be in accordance with the requirements of the tenancy addendum.
- b. In the following cases, tenant-based assistance shall not be continued unless the PHA has approved a new tenancy in accordance with program requirements and has executed a new HAP contract with the owner:
 - (1) If there are any changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;
 - (2) If there are any changes in lease provisions governing the term of the lease;
 - (3) If the family moves to a new unit, even if the unit is in the same building or complex.
- c. PHA approval of the tenancy, and execution of a new HAP contract, are not required for agreed changes in the lease other than as specified in paragraph b.
- d. The owner must notify the PHA of any changes in the amount of the rent to owner at least sixty days before any such changes go into effect, and the amount of the rent to owner following any such agreed change may not exceed the reasonable rent for the unit as most recently determined or redetermined by the PHA in accordance with HUD requirements.

19. Notices

Any notice under the lease by the tenant to the owner or by the owner to the tenant must be in writing.

20. Definitions

Contract unit. The housing unit rented by the tenant with assistance under the program.

Family. The persons who may reside in the unit with assistance under the program.

HAP contract. The housing assistance payments contract between the PHA and the owner. The PHA pays housing assistance payments to the owner in accordance with the HAP contract.

Household. The persons who may reside in the contract unit. The household consists of the family and any PHA-approved live-in aide. (A live-in aide is a person who resides in the unit to provide necessary supportive services for a member of the family who is a person with disabilities.)

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the Section 8 tenant-based programs.

HUD. The U.S. Department of Housing and Urban Development.

HUD requirements. HUD requirements for the Section 8 program. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.

Lease. The written agreement between the owner and the tenant for the lease of the contract unit to the tenant. The lease includes the tenancy addendum prescribed by HUD.

PHA. Public Housing Agency.

Premises. The building or complex in which the contract unit is located, including common areas and grounds.

Program. The Section 8 housing choice voucher program.

Rent to owner. The total monthly rent payable to the owner for the contract unit. The rent to owner is the sum of the portion of rent payable by the tenant plus the PHA housing assistance payment to the owner.

Section 8. Section 8 of the United States Housing Act of 1937 (42 United States Code 1437f).

Tenant. The family member (or members) who leases the unit from the owner.

Voucher program. The Section 8 housing choice voucher program. Under this program, HUD provides funds to a PHA for rent subsidy on behalf of eligible families. The tenancy under the lease will be assisted with rent subsidy for a tenancy under the voucher program.

Section 5.7 Disapproval of the Owner

CFR 982.306(f)

- In matters of approval or disapproval, the term *owner* includes a principal or other interested party.

CFR 982.306(d)

- The PHA *must not* approve an assisted tenancy if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family unless approving the unit would provide reasonable accommodation for a family member with disabilities.

Response from HUD 12/10/98

- The relatives rule applies only to new admissions and moves occurring on or after 6/17/98.

CFR 982.306(a)

- The PHA *must not* approve an assisted tenancy if it has been notified that the owner is debarred, suspended, or subject to a limited denial of participation under 24 CFR Part 24.

CFR 982.306(b)(1) & (2)

- The PHA *must not* approve an assisted tenancy when directed by HUD if:
 - Federal administrative or judicial action is pending against the owner for violating the Fair Housing Act or other federal equal opportunity requirements
 - A court or administrative agency has determined that the owner has violated the Fair Housing Act or other federal equal opportunity requirements.

- You can check if an owner has been debarred by accessing the Excluded Parties Listing System:
 - <http://www.sam.gov>

Section 5.8 Final Steps in Leasing Process

DOCUMENT EXECUTION

- | | |
|--|---|
| <i>CFR 982.305(d)</i> | • When the lease approval process is completed, the PHA notifies the landlord and family of the lease approval or disapproval. |
| <i>CFR 982.162(a)(2)</i> | • The HAP contract (HUD-52641) for the Housing Choice Voucher program is between the PHA and the owner. |
| <i>CFR 982.451(a)(1)</i> | • The HAP contract must be in the form required by HUD. |
| <i>CFR 982.308(f)</i> | • The HAP contract form required by HUD must include the tenancy addendum that sets forth the tenancy requirements for the program. |
| <i>CFR 982.305(c)(1)</i> | • The PHA must use its best efforts to execute the HAP contract before the beginning of the lease term. |
| <i>CFR 982.305(c)(1)</i> | • The HAP contract must be executed no later than 60 calendar days from the beginning of the lease term. |
| <i>CFR 982.305(c)(2)</i> | - The PHA may not pay any housing assistance payments to the owner until the HAP contract has been executed. |
| <i>CFR 982.305(c)(3)</i> | • If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, the PHA will make housing assistance payments after the execution of the HAP contract to cover the portion of the lease term before the HAP contract was executed (maximum of 60 days). |
| <i>CFR 982.451(a)(2)</i>
<i>CFR 982.309(b)(1)</i> | • The term of the HAP contract begins on the first day of the term of the lease and ends on the last day of the term of the lease. |
| <i>CFR 982.309(b)(2)</i> | - The HAP contract terminates if the lease terminates. |

Section 5.8: Final Steps in Leasing Process

CFR 982.305(c)(4)

- Any HAP contract executed after the 60-day period is void, and the PHA may not make any housing assistance payments to the owner.
 - Unless there are extenuating circumstances, the PHA may submit a request to the field office for an extension no later than two weeks after the 60-day deadline. The request must include an explanation of the extenuating circumstances and any supporting documentation.

Learning Activity 5-1: Voucher and Leasing Knowledge Check

1. Issuance of a voucher to a qualified family constitutes admission to the program
 - a. True
 - b. False
2. The initial term of the voucher can be 30 days if it is a PHA policy stated in the administrative plan
 - a. True
 - b. False
3. When the PHA issues a voucher, it is obligated to provide housing assistance to the family
 - a. True
 - b. False
4. A briefing packet must be issued
 - a. When a family moves from one unit to another
 - b. When a family wants to exercise portability
 - c. After a family has been determined eligible and prior to or upon the initial issuance of a voucher for admission to the program
 - d. When the family reaches the top of the waiting list
 - e. Both a and c
5. Suspension of the voucher term:
 - a. Is an optional policy for the PHA
 - b. Is required by HUD
 - c. Is only required for persons with disabilities
 - d. Stops the clock on the voucher term from the date a RFTA is received until the PHA notifies the family in writing whether the request has been approved or denied
 - e. Both b and d

Section 5.8: Final Steps in Leasing Process

6. The lease must specify:
 - a. The names of the owner and tenant
 - b. The address of the unit rented
 - c. The term of the lease (initial and renewal terms)
 - d. A specification of what utilities and appliances are to be supplied by the owner
 - e. A specification of what utilities and appliances are to be supplied by the tenant
 - f. All of the above
7. What information must the PHA provide to the prospective owner?

8. Unless an exception is approved by HUD, any HAP contract executed more than 60 calendar days from the beginning of the lease term is void, and the PHA may not pay any HAP to the owner.
 - a. True
 - b. False
9. If the PHA opts to screen the family behavior or suitability for tenancy, the PHA has a liability to the owner for the family's behavior.
 - a. True
 - b. False
10. PHAs are not permitted to approve a lease with an initial term of less than one year.
 - a. True
 - b. False

Section 5.8: Final Steps in Leasing Process

11. The PHA must extend each family's voucher at least once.
 - a. True
 - b. False
12. HUD regulations require subsidy standards of two persons per bedroom.
 - a. True
 - b. False
13. Subsidy standards are used to determine the voucher size a family is issued.
 - a. True
 - b. False
14. The PHA is responsible for screening the family for suitability as a renter.
 - a. True
 - b. False
15. While a family may select a unit that is larger than their voucher size, they may not select a unit that is smaller.
 - a. True
 - b. False

Section 5.8: Final Steps in Leasing Process

Notes

CHAPTER 6 Eligibility Quiz

ELIGIBILITY QUIZ

1. Only the head of household must sign the Debts Owed to PHAs and Termination Notice (HUD-5267)
 - a. True
 - b. False
2. HCV is project-based assistance.
 - a. True
 - b. False
3. A PHA's Administrative Plan must be approved by HUD.
 - a. True
 - b. False
4. Before an individual or a family can be assisted, the eligibility of at least one family member must be established in accordance with the Noncitizens Rule.
 - a. True
 - b. False
5. PHAs are required to screen families for suitability.
 - a. True
 - b. False
6. Households include live-in aides; families do not.
 - a. True
 - b. False
7. While HUD defines different types of families, the PHA defines the term family in their admin plan.
 - a. True
 - b. False

8. If there are no extremely low-income families on a PHA's waiting list, the PHA should conduct outreach.
 - a. True
 - b. False
9. VAWA allows an owner to bifurcate the lease and remove the perpetrator.
 - a. True
 - b. False
10. A PHA has the option of denying admission to an applicant who has been convicted for manufacturing methamphetamine on the premises of a federally assisted unit.
 - a. True
 - b. False
11. A PHA can use the HUD-9886-A form to verify welfare and child support.
 - a. True
 - b. False
12. Applicants must disclose and document SSNs for all household members, except noncontending persons.
 - a. True
 - b. False
13. The PHA may require applicants to provide original Social Security cards as documentation of SSNs.
 - a. True
 - b. False
14. A PHA must publish the opening of its waiting list, but is not required to publish the closing of the list.
 - a. True
 - b. False

15. PHAs must always reinstate families that include a person with a disability if the family doesn't respond to a waiting list update request.
 - a. True
 - b. False
16. Families whose preference is denied must be provided an informal hearing.
 - a. True
 - b. False
17. A particular live-in aide may be disapproved by a PHA if they owe money to the housing authority.
 - a. True
 - b. False
18. A PHA establishes income limits based on family size and the area in which the PHA is located.
 - a. True
 - b. False
19. The ACC is the document where the PHA establishes PHA policies.
 - a. True
 - b. False
20. When a family is ineligible, it is sent a letter notifying it of ineligibility, the reasons why, and its right to an informal review.
 - a. True
 - b. False
21. A PHA is not required to provide reasonable accommodations, such as home visits, if doing so would have an impact on the PHA's work load.
 - a. True
 - b. False

22. For a family member to qualify as disabled, a PHA must always obtain verification from an attending physician.
 - a. True
 - b. False
23. When a voucher is issued to a family, it counts as an admission to the program.
 - a. True
 - b. False
24. A PHA may give preference to people with specific types of disability.
 - a. True
 - b. False
25. It is not necessary for a PHA to ever verify preferences claimed by an applicant family.
 - a. True
 - b. False
26. Residency preferences must be approved by HUD.
 - a. True
 - b. False
27. If a person states that he or she has a disability, a PHA may inquire:
 - a. Whether the disability meets HUD's definition of "disability"
 - b. About the nature of the disability
 - c. About the extent of the disability
 - d. Whether the individual can live independently
28. After a family is admitted to the housing choice voucher program, it:
 - a. Must stay within the PHA's income limit
 - b. Is no longer subject to the income limits
 - c. Must stay within the low income limit
 - d. Is only subject to the income limits at annual reexam

29. If a 63-year-old applicant can't furnish SSN documentation at his or her eligibility interview, a PHA:
- a. Must not admit the applicant until documentation is provided
 - b. Must admit the family and require documentation within 60 days
 - c. Cannot require SSN documentation for elderly applicants
30. Which of the following family types would have their subsidy prorated?
- a. All members are citizens or eligible immigrants
 - b. Some members are citizens or eligible immigrants and some are ineligible immigrants
 - c. All members are ineligible immigrants
 - d. All members are noncontending family members
31. If a PHA's jurisdiction contains more than one income limit area, the applicable income limit for issuance of a voucher is:
- a. The highest limit for the jurisdiction
 - b. The limit in the area where a family wants to live
 - c. The lowest limit in the PHA's jurisdiction
 - d. None of the above
32. Which department within HUD oversees the HCV program?

-
-
33. The PHA's administrative plan is not approved by HUD.
- a. True
 - b. False
34. Who is required to sign the Form HUD-9886-A?
-
-

35. The PHA is only required to keep a family's application until the family is determined eligible.
- a. True
 - b. False

36. What is SEMAP?
-
-

37. When a victim claims protection under VAWA, the PHA must require third-party verification of their status as a victim.
- a. True
 - b. False

38. If an LEP individual requests oral interpretation from the PHA, the PHA may charge them a nominal fee for the service.
- a. True
 - b. False

39. The income of a live in aide is:
- a. Included
 - b. Excluded

40. When must the PHA send the VAWA Notice of Occupancy Rights to a family?
-
-

41. Families are required to provide contact information on the Form HUD 92006.
- a. True
 - b. False

42. How often must a PHA purge its waiting list?
-
-

43. If a family is receiving SNAP (Food Stamps), the PHA is required to third-party verify how much they receive.
- a. True
 - b. False
44. At a minimum, how many paystubs must the PHA obtain when verifying employment income?
-
45. A family may have a cohead and a spouse.
- a. True
 - b. False
46. If an applicant's income exceeds the asset limitation, the PHA must deny assistance.
- a. True
 - b. False
47. The HAP contract must be executed within _____ days of the effective date of the lease.
-
48. Vouchers must initially be issued for at least _____ days.
-

Notes

CHAPTER 7 Answer Keys

CHAPTER 1: BASIC PROGRAM INFO

Chapter 1 Knowledge Check

1. The document that ensures HCV program requirements are included in the owner's lease
2. The HUD-required document establishing local PHA policies
3. The contract between the PHA and the owner where the PHA agrees to make payments on behalf of the family to the owner
4. Project-based assistance is tied to the unit whereas under tenant-based assistance the family chooses their unit

5. b	9. b
6. a	10. Public and Indian Housing (PIH)
7. a	11. A measurement of the performance of the PHA's HCV program
8. b	

CHAPTER 2: FAIR HOUSING

Chapter 2 Knowledge Check

1. a	4. See below	7. See below	10. a
2. b	5. b	8. a	11. See below
3. b	6. b	9. a	

4. Race, religion, national origin, familial status, color, sex, age, and disability.
7. At admission, with any notice of denial and with any notice of termination.
11. Commits fraud, bribery, or corrupt/criminal act in connection with any federal housing program.
Commits drug-related or violent criminal activity.
Currently owes money to PHA for PH or S8.

CHAPTER 3: WAITING LIST MANAGEMENT**Chapter 3 Knowledge Check**

1. b	6. b	11. 60	17. See below
2. a	7. c	12. a	18. a
3. See below	8. b	13. c	19. a
4. a	9. a	14. c	20. See below
5. b	10. See below	15. a	21. b
		16. b	22. b

3. Families whose head and spouse/cohead or sole member is elderly or disabled.
 10. The effective date of the first HAP contract with an owner for assistance to the family.
 17. Specifically named families that may be admitted to the HCV program without regard to their place on a waiting list.
 20. 2

CHAPTER 4: ELIGIBILITY**Learning Activity 4-1: Family Type**

1. Yes, they are a married couple, and Claire is an eligible citizen with disabilities.
 2. Yes, they have lived together for a year, and all are eligible citizens. They also have children.
 3. Documentation that Claire meets HUD's definition of disability.
 4. None, they are not an elderly or disabled family.

Learning Activity 4-2: Social Security/noncitizens

1. a
 2. Listing of Non-contending Family Members signed by Alberto and Maria
 Documentation of Juan's, Elsa's, Laura's and Inez's SSN
 Declaration Section 214 Status for Juan and Elsa
 Declaration Section 214 for Inez and proof of her age
 Laura's Declaration Section 214, Verification consent form and her Citizen and Immigration Services Card or other appropriate documentation

3. d	5. c
4. b	6. d

Learning Activity 4-3: Income Limits

1. Yes, their annual income is \$32,155 and highest income limit is \$33,750.
2. No, only area B since they are over income in A.
3. Yes, they are zero income.
4. Yes, they are eligible in both areas.
5. No (Note: MTW agencies may set a minimum income.)

Learning Activity 4-4: Student Rule

1. a
2. The Frasier family is eligible under the student rule because they are married and Clair is 51
3. Yes, income limits only apply to the family at admission.
4. Yes, it applies to part-time and full-time students and he doesn't meet any exceptions.
5. No, Roger's income puts him over the 80 percent income limit for one person in area B.
6. Terminate the ineligible student's assistance.

Chapter 4 Knowledge Check

1. At least 75 percent of new admissions to the PHA's HCV program in a fiscal year must be extremely low income
2. A family where the head, spouse, cohead, or sole member is 62 or older
3. The reason for the determination and applicant's right to a review.
4. An admission is the point at which a family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for the family (the first day of the family's initial lease term.
5. A family where the head, spouse, cohead, or sole member is a person with disabilities.
6. The family and any PHA approved live-in aide, foster children, and foster adults.
7. Discretionary administrative decisions
General policy issues/class grievances
Determination of voucher size
Determination not to approve an extension or suspension of the voucher term
Determination not to grant approval of tenancy
Determination that a selected unit does not comply with HQS
8. Signed declaration
Proof of age

Answer Keys

:

9. An original SS card
A document issued by a federal, state, or local government agency with the applicant's name and SSN
An original document issued by the SSA
10. Signed declaration
USCIS card/documentation
Release to run a search in the SAVE system

Chapter 4 Knowledge Check (continued)

11. a & d	14. a	17. b	20. b
12. a	15. a	18. b	21. a
13. b	16. b	19. c	22. c
			23. a

Chapter 6: Eligibility Quiz

1. b	11. b	21. b	31. a	41. b
2. b	12. a	22. b	32. see below	42. see below
3. b	13. b	23. b	33. a	43. b
4. a	14. a	24. b	34. see below	44. see below
5. b	15. b	25. b	35. b	45. b
6. a	16. b	26. b	36. see below	46. a
7. a	17. a	27. a	37. b	47. see below
8. a	18. b	28. b	38. b	48. see below
9. a	19. b	29. a	39. b	
10. b	20. a	30. b	40. see below	

32. Families whose head and spouse/cohead or sole member is elderly or disabled.
34. The effective date of the first HAP contract with an owner for assistance to the family.
36. SEMAP measure's the performance of the PHA's HCV program.
40. At admission, with any notice of denial, and with any notice of termination.
42. HUD does not require PHAs purge their waiting lists. This is up to PHA policy.
44. 2 current and consecutive paystubs.
47. 60 days
48. 60 days

CHAPTER 5: VOUCHER ISSUANCE AND LEASING

Learning Activity 5-1: Voucher and Leasing Knowledge Check

1. b	4. c	8. a	12. b
2. b	5. b & d	9. b	13. a
3. b	6. f	10. b	14. b
	7. see below	11. b	15. b

7. The family's current and prior address and the name and address (if known) of the landlord at the family's current and prior addresses.

:

Notes

Glossary

Acronyms

AAF	Annual adjustment factor (published by HUD in the Federal Register and used to compute annual rent adjustments)
ACC	Annual contributions contract
ADA	Americans with Disabilities Act of 1990
AIDS	Acquired immune deficiency syndrome
BR	Bedroom
CDBG	Community Development Block Grant (Program)
CFR	Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”)
CPD	(HUD Office of) Community Planning and Development
CPI	Consumer price index (published monthly by the Department of Labor as an inflation indicator)
EOHP	Equal Opportunity Housing Plan
FDIC	Federal Deposit Insurance Corporation
FHA	Federal Housing Administration
FICA	Federal Insurance Contributions Act (established Social Security taxes)
FMR	Fair market rent
FR	Federal Register
FSS	Family Self-Sufficiency (Program)
FY	Fiscal year
FYE	Fiscal year end
GAO	Government Accountability Office
GR	Gross rent
HA	Housing authority or housing agency
HAP	Housing assistance payment
HCV	Housing choice voucher
HOPE	Homeownership and Opportunity for People Everywhere (Program)
HOPE VI	Revitalization of Severely Distressed Public Housing Program
HOPWA	Housing Opportunities for Persons with AIDS (Program)
HQS	Housing quality standards.
HUD	Department of Housing and Urban Development
HUDCAPS	HUD Central Accounting Processing System
HUDCLIPS	HUD Client Information and Policy System
IG	(HUD Office of) Inspector General

Glossary

IPA	Independent public accountant
IRA	Individual Retirement Account
IRS	Internal Revenue Service
JTPA	Job Training Partnership Act
LBP	Lead-based paint
MSA	Metropolitan statistical area (established by the U.S. Census Bureau)
MTCS	Multi-family Tenant Characteristics System (now the Form HUD-50058 submodule of the PIC system)
NOFA	Notice of funding availability
OMB	Office of Management and Budget
PASS	Plan for Achieving Self-Support
PHA	Public housing agency
PHAS	Public Housing Assessment System
PHDEP	Public Housing Drug Elimination Program
PHRA	Public Housing Reform Act of 1998 (also known as the Quality Housing and Work Responsibility Act)
PIC	PIH Information Center
PIH	(HUD Office of) Public and Indian Housing
PS	Payment standard
QC	Quality control
QHWRA	Quality Housing and Work Responsibility Act of 1998 (also known as the Public Housing Reform Act)
REAC	(HUD) Real Estate Assessment Center
RFP	Request for proposals
RFTA	Request for tenancy approval
RIGI	Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level)
SEMAP	Section 8 Management Assessment Program
SRO	Single room occupancy
SSA	Social Security Administration
SSI	Supplemental security income
SSMA	Standard statistical metropolitan area
TANF	Temporary assistance for needy families
TR	Tenant rent
TTP	Total tenant payment
UA	Utility allowance
URP	Utility reimbursement payment

Terms

Absorption. In portability (under subpart H of this part 982): the point at which a receiving PHA starts making assistance payments with funding under its consolidated ACC, rather than billing the initial PHA.

Accessible. The facility or portion of the facility can be approached, entered, and used by individuals with physical handicaps.

Adjusted Income. Annual income, less allowable HUD deductions.

Adjusted Annual Income. Same as Adjusted Income.

Administrative fee. Fee paid by HUD to the PHA for administration of the program. See §982.152.

Administrative fee reserve (formerly “operating reserve”). Account established by PHA from excess administrative fee income. The administrative fee reserve must be used for housing purposes. See §982.155. Administrative fee reserves from FY 2004 and 2005 funding are further restricted to activities related to the provision of tenant-based rental assistance authorized under HCV.

Administrative plan. The plan that describes PHA policies for administration of the tenant-based programs. The Administrative Plan and any revisions must be approved by the PHA’s board and included as a supporting document to the PHA Plan. See §982.54.

Admission. The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.

Amortization payment. In a manufactured home space rental: The monthly debt service payment by the family to amortize the purchase price of the manufactured home.

Annual contributions contract (ACC). The written contract between HUD and a PHA under which HUD agrees to provide funding for a program under the 1937 Act, and the PHA agrees to comply with HUD requirements for the program.

Annual Income. The anticipated total income of an eligible family from all sources for the 12-month period following the date of determination of income, computed in accordance with the regulations.

Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

Area Exception Rent. An amount that exceeds the published FMR. See §982.504(b).

“As-paid” States. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets. (See Net Family Assets.)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving Federal financial assistance.

Budget authority. An amount authorized and appropriated by the Congress for payment to HAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

Child. A member of the family other than the family head or spouse who is under 18 years of age.

Glossary

Child care expenses. Amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen. A citizen or national of the United States.

Co-head. An individual in the household who is equally responsible for the lease with the head of household. A family may have a co-head or spouse but not both. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

Common space. In shared housing: Space available for use by the assisted family and other occupants of the unit.

Computer match. The automated comparison of data bases containing records about individuals.

Confirmatory review. An on-site review performed by HUD to verify the management performance of a PHA.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see §982.606 to §982.609.

Contiguous MSA. In portability (under subpart H of part 982): An MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

Continuously assisted. An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

Contract. (See Housing Assistance Payments Contract.)

Contract authority. The maximum annual payment by HUD to a PHA for a funding increment.

Cooperative (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type: see §982.619.

Covered families. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

Dependent. A member of the family (except foster children and foster adults) other than the family head or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student.

Glossary

Disability assistance expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled family. A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disabled person. See Person with Disabilities.

Displaced family. A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Domicile. The legal residence of the household head or spouse as determined in accordance with State and local law.

Drug-related criminal activity. As defined in 42 U.S.C. 1437f(f)(5).

Drug-trafficking. The illegal manufacture, sale, or distribution, or the possession with intent to manufacture, sell, or distribute, of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Economic Self-Sufficiency Program. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see §5.603(c).

Elderly family. A family whose head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one or more live-in aides.

Elderly Person. An individual who is at least 62 years of age.

Eligible Family (Family). A family that is income eligible and meets the other requirements of the Act and Part 5 of 24 CFR.

Employer Identification Number (EIN). The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

Evidence of citizenship or eligible status. The documents which must be submitted to evidence citizenship or eligible immigration status. (See §5.508(b).)

Extremely Low Income Family. A family whose annual income does not exceed the higher of 30 percent of the median income for the area or the federal poverty level. (CFR 5.603)

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other real or personal property or interest in the property.

Fair Housing Act means title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988

Glossary

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the Federal Register in accordance with 24 CFR part 888.

Family. Includes but is not limited to the following, and can be further defined in PHA policy.

- A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size)
- An elderly family or a near-elderly family
- A displaced family
- The remaining member of a tenant family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family rent to owner. In the voucher program, the portion of rent to owner paid by the family.

Family self-sufficiency program (FSS program). The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

Family share. The portion of rent and utilities paid by the family. For calculation of family share, see §982.515(a).

Family unit size. The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

Federal agency. A department of the executive branch of the Federal Government.

Foster Child Care Payment. Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

Full-time Student. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). (CFR 5.603)

Funding increment. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

Gross rent. The sum of the rent to owner plus any utility allowance.

Group home. A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide). A special housing type: see §982.610 to §982.614.

Handicap. Any condition or characteristic that renders a person an individual with handicaps. See 24CFR 8.3.

Handicap Assistance Expense. See “Disability Assistance Expense.”

HAP contract. Housing assistance payments contract. (Contract). A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Housing assistance payment. The monthly assistance payment by a PHA, which includes: (1) A payment to the owner for rent to the owner under the family's lease; and (2) An additional payment to the family if the total assistance payment exceeds the rent to owner.

Glossary

Housing agency (HA). A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing. (“PHA” and “HA” mean the same thing.)

Housing Quality Standards. The HUD minimum quality standards for housing assisted under the voucher program.

HUD. The Department of Housing and Urban Development.

Imputed Asset. Asset disposed of for less than Fair Market Value during two years preceding examination or reexamination.

Imputed Income. HUD passbook rate multiplied by the total cash value of assets. Calculation used when net family assets exceed \$5,000.

Imputed welfare income. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family’s annual income and therefore reflected in the family’s rental contribution.

Income. Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

Income For Eligibility. Annual Income.

Income information means information relating to an individual's income, including:

- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the State's unemployment compensation law, including any Social Security Number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, Employer Identification Number of an employer reporting wages under a State unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment, wages and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

Individual with handicaps. Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

Initial PHA. In portability, the term refers to both: (1) A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and (2) A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

Initial payment standard. The payment standard at the beginning of the HAP contract term.

Initial rent to owner. The rent to owner at the beginning of the HAP contract term.

Jurisdiction. The area in which the PHA has authority under State and local law to administer the program.

Landlord. Either the owner of the property or his/her representative or the managing agent or his/her representative, as shall be designated by the owner.

Lease. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA.

Glossary

Live-in aide. A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- Is determined to be essential to the care and well-being of the persons
- Is not obligated for the support of the persons
- Would not be living in the unit except to provide the necessary supportive services.

Local Preference. A preference used by the PHA to select among applicant families.

Low Income Family. A family whose income does not exceed 80% of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80% for areas with unusually high or low incomes.

Manufactured home. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. A special housing type: see §982.620 and §982.621.

Manufactured home space. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See §982.622 to §982.624.

Medical expenses. Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance. (A deduction for elderly or disabled families only.) These allowances are given when calculating adjusted income for medical expenses in excess of 3% of annual income.

Merger Date. October 1, 1999.

Minor. A member of the family household other than the family head or spouse, who is under 18 years of age.

Mixed family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One twelfth of adjusted income.

Monthly income. One twelfth of annual income.

Mutual housing. Included in the definition of “cooperative.”

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-elderly family. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

Glossary

Net family assets. (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under §5.609.
- In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Noncitizen. A person who is neither a citizen nor national of the United States.

Notice of Funding Availability (NOFA). For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

Office of General Counsel (OGC). The General Counsel of HUD.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

PHA Plan. The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

PHA's quality control sample. An annual sample of files or records drawn in an unbiased manner and reviewed by a PHA supervisor (or by another qualified person other than the person who performed the original work) to determine if the work documented in the files or records conforms to program requirements. For minimum sample size see CFR 985.3.

Participant (participant family). A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Payment standard. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

Persons With Disabilities. A person who has a disability as defined in 42 U.S.C. 423 or a developmental disability as defined in 42 U.S.C. 6001. Also includes a person who is determined, under HUD regulations, to have a physical or mental impairment that is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions. For purposes of reasonable accommodation and program accessibility for persons with disabilities, means and "individual with handicaps" as defined in 24 CFR 8.3. Definition does not exclude persons who have AIDS or conditions arising from AIDS, but does not include a person whose disability is based solely on drug or alcohol dependence (for low-income housing eligibility purposes). See "Individual with handicaps"

Portability. Renting a dwelling unit with housing choice voucher assistance outside the jurisdiction of the initial PHA.

Premises. The building or complex in which the dwelling unit is located, including common areas and grounds.

Glossary

Private space. In shared housing: The portion of a contract unit that is for the exclusive use of an assisted family.

Processing entity. The person or entity that, under any of the programs covered, is responsible for making eligibility and related determinations and any income reexamination. In the HCV program, the “processing entity” is the “responsible entity.”

Project owner. The person or entity that owns the housing project containing the assisted dwelling unit.

Public Assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by Federal, state, or local governments.

Public Housing Agency (PHA). Any State, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Reasonable rent. A rent to owner that is not more than rent charged: (1) For comparable units in the private unassisted market; and (2) For comparable unassisted units in the premises.

Receiving PHA. In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

Recertification. Sometimes called reexamination. The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

Remaining Member of Tenant Family. Person left in assisted housing who may or may not normally qualify for assistance on own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

Rent to owner. The total monthly rent payable to the owner under the lease for the unit (also known as contract rent). Rent to owner covers payment for any housing services, maintenance and utilities that the owner is required to provide and pay for.

Residency Preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (“residency preference area”).

Residency Preference Area. The specified area where families must reside to qualify for a residency preference.

Responsible entity. For the public housing and the HCV tenant-based assistance, project-based voucher assistance, and moderate rehabilitation programs, the responsible entity means the PHA administering the program under an ACC with HUD. For all other HCV programs, the responsible entity means the HCV owner.

Secretary. The Secretary of Housing and Urban Development.

Section 8. Section 8 of the United States Housing Act of 1937.

Section 8 covered programs. All HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8 assisted housing for which loans are made under section 202 of the Housing Act of 1959.

Section 214 Section 214 of the Housing and Community Development Act of 1980, as amended

Section 214 covered programs is the collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in §5.500.

Security Deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

Glossary

- Set-up charges.*** In a manufactured home space rental: Charges payable by the family for assembling, skirting and anchoring the manufactured home.
- Shared housing.*** A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. A special housing type: see §982.615 to §982.618.
- Single Person.*** A person living alone or intending to live alone.
- Single room occupancy housing (SRO).*** A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. A special housing type: see §982.602 to §982.605.
- Social Security Number (SSN).*** The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.
- Special admission.*** Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.
- Special housing types.*** See subpart M of part 982. Subpart M states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).
- Specified Welfare Benefit Reduction.*** Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.
- Spouse.*** The marriage partner of the head of household.
- State Wage Information Collection Agency (SWICA).*** The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.
- Subsidy standards.*** Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.
- Suspension.*** The term on the family's voucher stops from the date the family submits a request for PHA approval of the tenancy, until the date the PHA notifies the family in writing whether the request has been approved or denied. This practice is also called "tolling."
- Tenancy Addendum.*** For the Housing Choice Voucher Program, the lease language required by HUD in the lease between the tenant and the owner.
- Tenant.*** The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.
- Tenant rent to owner.*** See "Family rent to owner".
- Term of Lease.*** The amount of time a tenant agrees in writing to live in a dwelling unit.
- Total Tenant Payment (TTP).*** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.
- Unit.*** Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

Glossary

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. In the voucher program, the portion of the housing assistance payment which exceeds the amount of rent to owner.

Utility hook-up charge. In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

Very Low Income Family. A low-income family whose annual income does not exceed 50% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50% of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the housing choice voucher program.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (Housing Choice Voucher). A document issued by a PHA to a family selected for admission to the housing choice voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Voucher holder. A family holding a voucher with an unexpired term (search time).

Voucher program. The housing choice voucher program.

Waiting list admission. An admission from the PHA waiting list.

Welfare assistance. Income assistance from Federal or State welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. FOR THE FSS PROGRAM (984.103(b)), “welfare assistance” includes only cash maintenance payments from Federal or State programs designed to meet a family’s ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or Social Security.

Welfare-to-work (WTW) family. A family assisted by a PHA with Voucher funding awarded to the PHA under the HUD welfare-to-work voucher program (including any renewal of such WTW funding for the same purpose).

TRAINING ACTION PLAN

The measure of a successful seminar is determined by what happens *after* the seminar. Successful training is not just the acquisition of knowledge; it is the *application* of the knowledge. This Action Plan will help you to stay focused as you apply your skills and knowledge to contribute to the overall success of your housing agency. It is designed to help you *and* your PHA to derive the maximum benefit from this training opportunity. It contains four parts:

PERSONAL “TO-DO” LIST

During the seminar you may hear ideas and suggestions intended to improve your competency and performance. Your instructor may recommend that you read a HUD Notice or a Regulation, or that you review certain course materials or case studies. You may learn of a more efficient way to organize a work function or to complete a task. As you become aware of individual items that you want to accomplish when you return to your Agency, record them on your “TO-DO” LIST, so that you do not forget them. Your personal development and success is our goal. Do this for *you*.

HOUSING PROGRAM “TO-DO” LIST

During the seminar there will be much discussion of HUD regulations pertaining to the topic of this course. Your instructor will show you how to use your NMA workbook as a reference tool to research regulations and HUD guidance so that you can apply them properly. You will also hear how other agencies perform the same functions that you do, but in a very different way. Your housing program “TO-DO” list is designed for you to make notes of things you may want to check when you get back to your agency. Jot them down and make a note of any reference pages in your workbook that apply.

Training Action Plan

**ADMINISTRATIVE POLICY
REVIEW CHECKLIST**

As the HUD regulations and program guidelines are discussed, your instructor will point out areas where PHAs have discretion to develop policies and may suggest that you check yours. Make note of these on your ADMINISTRATIVE POLICY REVIEW CHECKLIST. You may also learn of areas in which policy *should* be developed.

IDEA DESIGN WORKSHEET

As the result of this training, if you identify an area in your program operation in which you want to make constructive recommendations to a Supervisor or to Management, this form will help you to organize your ideas. It is important that you present your ideas in a positive, professional way, explain the benefits of your idea, and provide the appropriate HUD reference, if applicable.

IDEA DESIGN WORKSHEET

IDEA

CURRENT POLICY, PROCEDURE OR PRACTICE

BENEFIT(S) OF THIS RECOMMENDATION

STEPS NECESSARY TO IMPLEMENT

APPLICABLE HUD REFERENCE(S)

IMPROVING TEST-TAKING SKILLS

Below are some pointers that may assist you in minimizing the pressure many test-takers place on themselves during testing.

1. Only ONE answer is correct for each question

Marking two answers to the same question on the Scantron answer sheets will be scored as a wrong answer.

2. Answer one question at a time

You can only answer one question at a time. Don't be overwhelmed by the total number of questions on the test. Isolate each question as you read and answer it. If possible, cover the questions above and below the one you are working on.

3. Work through the questions at a steady pace

When you read a question and have absolutely no idea what the answer is, make a check mark next to it in the test booklet and move on. Don't waste a lot of time pondering over questions you can't answer; go back to them after you have finished the test. Often, another question later on in the test will trigger the answer to the one you thought you didn't know.

4. Identify the core topic

Sometimes when reading multiple-choice test questions, test takers get hung up in the words. Try to find the core topic of the question, isolate it, and ask yourself questions that trigger what you know about the topic.

For example, let's take a question that pertains to income limits. Here are questions to ask yourself that may help identify the correct answer.

- Does this question pertain to applicants or participants? (because the rules are different)
- Does this question pertain to families entering the program or families moving/transferring to another unit?
- What is this question trying to see if I know?

5. Identify key words and phrases

When you read a true/false question, remember that if *any part* of the question is false, the *whole statement* is false. Ask yourself, “Does this statement stand on its own as totally true?” If you find yourself thinking, “Well, it would be true if...”– it’s probably false.

Also use this method to evaluate the multiple choice answer options– if *any part* of an answer is wrong, then it is the *wrong* answer.

6. Turn a multiple-choice question into true or false questions

If you cannot quickly identify the correct answer, you can usually eliminate one or two incorrect answers. After you have done this, take each of the remaining answers, add it to the end of the multiple choice question and see if it is a true or false statement.

7. When you review, focus on the tough questions

When they finish a test, some test-takers go back and review every question– and sometimes they begin to doubt their answers. When they start to second-guess themselves, they often change answers that were correct. If you make a check mark next to the questions in your test booklet that you are not sure of, you can quickly identify the tough ones and use your time to review them.

8. Answer all the questions, even if you have to guess at some

If, after going through the whole exam, there are still questions that have you stumped, first rule out the obviously wrong answer(s), then make your best guess at which of the remaining options is the right answer. Even a blind guess improves your chances of scoring a point.

9. Visually inspect your answer sheet before you turn it in to the instructor

Look for incidental or unintentional pencil marks and erase them. If you changed an answer, make sure that the pencil mark for the first answer is completely erased.

10. Make sure that you did not inadvertently skip a question, or skip a line on the Scantron answer sheet. This would cause all of the following answers to be incorrect.

Before turning in your Scantron sheet, review it to make sure that the number of lines filled in matches the number of questions on the test, and that no lines are blank.