ELM CITY communities

Housing Authority of New Haven

The Housing Choice Voucher Administrative Plan

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RESOLUTION #09-58/24-R

KAREN DUBOIS-WALTON, PH.D., PRESIDENT

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Chapter 1

OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

The Public Housing Agency (PHA) receives its funding for the Housing Choice Voucher (HCV) program from the Department of Housing and Urban Development. The PHA is not a federal department or agency. A public housing agency (PHA) is a governmental or public body, created and authorized by state law to develop and operate housing and housing programs for low-income families. The PHA enters into an Annual Contributions Contract with HUD to administer the program requirements on behalf of HUD. The PHA must ensure compliance with federal laws, regulations and notices and must establish policy and procedures to clarify federal requirements and to ensure consistency in program operation.

This chapter contains information about the PHA – Elm City Communities/Housing Authority of the City of New Haven and its programs with emphasis on the HCV program. It also contains information about the purpose, intent and use of the Admin Plan and guide.

There are three parts to this chapter:

> Part I: The Public Housing Agency (PHA). This part includes a description of ECC/HANH, its jurisdiction, its programs, and its mission and intent.
>
> Part II: The HCV Program. This part contains information about the Housing Choice Voucher program operation, roles and responsibilities, and partnerships.
>
> Part III: The HCV Administrative Plan. This part discusses the purpose and organization of the plan and its revision requirements.

PART I: THE PHA – ELM CITY COMMUNITIES/HOUSING AUTHORITY OF THE CITY OF NEW HAVEN (ECC/HANH)

1-I.A. OVERVIEW

This part explains the origin of ECC/HANH'S creation and authorization, the general structure of the organization, and the relationship between ECC/HANH's Board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF ECC/HANH

The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by the Elm City Communities/New Haven Housing Authority for the jurisdiction of the City of New Haven.

The officials of ECC/HANH are known as Commissioners or, collectively, as the Board of Commissioners. Commissioners are appointed in accordance with state housing law and generally serve in the same capacity as the directors of a corporation, establishing policies under which ECC/HANH conducts business, ensuring that policies are followed by ECC/HANH staff and ensuring that the ECC/HANH is successful in its mission. The board is responsible for preserving and expanding the agency's resources and assuring the agency's continued viability.

Formal actions of ECC/HANH are taken through written resolutions, adopted by the Board of Commissioners and entered into the official records of ECC/HANH.

The principal staff member of ECC/HANH is the executive director (ED)/President, who is selected and hired by the board. The ED/President oversees the day to day operations of ECC/HANH and is directly responsible for carrying out the policies established by the Commissioners. The ED/President's duties include hiring, training, and supervising the ECC/HANH staff, as well as budgeting and financial planning for the agency. Additionally, the ED/President is charged with ensuring compliance with federal and state laws, and program mandates.

1-I.C. ECC/HANH MISSION

The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides the basis for strategy development, identification of critical success factors, resource allocation decisions, as well as ensuring client and stakeholder satisfaction.

ECC/HANH Mission

To make a positive difference in the lives of residents of the City of New Haven through the development and operation of affordable communities of choice and by providing opportunities for greater self-sufficiency.

ECC/HANH Vision

We envision a New Haven where every resident has a safe and decent home that they can afford and opportunities to fulfill their goals.

1-I.D. ECC/HANH'S COMMITMENT TO ETHICS AND SERVICE

As a public service agency, ECC/HANH is committed to providing excellent service to HCV program participants, owners, and to the community. ECC/HANH's standards include:

- Administer applicable federal and state laws and regulations to achieve high ratings in performance measurement indicators while maintaining efficiency in program operation to ensure fair and consistent treatment of clients served.
- Provide decent, safe, and sanitary housing – in compliance with program housing quality standards – for very low-income families while ensuring that family rents are fair, reasonable, and affordable.
- Encourage self-sufficiency of participant families and assist in the expansion of family opportunities which address educational, socio-economic, recreational and other human services needs.
- Promote fair housing and the opportunity for very low- and low-income families of all races, ethnicities, national origins, religions, ethnic backgrounds, and with all types of disabilities, to experience freedom of housing choice.
- Promote a housing program which maintains quality service and integrity while providing an incentive to private property owners to rent to very low-income families.

- Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.
- Create positive public awareness and expand the level of family, owner, and community support in accomplishing ECC/HANH's mission.
- Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.
- Administer an efficient, high-performing agency through continuous improvement of ECC/HANH's support systems and a high level of commitment to our employees and their development.

ECC/HANH will make every effort to keep program participants informed of HCV program rules and regulations, and to advise participants of how the program rules affect them.

PART II: THE HCV ADMINISTRATIVE PLAN

1-II.A. OVERVIEW AND PURPOSE OF THE PLAN

The United States Housing Act of 1937 (the "Act") is responsible for the birth of federal housing program initiatives, known as public housing. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing for low-income residents. There have been many changes to the program since its inception in 1937.

The Administrative Plan is required by HUD. The purpose of the administrative plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in ECC/HANH's Moving to Work (MTW) agency plan. This administrative plan is a supporting document to the (MTW) agency plan and is available for public review as required by CFR 24 Part 903.

This Administrative Plan is set forth to define the ECC/HANH's local policies for operation of the housing programs in accordance with federal laws and regulations. All issues related to the HCV program not addressed in this document are governed by such federal regulations, HUD handbooks and guidebooks, notices, and other applicable law. The policies in this administrative plan have been designed to ensure compliance with the consolidated ACC and all HUD-approved applications for program funding.

Administration of the HCV program and the functions and responsibilities of ECC/HANH staff shall be in compliance with ECC/HANH's personnel policy and HUD regulations as well as all federal, state and local fair housing laws and regulations.

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

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

- Selection and admission of applicants from the ECC/HANH waiting list, including any ECC/HANH admission preferences, procedures for removing applicant names from the

waiting list, and procedures for closing and reopening the ECC/HANH waiting list (Chapter 4);

- Issuing or denying vouchers, including ECC/HANH policy governing the voucher term and any extensions of the voucher term. If ECC/HANH decides to allow extensions of the voucher term, ECC/HANH administrative plan must describe how ECC/HANH determines whether to grant extensions, and how ECC/HANH determines the length of any extension (Chapter 5);
- Any special rules for use of available funds when HUD provides funding to ECC/HANH for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter 4);
- Occupancy policies, including definition of what group 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 982.553 (Chapters 3 and 12);
- Encouraging participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 13);
- Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2);
- Providing information about a family to prospective owners (Chapters 3 and 9);
- Disapproval of owners (Chapter 13);
- Subsidy standards (Chapter 5);
- Family absence from the dwelling unit (Chapter 12);
- How to determine who remains in the program if a family breaks up (Chapter 3);
- Informal review procedures for applicants (Chapter 16);
- Informal hearing procedures for participants (Chapter 16);
- The process for establishing and revising voucher payment standards (Chapter 16);
- The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 8);
- Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 15);
- Policies concerning payment by a family to the ECC/HANH of amounts the family owes the ECC/HANH (Chapter 16);
- Interim redeterminations of family income and composition (Chapter 11);
- Restrictions, if any, on the number of moves by a participant family (Chapter 10);
- Approval by the board of commissioners or other authorized officials to charge the administrative fee reserve (Chapter 16);

- Procedural guidelines and performance standards for conducting required housing quality standards inspections (Chapter 8); and
- ECC/HANH screening of applicants for family behavior or suitability for tenancy (Chapter 3).

Mandatory vs. Discretionary Policy

HUD makes a distinction between:

- Mandatory policies: those driven by legislation, regulations, current handbooks, notices, and legal opinions, and
- Optional, non-binding guidance, including guidebooks, notices that have expired and recommendations from individual HUD staff.

HUD expects/HANH to adopt local policies and procedures that are consistent with mandatory policies in areas where HUD gives ECC/HANH discretion. ECC/HANH'S administrative plan is the foundation of those policies and procedures. HUD's directions require ECC/HANH to make policy choices that provide sufficient guidance to staff and ensure consistency to program applicants and participants.

Creating policies based upon HUD guidance is not mandatory, but provides ECC/HANH with a "safe harbor." HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If ECC/HANH adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than HUD's safe harbor, but ECC/HANH should carefully think through those decisions.

1-II.C. ORGANIZATION OF THE PLAN

This plan is organized to provide information to users in particular areas of HCV operation.

1-II.D. UPDATING AND REVISING THE PLAN

ECC/HANH will revise this administrative plan as needed to comply with changes in HUD regulations. The original plan and any changes must be approved by the board of commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

ECC/HANH Policy

ECC/HANH will review and update the plan as needed to reflect changes in regulations, ECC/HANH operations, or when needed to ensure staff consistency in operation.

1-II.E. ECC/HANH NO SMOKING POLICY
STATEMENT OF PURPOSE

Elm City Communities, Housing Authority of New Haven (ECC/HANH) recognizes the importance of providing a smoke-free environment for all its employees, Commissioners, residents, guests and service personnel. The purpose is to mitigate the irritation and known

health effects of secondhand smoke. To minimize maintenance, cleaning, and redecorating costs associated with smoking. To decrease the risk of smoking related fires to property and personal safety and also to reduce costs of fire insurance for a non-smoking-free building(s). To allow staff the opportunity to perform their job duties in an environment that is non-smoking.

APPLICABILITY

This Policy applies to all ECC/HANH employees, Board of Commissioners, residents, guests and service personnel. Nothing in this Policy is intended to conflict with or supersede any applicable state or federal law or Policy concerning smoking bans by public housing authorities. Any potential conflict with the foregoing must be brought to the attention of the President, or his or her designee. In this policy, the use of the term "employee" is defined as all individuals applicable under this policy.

POLICY

Due to the increased risk of fire, and the known health effects of secondhand smoke, smoking is prohibited in any area of the property, site or premises, both private and common, indoors of the building(s) including entryways, balconies and patios.

- Smoke-free Environment includes any and all property and grounds owned and operated by ECC/HANH (which shall include all conventional developments, Scattered Sites, management offices and other administrative facilities, and ECC/HANH owned vehicles).

- Smoking means inhaling, exhaling, breathing, burning of any lighted cigar, cigarette, including electronic nicotine delivery systems (ENDS), e-cigarettes, pipe, other tobacco products, marijuana, or illegal substance of any similar lighted product in any manner.

- The premises to be occupied by Tenant and members of Tenant's household have been designated as a smoke-free living environment. Tenants, members of Tenant's household and their guests shall not smoke anywhere in the interior or exterior space rented by Tenant. This includes, but is not limited to, bedrooms, hallways, kitchens, bathrooms, living rooms, patios, balconies and unit entryway areas. This shall also include the common areas, community rooms or adjoining grounds of such building.

- ECC/HANH shall post no-smoking signs at entrances and exits to their properties and all buildings, common areas, hallways and management offices owned and operated by ECC/HANH.

GUARANTOR

The adoption of a smoke-free living environment and the efforts to designate the rental complex as smoke-free, do not make ECC/HANH or any of its managing agents the

guarantor of Tenant's health or of the smoke-free condition of the tenant's unit and the common areas. However, ECC/HANH shall take reasonable steps to enforce the smoke-free terms of its leases and to make the complex/development smoke-free**.**

VIOLATION OF POLICY

- The first violation of the smoke free policy will result in a verbal warning by Property Manager.

- The second violation of the smoke free policy will result in a written warning by the Property Manager, which shall include documentation on the cessation of smoking and a referral to the resident service coordinator.

- The third violation of the smoke free policy will result in a $25.00 fine applied to the tenant's account, along with documentation on the cessation of smoking.

- The fourth violation of the smoke free policy will result in a $50.00 fine applied to the tenant's account, along with documentation on the cessation of smoking.

- The fifth violation of the smoke free policy will result in a $75.00 fine applied to the tenant's account and notification of lease violation and could result in an eviction proceeding against the household.

This Administrative Plan was last revised and approved by the ECC/HANH Board of Commissioners on September 17, 2024, Resolution #09-58/24-R.

Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring ECC/HANH to affirmatively further civil rights and fair housing in all federally-assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the ECC/HANH's housing choice voucher (HCV) operations.

This chapter describes HUD regulations and ECC/HANH policies related to these topics in three parts:

Part I: Nondiscrimination. This part presents the body of laws and regulations governing the responsibilities of ECC/HANH regarding nondiscrimination.

Part II: Policies Related to Persons with Disabilities. This part discusses the rules and policies of the housing choice voucher program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42.U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Prohibition of Discrimination Against Limited English Proficiency Persons. This part details the obligations of ECC/HANH to ensure meaningful access to the HCV program and its activities by persons with limited English proficiency (LEP). This part incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the *Federal Register*.

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

Federal laws require ECC/HANH to treat all applicants and participants equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. ECC/HANH will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the *Federal Register* February 3, 2012 and further clarified in Notice PIH 2014-20
- Violence Against Women Reauthorization Act of 2013 (VAWA)

When more than one civil rights law applies to a situation, the laws will be read and applied together.

Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted will also apply.

> <u>ECC/HANH Policy</u>
>
> The state of Connecticut has established creed, ancestry and marital status as protected classes. In addition to the Federal and HUD protections. The state of Connecticut also prohibits discrimination based on income source.

2-I.B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as ECC/HANH policies, can prohibit discrimination based on other factors.

ECC/HANH shall not discriminate because of race, color, sex, religion, familial status, marital status, gender identity, sexual orientation, age, disability, income source, or national origin as established by federal and state laws (called protected classes).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

ECC/HANH will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12].

ECC/HANH will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the housing choice voucher program
- Provide housing that is different from that provided to others
- Subject anyone to segregation or disparate treatment
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or participant toward or away from a particular area based any of these factors
- Deny anyone access to the same level of services
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program
- Discriminate in the provision of residential real estate transactions
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

Providing Information to Families and Owners

ECC/HANH must take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, ECC/HANH must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301].

The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

Discrimination Complaints

If an applicant or participant believes that any family member has been discriminated against by ECC/HANH or an owner, the family should advise ECC/HANH. HUD requires ECC/HANH to make every reasonable attempt to determine whether the applicant’s or participant’s assertions have merit and take any warranted corrective action.

In addition, ECC/HANH is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304]. Upon receipt of a housing discrimination complaint, ECC/HANH is required to:

- Provide written notice of the complaint to those alleged and inform the complainant that such notice was made
- Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted
- Keep records of all complaints, investigations, notices, and corrective actions [Notice PIH 2014-20]

ECC/HANH Policy

Applicants or participants who believe that they have been subject to unlawful discrimination may notify ECC/HANH either orally or in writing.

Within 10 business days of receiving the complaint, ECC/HANH will provide a written notice to those alleged to have violated the rule. ECC/HANH will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

ECC/HANH will attempt to remedy discrimination complaints made against ECC/HANH and will conduct an investigation into all allegations of discrimination.

Within 10 business days following the conclusion of ECC/HANH’s investigation, ECC/HANH will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

ECC/HANH will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use and enjoy a program or dwelling under the program.

ECC/HANH must ensure that persons with disabilities have full access to ECC/HANH's programs and services. This responsibility begins with the first contact by an interested family and continues through every aspect of the program.

ECC/HANH Policy

ECC/HANH will ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by ECC/HANH, by including the following language:

> "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 ECC/HANH staff or the Reasonable Accommodation Manager."

The family may complete and submit a Reasonable Accommodation request form, or may request a reasonable accommodation orally, and the request will be passed on to the designated staff person.

ECC/HANH will display posters and other housing information and signage in locations throughout ECC/HANH's office in such a manner as to be easily readable from a wheelchair.

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A "reasonable accommodation" is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for ECC/HANH, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

Types of Reasonable Accommodations

When it is reasonable (see definition above and Section 2-II.E), ECC/HANH shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail

- Providing “large-print” forms
- Conducting home visits
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability
- Allowing an ECC/HANH-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities and would not be otherwise living in the unit.
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with ECC/HANH staff
- Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the ECC/HANH range) if ECC/HANH determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
- Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with ECC/HANH staff

2-II.C. REQUEST FOR A REASONABLE ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that ECC/HANH treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the ECC/HANH’s programs and services.

If the need for the accommodation is not readily apparent or known to ECC/HANH, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual’s disability.

ECC/HANH Policy

ECC/HANH will encourage the family to make its request in writing using a reasonable accommodation request form. However, ECC/HANH will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the

end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, ECC/HANH must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to ECC/HANH's programs and services.

If a person's disability is obvious or otherwise known to ECC/HANH, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to ECC/HANH, ECC/HANH must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

When verifying a disability, ECC/HANH will follow the verification policies provided in Chapter 7. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in Chapter 16. In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]
- ECC/HANH must request only information that is necessary to evaluate the disability-related need for the accommodation. ECC/HANH will not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.
- In the event that ECC/HANH does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, ECC/HANH will dispose of it. In place of the information, ECC/HANH will note in the file that the disability and other requested information have 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].

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26].

ECC/HANH must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.

- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on ECC/HANH, or fundamentally alter the nature of the ECC/HANH's HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the overall size of ECC/HANH's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, ECC/HANH may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that ECC/HANH may verify the need for the requested accommodation.

ECC/HANH Policy

A person can generally expect a response within thirty (30) days after the submission of the reasonable accommodation request. Circumstances that may cause a delay in processing include, but are not limited to: delay in obtaining verification of the need for the reasonable accommodation, or failure of the family to clearly specify the requested accommodation or to provide the name and address of their designated verification source.

An approved reasonable accommodation will not be re-verified by ECC unless the family demonstrates that the accommodation is no longer required for a disability. In such cases, ECC will enter into communications with the Family about the continued need for the accommodation.

If ECC/HANH denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of the ECC/HANH's operations), ECC/HANH will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV program and without imposing an undue financial and administrative burden.

If ECC/HANH believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, ECC/HANH will notify the family, in writing, of its determination within 10 business days from the date of ECC/HANH's determination of denial.

If ECC/HANH denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal ECC/HANH's decision through an informal hearing (if applicable) or the grievance process).

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

HUD regulations require ECC/HANH to ensure that persons with disabilities related to hearing and vision have reasonable access to ECC/HANH's programs and services [24 CFR 8.6].

At the initial point of contact with each applicant, ECC/HANH shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

> ECC/HANH Policy
>
> To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication will be available.
>
> To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with ECC/HANH staff, one-on-one assistance will be provided upon request.
>
> Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

2-II.G. PHYSICAL ACCESSIBILITY

ECC/HANH must comply with a variety of regulations pertaining to physical accessibility, including the following:

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

ECC/HANH's policies concerning physical accessibility must be readily available to applicants and participants. They can be found in three key documents:

- This Administrative Plan describes the key policies that govern the ECC/HANH's responsibilities with regard to physical accessibility.
- Notice PIH 2010-26 summarizes information about pertinent laws and implementing regulations related to nondiscrimination and accessibility in federally-funded housing programs.
- The ECC/HANH Administrative Plan provides information about self-evaluation, needs assessment, and transition plans.

The design, construction, or alteration of ECC/HANH facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities

must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the HCV program.

When issuing a voucher to a family that includes an individual with disabilities, ECC/HANH will include a current list of available accessible units known to ECC/HANH and will assist the family in locating an available accessible unit, if necessary.

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

ECC/HANH'S decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 982.552 (2)(iv)].

When applicants with disabilities are denied assistance, the notice of denial must inform them of the ECC/HANH's informal review process and their right to request an informal review. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process.

When a participant family's assistance is terminated, the notice of termination must inform them of the ECC/HANH's informal hearing process and their right to request a hearing and reasonable accommodation.

When reviewing reasonable accommodation requests, ECC/HANH must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to ECC/HANH's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, ECC/HANH must make the accommodation.

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the HCV program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This part incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the *Federal Register*.

ECC/HANH will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with Limited English Proficiency (LEP).

LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this administrative plan, LEP persons are HCV applicants and participants, and parents and family members of applicants and participants.

In order to determine the level of access needed by LEP persons, ECC/HANH will balance the following four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Housing Choice Voucher program; (2) the frequency with which LEP persons come into contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to ECC/HANH and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue burdens on ECC/HANH.

<u>ECC/HANH Policy</u>

Affirmative Measures for Spanish Speaking LEP Persons

As a result of ECC/HANH's analysis of (1) the number and proportion of LEP persons serviced or encountered in ECC/HANH's eligible service population, and (2) the frequency with which LEP persons come into contact with ECC/HANH's programs, ECC/HANH has determined that ECC/HANH has particular obligations to ensure communication with Spanish-speaking persons.

Accordingly, it is ECC/HANH's policy that ECC/HANH will provide bilingual Spanish-speaking staff as necessary to provide oral language/interpreter services for Spanish-speaking LEP applicants, program participants, or other members of the public interested in ECC/HANH's services.

ECC/HANH will provide the following vital documents in both English and Spanish:

- Pre-applications and full applications
- Recertification materials

It is ECC/HANH's general policy to communicate effectively with applicants and program participants.

2-III.B. ORAL INTERPRETATION

ECC/HANH will offer competent interpretation services free of charge, upon request, to the LEP person.

ECC/HANH Policy

ECC/HANH will utilize a language line for telephone interpreter services.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by ECC/HANH. The interpreter may be a family member or friend.

ECC/HANH will analyze the various kinds of contacts it has with the public, to assess additional language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits.

Where feasible and possible, according to its language assistance plan (LAP), ECC/HANH will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other PHAs, and will standardize documents.

2-III.C. WRITTEN TRANSLATION

Translation is the replacement of a written text from one language into an equivalent written text in another language.

ECC/HANH Policy

In order to comply with written-translation obligations, ECC/HANH will take the following steps:

ECC/HANH will provide written translations of vital documents for each additional eligible LEP language group that constitutes 5 percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

If there are fewer than 50 persons in a language group that reaches the 5 percent trigger, ECC/HANH does not translate vital written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

After completing the four-factor analysis and deciding what language assistance services are appropriate, ECC/HANH shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

If ECC/HANH determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by LEP persons to ECC/HANH's Housing Choice Voucher program and services.

ECC/HANH Policy

If it is determined that ECC/HANH serves very few LEP persons, and ECC/HANH has very limited resources, ECC/HANH will not develop a written LEP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants may be contacted for input into the process.

If ECC/HANH determines it is appropriate to develop a written LEP plan, the following five steps will be taken: (1) Identifying LEP individuals who need language assistance; (2) identifying language assistance measures; (3) training staff; (4) providing notice to LEP persons; and (5) monitoring and updating the LEP plan.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

"Major life activities" includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

"Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having an impairment" is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as ECC/HANH) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.

The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the $400 elderly/disabled household deduction, the $480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.

Chapter 3

ELIGIBILITY

INTRODUCTION

ECC/HANH is responsible for ensuring that every individual and family admitted to the HCV program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by ECC/HANH to confirm eligibility and determine the level of the family's assistance.

To be eligible for the HCV program:

- The applicant family must:
  - Qualify as a family as defined by HUD and ECC/HANH.
  - Have income at or below HUD-specified income limits.
  - Qualify on the basis of citizenship or the eligible immigrant status of family members.
  - Provide social security number information for household members as required.
  - Consent to ECC/HANH's collection and use of family information as provided for in ECC/HANH-provided consent forms.
  - Not currently be receiving a duplicative subsidy.
  - Meet net asset and property ownership restriction requirements.
  -
- ECC/HANH must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or ECC/HANH.

This chapter contains three parts:

Part I: Definitions of Family and Household Members. This part contains HUD and ECC/HANH definitions of family and household members and explains initial and ongoing eligibility issues related to these members.

Part II: Basic Eligibility Criteria. This part discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent.

Part III: Denial of Assistance. This part covers factors related to an applicant's past or current conduct (e.g. criminal activity) that can cause ECC/HANH to deny assistance.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

Some eligibility criteria and program rules vary depending upon the composition of the family requesting assistance. In addition, some requirements apply to the family as a whole and others apply to individual persons who will live in the assisted unit. This part provides information that is needed to correctly identify family and household members, and to apply HUD's eligibility rules.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982.201(c); FR Notice 02/03/12; Notice PIH 2014-20 and FR Notice 2/14/23]

The terms *family* and *household* have different meanings in the HCV program.

Family

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

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

> ECC/HANH Policy
>
> A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.
>
> Each family must identify the individuals to be included in the family at the time of application, and must notify ECC/HANH if the family's composition changes.

Household

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

3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY

Family Breakup [24 CFR 982.315]

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

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, ECC/HANH must ensure that the victim retains assistance. (For

documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, sees section 16-IX.D of this plan.)In accordance with Notice PIH 2017-08, for HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers, when the veteran is the perpetrator of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the victim must continue to be assisted. Upon termination of the perpetrator's HUD–VASH voucher, the victim should be given a regular HCV if one is available, and the perpetrator's HUD–VASH voucher should be used to serve another eligible family. If a regular HCV is not available, the victim will continue to use the HUD–VASH voucher, which must be issued to another eligible family upon the voucher's turnover.

- If a court determines the disposition of property between members of the assisted family in a divorce or separation decree, ECC/HANH is bound by the court's determination of which family members continue to receive assistance.

  ECC/HANH Policy

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

  If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

  In the absence of a judicial decision or an agreement among the original family members, ECC/HANH will determine which family will retain their placement on the waiting list or continue to receive assistance. In making its determination, ECC/HANH will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3) the interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse; (4) any possible risks to family members as a result of criminal activity; (5) the recommendations of social service professionals and (6) which family member was the head of household at the time of initial application.

Remaining Member of a Tenant Family [24 CFR 5.403]

The HUD definition of family includes the *remaining member of a tenant family,* which is a member of an assisted family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

If dependents are the only "remaining members of a tenant family" and there is no family member able to assume the responsibilities of the head of household, see Chapter 6, Section 6-I.B, for the policy on "Caretakers for a Child."

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

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

ECC/HANH Policy

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

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

3-I.E. SPOUSE, COHEAD, AND OTHER ADULT

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

Spouse means the marriage partner of the head of household.

ECC/HANH Policy

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

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

ECC/HANH Policy

Minors who are emancipated under state law may be designated as a cohead.

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

3-I.F. DEPENDENT AND MINORS [24 CFR 5.603]

A *minor* is a member of the family, other than the head of family or spouse, who is under 18 years of age.

A *dependent* is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, cohead, foster children/adults and live-in aides. Identifying each dependent in the family is important because each dependent qualifies the family for a dependent allowance as described in Chapter 6.

Joint Custody of Dependents

ECC/HANH Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live or have primary residence with the applicant or participant family 50 percent or more of the time.

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, ECC/HANH will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

3-I.G. FULL-TIME STUDENT [24 CFR 5.603; HCV GB, p. 5-29]

A *full-time student* (FTS) is a person who is attending school or vocational training on a full-time basis. The educational institution defines the time commitment or subject load that is needed to be full-time.

Identifying each FTS is important because: (1) each family member that is an FTS, other than the head, spouse, or cohead, qualifies the family for a dependent allowance, and (2) the earned income of such an FTS is treated differently from the income of other family members.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403, FR Notice 02/03/12]

Elderly Persons

An *elderly person* is a person who is at least 62 years of age.

Near-Elderly Persons

A *near-elderly person* is a person who is 50-61 years of age.

Elderly Family

An *elderly family* is one in which the head, spouse, cohead, or sole member is an elderly person. Identifying elderly families is important because elderly families qualify for the elderly family allowance as described in Chapter 6.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

Persons with Disabilities

Under the HCV program, special rules apply to persons with disabilities and to any family whose head, spouse, or cohead is a person with disabilities. The technical definitions of individual with handicaps and persons with disabilities are provided in Exhibit 3-1 at the end of this chapter. These definitions are used for a number of purposes including ensuring that persons with disabilities are not discriminated against based upon disability.

As discussed in Chapter 2, ECC/HANH must make all aspects of the HCV program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

Disabled Family

A *disabled family* is one in which the head, spouse, or cohead is a person with disabilities. Identifying disabled families is important because these families qualify for the disabled family allowance as described in Chapter 6.

Even though persons with drug or alcohol dependencies are considered persons with disabilities, this does not prevent ECC/HANH from denying assistance for reasons related to alcohol and drug abuse in accordance with the policies found in Part III of this chapter, or from terminating assistance in accordance with the policies in Chapter 12.

3-I.J. GUESTS [24 CFR 5.100]

A *guest* is a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to so consent.

> ECC/HANH Policy
>
> If the executed lease does not specify a guest policy, then ECC's guest policy will be applied. A guest can remain in the assisted unit no longer than 30 consecutive days or a total of 90 cumulative calendar days during any 12-month period.
>
> Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the assisted household more than 50 percent of the time, are not subject to the time limitations of guests as described above.
>
> A family may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last 40 consecutive days). An exception will not be made unless the family can identify and provide documentation of the residence to which the guest will return.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS [24 CFR 5.603]

Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609].

A *foster child* is a member of the household who meets the definition of a *foster child* under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

Foster children and foster adults who are living with an applicant or who have been approved by ECC/HANH to live with a participant family are considered household members but not family members. The income of foster children/adults is not counted in family annual income, and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603; HUD-50058 IB, p. 13].

ECC/HANH Policy

A *foster child* is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of space standards according. as described in Section 8-I.F. of this policy.

Children that are temporarily absent from the home as a result of placement in foster care are discussed in Section 3-I.L.

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order.

Definitions of Temporarily and Permanently Absent

ECC/HANH Policy

Generally an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

ECC/HANH Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to ECC/HANH indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care [24 CFR 5.403]

Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

ECC/HANH Policy

If a child has been placed in foster care, ECC/HANH will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Cohead

ECC/HANH Policy

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Family Members Permanently Confined for Medical Reasons [HCV GB, p. 5-22]

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22].

ECC/HANH Policy

ECC/HANH will request verification of the family member's permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent.

If the family certifies that the family member is confined on a permanent basis, they may present, and ECC/HANH will consider, any additional documentation or evidence.

If the family member is expected to be temporarily absent for more than 180 calendar days, ECC/HANH may require reverification of the temporary absent status.

ECC/HANH's decision is subject to reasonable accommodation requirements.

Return of Permanently Absent Family Members

ECC/HANH Policy

The family must request ECC/HANH approval for the return of any adult family members that ECC/HANH previously determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

ECC/HANH will deny requests to add persons to a household (other than a child by birth, adoption, or court-awarded custody) if it will require ECC/HANH to increase the family's voucher size by more than one bedroom. However, ECC/HANH may approve the addition if the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by ECC/HANH. Exceptions will be made on a case-by-case basis.

3-I.M. LIVE-IN AIDE

A *live-in aide* is a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) is determined to be essential to the care and well-being of the persons, (2) is not obligated for the support of the persons, and (3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].

ECC/HANH must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by the family member with disabilities.

The income of a live-in aide is not counted in the calculation of annual income for the family [24 CFR 5.609(b)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. Because live-in aides are not *family* members, a relative who serves as a live-in aide would not be considered a remaining member of a tenant family.

ECC/HANH Policy

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family must submit a new, written request-subject to ECC/HANH verification-at each biennial/triennial reexamination.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services.

ECC/HANH will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 982.316(b)]:

The live-in aide fails ECC/HANH's screening process as further defined in this chapter;

The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

The person commits drug-related criminal activity or violent criminal activity; or

The person currently owes rent or other amounts to ECC/HANH or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

ECC/HANH will generally notify the family of its decision in writing within 30 days of receiving a request for a live-in aide, including all required documentation related to the request. See Chapter 2 for exceptions to this time frame.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

HUD establishes income limits for all areas of the country and publishes them annually in the *Federal Register*. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section.

Definitions of the Income Limits [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

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

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

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

Using Income Limits for Eligibility [24 CFR 982.201 and Notice PIH 2023-27]

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

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

  <u>ECC/HANH Policy</u>

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

- A low-income family that qualifies for voucher assistance as a non-purchasing household living in HOPE 1 (public housing homeownership), HOPE 2 (multifamily housing homeownership) developments, or other HUD-assisted multifamily homeownership programs covered by 24 CFR 248.173
- A low-income or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low-income housing as defined in 24 CFR 248.101

HUD permits ECC/HANH to establish additional categories of low-income families that may be determined eligible. The additional categories must be consistent with the ECC/HANH plan and the consolidated plans for local governments within ECC/HANH's jurisdiction.

Using Income Limits for Targeting [24 CFR 982.201]

At least 75 percent of the families admitted to ECC/HANH's program during the fiscal year must be extremely low-income families. HUD may approve exceptions to this requirement if the ECC/HANH demonstrates that it has made all required efforts, but has been unable to attract an adequate number of qualified extremely low-income families.

Families continuously assisted under the 1937 Housing Act and families living in eligible low-income housing that are displaced as a result of prepayment of a mortgage or voluntary termination of a mortgage insurance contract are not counted for income targeting purposes.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with ECC/HANH's Limited English Proficiency Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, cohead, and any other family member 18 or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

U.S. Citizens and Nationals

In general, citizens and nationals are required to submit only a signed declaration as verification of their status. However, HUD regulations permit ECC/HANH to request additional documentation of their status, such as a passport.

> ECC/HANH Policy
>
> Family members who declare citizenship or national status will not be required to provide additional documentation unless ECC/HANH receives information indicating that an individual's declaration may not be accurate.

Eligible Noncitizens

In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with ECC/HANH efforts to verify their immigration status as described in Chapter 7. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

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 the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. ECC/HANH is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. 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. Such 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 as a mixed family.

Mixed Families

A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered *mixed families*. Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination. See Chapter 6 for a discussion of how rents are prorated, and Chapter 16 for a discussion of informal hearing procedures.

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

ECC/HANH may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by ECC/HANH that the individual or at least one family member is eligible. Verification of eligibility for this purpose occurs when the individual or family members have submitted documentation to ECC/HANH in accordance with program requirements [24 CFR 5.512(a)].

> <u>ECC/HANH Policy</u>
>
> ECC/HANH will not provide assistance to a family before the verification of at least one family member.

When ECC/HANH determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within 10 business days of the determination.

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

Informal hearing procedures are contained in Chapter 16.

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

For new occupants joining the assisted family, the ECC/HANH must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

If an individual qualifies for a time extension for the submission of required documents, ECC/HANH must grant such an extension for no more than 30 days [24 CFR 5.508(h)].

Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

ECC/HANH Policy

ECC/HANH will verify the citizenship status of applicants at the time other eligibility factors are determined.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2018-24]

The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. A detailed discussion of acceptable documentation is provided in Chapter 7.

Note: These requirements do not apply to noncitizens who do not contend eligible immigration status.

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

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

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230; HCV GB, p. 5-13]

HUD requires each adult family member, and the head of household, spouse, or cohead, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.

ECC/HANH must deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3)].

However, this does not apply if the applicant or participant, or any member of their family, revokes their consent with respect to the ability of ECC/HANH to access financial records from financial institutions, unless ECC/HANH establishes a policy that revocation of consent to access financial records will result in denial or termination of assistance or admission [24 CFR 5.232(c)]

ECC/HANH Policy

ECC/HANH has established a policy that revocation of consent to access financial records will result in denial of admission.

3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612, FR Notice 4/10/06 FR Notice 9/21/16]

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive HCV assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with ECC/HANH policy, the income of the student's parents will not be considered in determining the student's eligibility.

The new law does not apply to students who reside with parents who are applying to receive HCV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

Definitions

In determining whether and how the new eligibility restrictions apply to a student, the ECC/HANH will rely on the following definitions [FR 4/10/06, p. 18148 FR Notice 9/21/16].

Dependent Child

In the context of the student eligibility restrictions, *dependent child* means a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* in 24 CFR 5.603, which states that the dependent must be a member of the assisted family, other than the head of household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

Independent Student

ECC/HANH Policy

ECC/HANH will consider a student "independent" from his or her parents and the parents' income will not be considered when determining the student's eligibility if the following four criteria are all met:

The individual is of legal contract age under state law.

The individual has established a household separate from his/her parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student.

To be considered an *independent student* according to the Department of Education, a student must meet one or more of the following criteria:

Be at least 24 years old by December 31 of the award year for which aid is sought

Be an orphan or a ward of the court through the age of 18

Be a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes

is, or was 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

Have one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)

Be a graduate or professional student

Be married

The individual has 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 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

The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

The individual was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms.

The individual provides a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

If ECC/HANH 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

ECC/HANH will verify that a student meets the above criteria in accordance with the policies in Section 7-II.E.

Institution of Higher Education

ECC/HANH will use the statutory definition under section 102 of the Higher Education Act of 1965 to determine whether a student is attending an *institution of higher education* (see Exhibit 3-2).

Parents

ECC/HANH Policy

For purposes of student eligibility restrictions, the definition of *parents* includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

Person with Disabilities

ECC/HANH will use the statutory definition under section 3(b)(3)(E) of the 1937 Act to determine whether a student is a *person with disabilities* (see Exhibit 3-1).

Veteran

ECC/HANH Policy

A *veteran* is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Vulnerable Youth

ECC/HANH Policy

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:

The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older

The individual is, or was 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

The individual has 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 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

Determining Student Eligibility

If a student is applying for assistance on his/her own, apart from his/her parents, ECC/HANH must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, ECC/HANH must ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from his/her parents or the student's parents are income eligible for the program, and (3) the "family" with which the student is applying is collectively eligible for the program.

ECC/HANH Policy

For any student who is subject to the 5.612 restrictions, ECC/HANH will:

Follow its usual policies in determining whether the student individually and the student's "family" collectively are eligible for the program

Determine whether the student is independent from his/her parents in accordance with the definition of *independent student* in this section

Follow the policies below, if applicable, in determining whether the student's parents are income eligible for the program

If ECC/HANH determines that the student, the student's parents (if applicable), or the student's "family" is not eligible, ECC/HANH will send a notice of denial in accordance with the policies in Section 3-III.F, and the applicant family will have the right to request an informal review in accordance with the policies in Section 16-III.B.

Determining Parental Income Eligibility

ECC/HANH Policy

For any student who is subject to the 5.612 restrictions and who does not satisfy the definition of *independent student* in this section, ECC/HANH will determine the income eligibility of the student's parents as follows:

If the student's parents are married and living together, ECC/HANH will obtain a joint income declaration and certification of joint income from the parents.

If the student's parent is widowed or single, ECC/HANH will obtain an income declaration and certification of income from that parent.

If the student's parents are divorced or separated, ECC/HANH will obtain an income declaration and certification of income from each parent.

If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, ECC/HANH will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. ECC/HANH will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, ECC/HANH will use the income limits for the jurisdiction in which the parents live.

3-II.F. EIV SYSTEM SEARCHES [EIV FAQs; EIV System Training 9/30/20; and Notice PIH 2023-27]

Existing Tenant Search

Prior to admission to the program, ECC/HANH must search for all household members using the EIV Existing Tenant Search module. ECC/HANH must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. ECC/HANH 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 ECC/HNH, and a match is identified at a multifamily property, ECC/HANH must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

<u>ECC/HANH Policy</u>

ECC/HANH will contact the other PHA, or owner identified in the report to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including a form HUD-50058 or 50059, as applicable, showing an end of participation. ECC/HANH will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

Debts Owed to PHAs and Terminations

All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations. Prior to admission to the program, ECC/HANH must search for each adult family member in the Debts Owed to PHAs and Terminations module.

If a current or former tenant disputes the information in the module, the tenant should contact ECC/HANH directly in writing to dispute the information and provide any documentation that supports the dispute. If ECC/HANH determines that the disputed information is incorrect, ECC/HANH 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.

ECC/HANH Policy

ECC/HANH will require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household.

ECC/HANH will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, ECC/HANH will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

Income and Income Validation Tool (IVT) Reports

For each new admission, ECC/HANH is required to review the EIV Income and IVT Reports to confirm and validate family reported income within 120 days of the IMS/PIC submission date of the new admission. ECC/HANH must print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within 60 days of the EIV Income or IVT report dates.

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. In this section we will discuss other situations and circumstances in which denial of assistance is mandatory for ECC/HANH, and those in which denial of assistance is optional for ECC/HANH.

Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures

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

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

- Age, disability, race, color, religion, sex, or national origin (See Chapter 2 for additional information about fair housing and equal opportunity requirements.)
- Where a family lives prior to admission to the program
- Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside ECC/HANH'S jurisdiction under portability. (See Chapter 10.)
- Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock
- Whether the family includes children
- Whether a family decides to participate in a family self-sufficiency program
- Whether or not a qualified applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant is otherwise qualified for assistance (See section 3-III.G.)

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

HUD requires ECC/HANH to deny assistance in the following cases:

- Any member of the household has been evicted from federally-assisted housing in the last 3 years for drug-related criminal activity. HUD permits, but does not require, ECC/HANH to admit an otherwise-eligible family if the household member has completed an ECC/HANH approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

ECC/HANH Policy

ECC/HANH will admit an otherwise-eligible family who was evicted from federally assisted housing within the past 3 years for drug-related criminal activity, if ECC/HANH is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by ECC/HANH, or the person who committed the crime, is no longer living in the household.

- ECC/HANH determines that any household member is currently engaged in the use of illegal drugs.

  ECC/HANH Policy

  Currently engaged in is defined as any use of illegal drugs during the previous 12 months.

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

  ECC/HANH Policy

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

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program
- Any member of the family fails to sign and submit consent forms for obtaining information.
- The family does not meet the restrictions on net assets and real property ownership as required by 24 CFR 5.618.

3-III.C. RESTRICTION ON ASSISTANCE BASED ON ASSETS [24 CFR 5.618]

There are two circumstances under which a family is ineligible to receive assistance based on asset ownership.

First, assistance may not be provided to any family if the family's net assets exceed $100,000 (adjusted annually by HUD).

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; and
- 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 non-household member resides at the jointly owned property;
- Any family that is offering the property for sale; or
- 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, ECC/HANH must comply with all the confidentiality requirements under VAWA. ECC/HANH must accept a self-certification from the family member, and the restrictions on requesting documentation under VAWA apply.

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;
  - ECC/HANH defines *not sufficient for the size of the family* as being overcrowded based on space standards in Chapter 8 of this policy.
- Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by ECC/HANH or owner)
- Is not safe to reside in because of the physical condition of the property (e.g., property’s physical condition poses a risk to the family’s health and safety and the condition of the property cannot be easily remedied); or
- Is not a property that a family may reside in under the state or local laws of the jurisdiction where the property is located.

<u>ECC/HANH Policy</u>

Per the ECC/HANH Rent Simplification Policy, Asset exclusion is raised to $50,000.00. Increasing the asset exclusion amount allows residents to accumulate more assets before they are calculated as income. Families will self-certify that they do not have assets in excess of $50,000.00.

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

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

Criminal Activity [24 CFR 982.553]

HUD permits, but does not require, ECC/HANH to deny assistance if ECC/HANH determines that any household member is currently engaged in, or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.

ECC/HANH Policy

Except as mandated by federal law, no applicant will be automatically denied because of his or her criminal background.

For applicants not barred by federal law, the applicant's criminal conviction(s) will be assessed to determine the risk the applicant poses to the safety and well-being of the community. ECC/HANH has identified particular criminal convictions that may suggest future risk (see below) and thus warrant closer examination of an individual's application.

Applicants with criminal convictions that do not fall into one of the below categories and time periods will be deemed admissible, assuming he or she is otherwise eligible for housing assistance. For any applicant with criminal history that falls into one of the below categories and time periods, ECC/HANH will individually determine whether or not the particular applicant poses a significant level of risk to the safety and well-being of the community and will only deny an applicant after making such a determination. This determination will be based on the totality of the circumstances, as explained by the written criteria provided in Section 3-III.E. Before making a decision to admit or deny applicants with relevant criminal convictions, the applicant shall be given an opportunity for an in-person individualized review based on accurate information, including notice and opportunity to be heard [hereinafter "further review"]. Individual circumstances and the potential impact on safety of other residents should be taken into account in the decision as outlined below. Should the applicant forgo the opportunity to present additional information during further review, HANH will make its admission decision as outlined in Section 3-III.E absent any additional information.

If the applicant seeks to join a family member's existing lease, please consult Section 9-III.B., which explains the Community Reunification Program. The Community Reunification Program describes ECC/HANH's policy of waiving the criminal background screening criteria, with the exception of the HUD mandatory denial of admission, for individuals who seek to join a family member's existing lease.

Applicants with particular criminal history may wish to apply to the Community Re-entry Pilot Program, which has separate criteria for eligibility (see Section 4-III.B.).

With the exception of applicants for the Department of Mental Health and Addiction Services (DMHAS) supportive housing program or the Community Re-entry Program, which are subject to separate admissions standards. ECC/HANH will make an individualized determination of an applicant's risk to the safety and well-being of the community, including an opportunity for the applicant to present information during

“further review”, for the below criminal activities as applied to all adult household members:

#	TYPE	CRIME CATEGORY	SUBCATERGORY	TIME PERIOD FOR REVIEW
1	Mandatory HUD	Lifetime sex offender registration; Production or manufacture of methamphetamine on the premises of federally assisted housing	Felony Misdemeanor	Review for confirmation of accuracy
2	Crimes Against Persons	Criminal forcible sexual conduct (child molestation, child sexual abuse, child pornography); Terrorism; Homicide, murder, manslaughter; Use of a firearm against a person; Armed robbery offenses; Kidnapping/Abduction/Human Trafficking;	Felony	5 years from date of conviction
3		Assault and battery; Non-forcible sex offenses; Stalking; Domestic Violence	Felony, Misdemeanor	Review if felony within 5 years from date of conviction and misdemeanor within 3 years from date of conviction
4	Crimes Against Society	Possession or sale of illegal firearms	Felony, Misdemeanor	Review
5		Burglary Breaking and Entering Robbery Offenses	Felony, Misdemeanor	Review if felony within 5 years from date of conviction; and misdemeanor within 3 years from date of conviction
6		Any household member has ever been convicted of drug-related criminal activity. Possession with intent to manufacture, sell, distribute or use the drug; Criminal activity that shows a pattern or history of abuse of alcohol, illegal or prescription drugs and narcotics	Felony Misdemeanor	Review if use is within 1 year: Review if felony within 5 years from date of conviction and misdemeanor within 3 year from date of conviction

7	Crimes Against Property	Theft; Stolen Property; Fraud Related offenses Destruction of Property VandalismArson	Felony	Review if felony within 5 years from date of conviction
8	Multiple Offenses	2,3,4,5,6,7	If two of more convictions	Review if two or more convictions are within previous 10 years

A conviction for drug-related or violent criminal activity will be given more weight than an arrest for such activity.

In making its decision to deny assistance, ECC/HANH will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, ECC/HANH may, on a case-by-case basis, decide not to deny assistance.

Misrepresentation and Mistakes

An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, income, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]

HUD authorizes ECC/HANH to deny assistance based on the family's previous behavior in assisted housing:

ECC/HANH Policy

ECC/HANH **will not** deny assistance to a family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program.

ECC/HANH **will** deny assistance to an applicant family if:

The family does not provide information that ECC/HANH or HUD determines is necessary in the administration of the program.

The family does not provide complete and true information to ECC/HANH.

Any family member has been evicted from federally-assisted housing in the last five years for any activity other than for activity as described in Sections 3-III.B and 3-III.C, above.

ECC/HANH has ever terminated assistance under the program for any member of the family due to the action or inaction of a household member.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family owes rent or other amounts to any PHA in connection with Section 8 or other public housing assistance under the 1937 Housing Act, unless the family repays the full amount of the debt prior to being selected from the waiting list.

If the family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list.

The family has breached the terms of a repayment agreement entered into with ECC/HANH, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list.

A family member has engaged in or threatened violent or abusive behavior toward ECC/HANH personnel.

Abusive or violent behavior towards ECC/HANH personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. Actions or language that can be construed as sexual harassment will be considered abusive behavior.

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

In making its decision to deny assistance, ECC/HANH will consider the factors discussed in Section 3-III.E. Upon consideration of such factors, ECC/HANH may, on a case-by-case basis, decide not to deny assistance.

3-III.E. SCREENING

Screening for Eligibility

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

ECC/HANH Policy

ECC/HANH will perform a criminal background check through a contracted private entity that conducts criminal checks of national law enforcement records for every adult household member.

If the results of the criminal background check indicate that there may be past criminal activity, but the results are inconclusive, ECC/HANH may request a fingerprint card and will request information from either the appropriate law enforcement agency or the National Crime Information center (NCIC).

ECC/HANH is required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender

program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

ECC/HANH Policy

ECC/HANH will perform sex offender registration criminal background check through a contracted private entity that conducts criminal checks of national law enforcement records for every adult household member. ECC/HANH will use the Dru Sjodin National Sex Offender database to screen applicants for admission.

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

If ECC/HANH proposes to deny assistance based on a criminal record or on lifetime sex offender registration information, ECC/HANH must notify the household of the proposed action and must provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission. [24 CFR 5.903(f) and 5.905(d)].

Screening for Suitability as a Tenant [24 CFR 982.307]

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

ECC/HANH Policy

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

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

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

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

ECC/HANH Policy

ECC/HANH will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time

of the initial HQS inspection or before. ECC/HANH will not provide any additional information to the owner, such as tenancy history or criminal history.

3-III.F. CRITERIA FOR DECIDING TO DENY ASSISTANCE

Evidence [24 CFR 982.553(c)]

ECC/HANH Policy

ECC/HANH will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

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

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

ECC/HANH Policy

ECC/HANH will consider the following factors prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents
- The effects that denial of assistance may have on other members of the family who were not involved in the action or failure
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.G) a victim of domestic violence, dating violence, sexual assault, or stalking
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully

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

Removal of a Family Member's Name from the Application

Should ECC/HANH'S screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, ECC/HANH must offer the family the opportunity to remove the ineligible family member from the household. If the

family is unwilling to remove that individual from the household, ECC/HANH must deny admission to the family [Notice PIH 2012-28].

For other criminal activity, ECC/HANH may permit the family to exclude the culpable family members as a condition of eligibility. [24 CFR 982.552(c)(2)(ii)].

ECC/HANH Policy

Should ECC/HANH's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, ECC/HANH will offer the family the opportunity to remove the ineligible family member from the household as a condition of receiving assistance.

After admission to the program, the family must present evidence of the former family member's current address upon ECC/HANH request.

For other criminal activity, ECC/HANH will deny admission to the family.

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

If the family includes a person with disabilities, ECC/HANH's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

ECC/HANH Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, ECC/HANH will determine whether the behavior is related to the stated disability. If so, upon the family's request, ECC/HANH will determine whether admitting the family as a reasonable accommodation is appropriate. ECC/HANH will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance. See Chapter 2 for a discussion of reasonable accommodation.

3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

If the family is eligible for assistance, ECC/HANH will notify the family in writing and schedule a tenant briefing, as discussed in Chapter 5.

If ECC/HANH determines that a family is not eligible for the program for any reason, the family must be notified promptly. The notice must describe: (1) the reasons for which assistance has been denied, (2) the family's right to an informal review, and (3) the process for obtaining the informal review [24 CFR 982.554 (a)]. See Chapter 16, for informal review policies and procedures.

ECC/HANH Policy

The family will be notified of a decision to deny assistance in writing within 10 business days of the determination.

If ECC/HANH uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before ECC/HANH can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. ECC/HANH must give the

family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements [24 CFR 982.553(d)].

ECC/HANH Policy

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible ECC/HANH will notify the family in writing of the proposed denial and provide the applicant and the subject of the record the opportunity to view the record at ECC/HANH's offices. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact ECC/HANH to dispute the information within that 10-day period, ECC/HANH will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notice requirements related to denying assistance to noncitizens are contained in Section 3-II.B.

Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault or stalking are contained in Section 3-III.G.

3-III.H. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING AND HUMAN TRAFFICKING

The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit ECC/HANH from denying an applicant admission to the HCV program "on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant otherwise qualifies for assistance or admission."

- Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began 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, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

Definitions of key terms used in VAWA are provided in section 16-IX of this plan, where general VAWA requirements and policies pertaining to notification, documentation, and confidentiality are also located.

Notification

VAWA 2013 expanded notification requirements to include the obligation for ECC/HANH to provide applicants who are denied assistance with a notice of rights and the form HUD-50066 at the time the applicant is denied.

ECC/HANH Policy

ECC/HANH acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under ECC/HANH's policies. Therefore, if ECC/HANH makes a determination to deny assistance to an applicant family, ECC/HANH will include in its notice of denial the

VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-50066. ECC/HANH will request that an applicant wishing to claim protection under VAWA notify ECC/HANH within 10 business days.

Documentation

Victim Documentation [24 CFR 5.2007]

ECC/HANH Policy

If an applicant claims the protection against denial of assistance that VAWA provides to victims of domestic violence, dating violence, sexual assault or stalking, ECC/HANH will request in writing that the applicant provide documentation supporting the claim in accordance with section 16-IX.D of this plan.

Perpetrator Documentation

ECC/HANH Policy

If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

A signed statement (1) requesting that the perpetrator be removed from the application and (2) certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit

Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403

The term *person with disabilities* means a person who has any of the following types of conditions:

- Has a disability, as defined in 42 U.S.C. Section 423(d)(1)(A), which reads:

  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.

- Has a developmental disability as defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 [42 U.S.C.15002(8)], which defines developmental disability in functional terms as follows:

  (A) In General

  The term "developmental disability" means a severe, chronic disability of an individual that:

  (i) is attributable to a mental or physical impairment or combination of mental and physical impairments;

  (ii) is manifested before the individual attains age 22;

  (iii) is likely to continue indefinitely;

  (iv) results in substantial functional limitations in 3 or more of the following areas of major life activity: (I) Self-care, (II) Receptive and expressive language, (III) Learning, (IV) Mobility, (V) Self-direction, (VI) Capacity for independent living, (VII) Economic self-sufficiency; and

  (v) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

  (B) Infants and Young Children

  An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.

- Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

People with the acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for AIDS are not excluded from this definition.

A person whose disability is based solely on any drug or alcohol dependence does not qualify as a person with disabilities for the purposes of this program.

For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term person with disabilities refers to an individual with handicaps.

Individual with Handicaps [24 CFR 8.3]

Individual with handicaps means 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. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(1) Physical or mental impairment includes:

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(2) *Major life activities* mean functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) *Is regarded as having an impairment* means:

(a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;

(b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(c) Has none of the impairments defined in paragraph (1) of this section but is treated by a recipient as having such an impairment.

EXHIBIT 3-2: DEFINITION OF INSTITUTION OF HIGHER EDUCATION [20 U.S.C. 1001 and 1002]

Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance; Notice [Federal Register, April 10, 2006]

Institution of Higher Education shall have the meaning given this term in the Higher Education Act of 1965 in 20 U.S.C. 1001 and 1002.

Definition of ''Institution of Higher Education'' From 20 U.S.C. 1001

(a) Institution of higher education. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term ''institution of higher education'' means an educational institution in any State that

(1) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

(2) Is legally authorized within such State to provide a program of education beyond secondary education;

(3) Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;

(4) Is a public or other nonprofit institution; and

(5) Is accredited by a nationally recognized accrediting agency or association, or if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

(b) Additional institutions included. For purposes of this chapter, other than subchapter IV and part C of subchapter I of chapter 34 of Title 42, the term ''institution of higher education'' also includes—

(1) Any school that provides not less than a 1-year program of training to prepare students for gainful employment in a recognized occupation and that meets the provision of paragraphs (1), (2), (4), and (5) of subsection (a) of this section; and

(2) A public or nonprofit private educational institution in any State that, in lieu of the requirement in subsection (a)(1) of this section, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) List of accrediting agencies. For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part G of subchapter IV of this chapter, to be reliable authority as to the quality of the education or training offered.

Definition of ''Institution of Higher Education'' From 20 U.S.C. 1002

(a) Definition of institution of higher education for purposes of student assistance programs

(1) Inclusion of additional institutions. Subject to paragraphs (2) through (4) of this subsection, the term ‘‘institution of higher education’’ for purposes of subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 includes, in addition to the institutions covered by the definition in section 1001 of this title—

(A) A proprietary institution of higher education (as defined in subsection (b) of this section);

(B) A postsecondary vocational institution (as defined in subsection (c) of this section); and

(C) Only for the purposes of part B of subchapter IV of this chapter, an institution outside the United States that is comparable to an institution of higher education as defined in section 1001 of this title and that has been approved by the Secretary for the purpose of part B of subchapter IV of this chapter.

(2) Institutions outside the United States

(A) In general. For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 1001 of this title (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 1001 (a)(4) of this title). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of subchapter IV of this chapter unless—

(i) In the case of a graduate medical school located outside the United States—

(I)(aa) At least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 1091(a)(5) of this title in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; and

(bb) At least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of subchapter IV of this chapter; or

(II) The institution has a clinical training program that was approved by a State as of January 1, 1992; or

(ii) In the case of a veterinary school located outside the United States that does not meet the requirements of section 1001(a)(4) of this title, the institution’s students complete their clinical training at an approved veterinary school located in the United States.

(B) Advisory panel

(i) In general. For the purpose of qualifying as an institution under paragraph (1)(C) of this subsection, the Secretary shall establish an advisory panel of medical experts that shall—

(I) Evaluate the standards of accreditation applied to applicant foreign medical schools; and

(II) Determine the comparability of those standards to standards for accreditation applied to United States medical schools.

(ii) Special rule if the accreditation standards described in clause (i) are determined not to be comparable, the foreign medical school shall be required to meet the requirements of section 1001 of this title.

(C) Failure to release information. The failure of an institution outside the United States to provide, release, or authorize release to the Secretary of such information as may be required by subparagraph (A) shall render such institution ineligible for the purpose of part B of subchapter IV of this chapter.

(D) Special rule. If, pursuant to this paragraph, an institution loses eligibility to participate in the programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, then a student enrolled at such institution may, notwithstanding such loss of eligibility, continue to be eligible to receive a loan under part B while attending such institution for the academic year succeeding the academic year in which such loss of eligibility occurred.

(3) Limitations based on course of study or enrollment. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution—

(A) Offers more than 50 percent of such institution's courses by correspondence, unless the institution is an institution that meets the definition in section 2471 (4)(C) of this title;

(B) Enrolls 50 percent or more of the institution's students in correspondence courses, unless the institution is an institution that meets the definition in such section, except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;

(C) Has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree, or an associate's degree or a postsecondary diploma, respectively; or

(D) Has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor's degree or an associate's degree, respectively, except that the Secretary may waive the

limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.

(4) Limitations based on management. An institution shall not be considered to meet the definition of an institution of higher education in paragraph (1) if—

(A) The institution, or an affiliate of the institution that has the power, by contract or ownership interest, to direct or cause the direction of the management or policies of the institution, has filed for bankruptcy, except that this paragraph shall not apply to a nonprofit institution, the primary function of which is to provide health care educational services (or an affiliate of such an institution that has the power, by contract or ownership interest, to direct or cause the direction of the institution's management or policies) that files for bankruptcy under chapter 11 of title 11 between July 1, 1998, and December 1, 1998; or

(B) The institution, the institution's owner, or the institution's chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, or has been judicially determined to have committed fraud involving funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.

(5) Certification. The Secretary shall certify an institution's qualification as an institution of higher education in accordance with the requirements of subpart 3 of part G of subchapter IV of this chapter.

(6) Loss of eligibility. An institution of higher education shall not be considered to meet the definition of an institution of higher education in paragraph (1) if such institution is removed from eligibility for funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 as a result of an action pursuant to part G of subchapter IV of this chapter.

(b) Proprietary institution of higher education

(1) Principal criteria. For the purpose of this section, the term ''proprietary institution of higher education'' means a school that—

(A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;

(B) Meets the requirements of paragraphs (1) and (2) of section 1001 (a) of this title;

(C) Does not meet the requirement of paragraph (4) of section 1001 (a) of this title;

(D) Is accredited by a nationally recognized accrediting agency or association recognized by the Secretary pursuant to part G of subchapter IV of this chapter;

(E) Has been in existence for at least 2 years; and

(F) Has at least 10 percent of the school's revenues from sources that are not derived from funds provided under subchapter IV of this chapter and part C of subchapter I of

chapter 34 of title 42, as determined in accordance with regulations prescribed by the Secretary.

(2) Additional institutions. The term ‘‘proprietary institution of higher education’’ also includes a proprietary educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

(c) Postsecondary vocational institution.

(1) Principal criteria. For the purpose of this section, the term ‘‘postsecondary vocational institution’’ means a school that—

(A) Provides an eligible program of training to prepare students for gainful employment in a recognized occupation;

(B) Meets the requirements of paragraphs (1), (2), (4), and (5) of section 1001 (a) of this title; and

(C) Has been in existence for at least 2 years.

(2) Additional institutions. The term ‘‘postsecondary vocational institution’’ also includes an educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.

Chapter 4

APPLICATIONS, WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to receive assistance under the HCV program, the family must submit an application that provides ECC/HANH with the information needed to determine the family's eligibility. HUD requires ECC/HANH to place all families that apply for assistance on a waiting list. When HCV assistance becomes available, ECC/HANH must select families from the waiting list in accordance with HUD requirements and ECC/HANH policies as stated in the Administrative Plan and the Annual Plan.

ECC/HANH is required to adopt clear policies and procedures for accepting applications, placing families on the waiting list, and selecting families from the waiting list, and must follow these policies and procedures consistently. The actual order in which families are selected from the waiting list can be affected if a family has certain characteristics designated by HUD or ECC/HANH that justify their selection. Examples of this are the selection of families for income targeting and the selection of families that qualify for targeted funding.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that ECC/HANH affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1].

Adherence to the selection policies described in this chapter ensures that ECC/HANH will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

This chapter describes HUD and ECC/HANH policies for taking applications, managing the waiting list and selecting families for HCV assistance. The policies outlined in this chapter are organized into three sections, as follows:

> Part I: The Application Process. This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how ECC/HANH will handle the applications it receives.
>
> Part II: Managing the Waiting List. This part presents the policies that govern how ECC/HANH's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process ECC/HANH will use to keep the waiting list current.
>
> Part III: Selection for HCV Assistance. This part describes the policies that guide ECC/HANH in selecting families for HCV assistance as such assistance becomes available. It also specifies how interviews will be used to ensure that ECC/HANH has the information needed to make a final eligibility determination.
>
> Part IV: VAWA Applicant Waitlist and Transfer Waitlist Preference. This part describes the Violence Against Women Act (VAWA) and how ECC/HANH provides housing protection for people applying for or living in subsidized housing who have experienced domestic violence, dating violence or sexual assault. It also discusses how the VAWA preference is applied.

Part V: Effort to End Homelessness – Homeless Preference/Waiting List Set Asides. This part describes ECC/HANH's effort to end homelessness and how preference are applied for families who are experiencing homelessness or near homelessness.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

This part describes ECC/HANH policies for making applications available, accepting applications, making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes ECC/HANH's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

Any family that wishes to receive HCV assistance must apply for admission to the program. HUD permits ECC/HANH to determine the format and content of HCV applications, as well as how such applications will be made available to interested families and how applications will be accepted by ECC/HANH. ECC/HANH must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of ECC/HANH's full application.

ECC/HANH Policy

When opening the waiting list, ECC/HANH will publicly announce the accepting of applications (see Section 4-II-C).

Applicants may apply for the wait list through the ECC/HANH Applicant portal at https://ecc.myhousing.com. If the applicant needs a reasonable accommodation to complete the pre-application, the applicant may contact the Reasonable Accommodation Manager. Application forms can also be obtained at the ECC/HANH website at www.elmcitycommunities.org or United Way's 211 Info line at http://www.cthcvp.org.

A family may request to pick up an application form at the agency offices or to have the application mailed to them as a reasonable accommodation.

All applications received via mail will be date and time stamped. Mailed applications will be added to the waitlist based on the date and time that they are stamped as received.

Only one application will be accepted per family; duplicate applications will not be accepted and will be discarded.

Applications received after the published deadline date will not be accepted.

Completed applications must be submitted via the Wait List portal. Applications must be complete in order to be accepted by the ECC/HANH for processing.

The Applicant Portal does not allow incomplete applications to be submitted through the portal. If a pre-application submitted in any way other than the portal is incomplete, the ECC/HANH will not accept the application but will instead notify the applicant by mail or email, if applicable, that the application is incomplete and has been denied.

An applicant whose application has been denied for being incomplete or for not meeting the published application criteria will be provided with the opportunity to appeal ECC/HANH's decision that the application was incomplete or for not meeting the published application criteria within 10 business days of the notice of application denial.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

Elderly and Disabled Populations [24 CFR 8 and HCV GB, pp. 4-11 – 4-13]

ECC/HANH must take steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). ECC/HANH must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or ECC/HANH must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of ECC/HANH's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

ECC/HANH is required to take reasonable steps to ensure equal access to our programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on ECC/HANH's policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

ECC/HANH must accept applications from families, when the list is open, unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, ECC/HANH must notify the family in writing [24 CFR 982.201(f)]. Where the family is eligible, the family will be placed on a waiting list of applicants.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR 982.202(c)].

Ineligible for Placement on the Waiting List

ECC/HANH Policy

The Applicant Portal does not allow incomplete applications to be submitted. If an application is incomplete, the applicant will not be able to submit the application until the application is completed with all required information. If a pre-application submitted in any way other than the portal is incomplete, ECC/HANH will not accept the application but will instead notify the applicant by mail or email, if applicable, that the application is incomplete and give an opportunity to complete the application.

Applicants will not be screened for ineligibility at the pre-application stage. Screening for ineligibility will occur at the time of tenant selection at the full application stage.

Eligible for Placement on the Waiting List

ECC/HANH Policy

The ECC/HANH HCV wait list will remain open.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list JB by ranked preference, pending selection (see Section 4-III-C).

PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

ECC/HANH must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how ECC/HANH may structure its waiting list and how families must be treated if they apply for assistance from a PHA that administers more than one assisted housing program.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

ECC/HANH's HCV waiting list must be organized in such a manner to allow ECC/HANH to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Applicant address
- Family unit size;
- Date and time of application;
- Qualification for any local preference.
- Racial or ethnic designation of the head of household.
- Date of birth

HUD requires a PHA to maintain a single waiting list for the HCV program unless it serves more than one county or municipality. Such PHAs are permitted, but not required, to maintain a separate waiting list for each county or municipality served.

<u>ECC/HANH Policy</u>

ECC/HANH will maintain a single waiting list for the HCV program.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program ECC/HANH operates if:

1) the other programs' waiting lists are open

2) the family qualifies for the other programs

HUD permits, but does not require, that ECC/HANH maintain a single merged waiting list for their public housing, Section 8, and other subsidized housing programs.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

ECC/HANH Policy

The ECC/HANH maintains a single HCV waiting list for Tenant Based Vouchers (TBV) and Project Based Vouchers (PBV) and will not merge the waiting list for any other program the ECC/HANH operates.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Closing the Waiting List

ECC/HANH is permitted to close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, ECC/HANH may elect to continue to accept applications only from certain categories of families that meet particular preferences or funding criteria.

ECC/HANH Policy

ECC/HANH will continuously accept applications through its online portal. ECC/HANH may close the waiting list when the estimated waiting period for housing assistance for applicants on the list reaches 24 months for the most current applicants.

ECC/HANH will keep its waiting list open for priority preferences or a referral based preference waiting list (see below).

Where ECC/HANH has funding criteria that require a specific category of family, ECC/HANH may elect to continue to accept applications from these applicants while closing the waiting list to others. This includes ECC/HANH Special Programs, income targeting and Efforts to End Homelessness TBV and PBV initiatives.

All advertisements will be made in English and other languages as dictated by the needs of the local market area.

When the waiting list is closed, ECC/HANH will not maintain a list of individuals who wish to be notified when the waiting list is reopened.

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until ECC/HANH publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

ECC/HANH Policy

ECC/HANH's waiting list will always remain open for the following families who have the preferences listed below.

Note: This is not a preference hierarchy.

- **Displaced by Government Action**
    i. Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, an including from ECC/HANH

public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)

ii. Displacement as the result of a local natural disaster and/or commendation of a property or dwelling for health and safety reasons;

iii. Displacement as defined by the US Department of Housing and Urban Development as the result of a natural disaster or an emergency defined event resulting in the displacement of persons needing housing assistance.

- **Reasonable Accommodation**

  Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.

- **Violence Against Women Act (VAWA)**

  Violence Against Women Act (VAWA) for applicants on the LIPH waitlist and LIPH residents who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH residents and applicant families claiming protections under the Violence Against Women Act (VAWA.

  See the VAWA preference policy for more information.

- **Documented Witness Protection**
  For persons or families that are in a documented Witness Protection Program. Documentation to be provided by the appropriate law enforcement agency.

- **LIPH - Crime and Safety**

  An individual or family currently residing in an ECC/HANH public housing unit, LIHTC/PBV or RAD/PBV unit who are in a situation involving crime and safety, where transfer of the family to another public housing, LIHTC/PBV or RAD/PBV development does not meet the needs of the family due to other situations involving crime and safety.

- **Homeless**
  For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) for project-based developments with homeless requirements or tenant-based vouchers.

- **Supportive Housing**
  For individuals and families who meet the HUD definition of homeless and are direct referrals for project-based or tenant-based Efforts to end Homelessness TBV and PBV initiatives.

- **Emergency Housing Vouchers**
  Families who are applicants/referrals for Emergency Housing Vouchers (EHV)

ECC/HANH will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

ECC/HANH will give public notice by publishing the relevant information in suitable media outlets including the following newspapers, minority publications, and media entities:

New Haven Register, Inner City, The City of New Haven's Office on Disabilities, and the State of Connecticut website.

The notice will contain:

- When the waiting list will be open;
- The deadline for receipt of applications;
- How and where to apply (see Section 4-I.B);
- The programs for which applications will be taken;
- A brief description of the program;
- ECC/HANH's preferences; and,
- Limitations, if any, on who may apply.

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

ECC/HANH must conduct outreach as necessary to ensure that ECC/HANH has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

Because HUD requires ECC/HANH to admit a specified percentage of extremely low-income families to the program (see Chapter 4, Part III), ECC/HANH may need to conduct special outreach to ensure that an adequate number of such families apply for assistance [HCV GB, p. 4-20 to 4-21].

ECC/HANH's outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

ECC/HANH's outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low-income population

- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

ECC/HANH Policy

ECC/HANH will monitor the characteristics of the population being served and the characteristics of the population as a whole in ECC/HANH's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

ECC/HANH Policy

While the family is on the waiting list, the family must immediately inform the ECC/HANH of changes in contact information, including current residence, mailing address, phone number and family composition. The changes must be submitted in writing.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

HUD requires ECC/HANH to establish policies to use when removing applicant names from the waiting list.

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to an ECC/HANH request for information or updates, and ECC/HANH determines that the family did not respond because of the family member's disability, ECC/HANH must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].
The primary goal in purging a waiting list is to obtain current information on interested applicants and to remove applicants no longer interested in participating in the program. Also purging the waiting lists prevents delays in leasing activities.

ECC/HANH Policy

The waiting list will be updated as needed, at least annually, to ensure that all applicants and applicant information is current and timely.

ECC/HANH will consider the following factors when deciding to purge/update the waiting list and may decide to purge a portion of the Waiting List at a given time.

- The number of applicants expected to be selected within a reasonable time, i.e 12-24 months
- Removing families who are no longer interested or eligible to participate in the HCV program

To purge the waiting list, ECC/HANH may send purge letter notifications via the Applicant Portal, electronic or first-class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the HCV program.

The-purge letter will be sent to the last electronic, or mailing address that ECC/HANH has on record for the family. The-purge letter will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

Applicants must verify and update all the information needed for remaining on the applicable waiting list. The applicant must indicate that they wish to remain on the specific waiting list or if they wish to be removed.

The family's response must be in writing and may be delivered in person or by applicant portal, first class or electronic mail., Responses should be postmarked or received by ECC/HANH not later than 15 business days from the date of ECC/HANH's letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice. A copy of the letter shall be maintained in the file with a note indicating the date and reason for removing the applicant from the Waiting List.

If the notice is returned by the post office marked undeliverable or with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The address will be updated accordingly. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice. The returned mail must be filed in the file.

When a family is removed from the waiting list during the purge process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent ECC/HANH from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting list for failure to respond, ECC/HANH may reinstate the family if the lack of response was due to ECC/HANH error, or to circumstances beyond the family's control to include but not limited to, hospitalization, delayed mail delivery, or other reasonable accommodation circumstances.

The removal must be documented in the file. A copy of the original letter should be included in the file with a note indicating the date and reason for the removal.

Due to the length of the waiting list, it may not be cost effective to purge the entire waiting list at one time. ECC/HANH will have the discretion to purge a portion of the waiting list in order to have current information on those applicant families that may be likely to reach the top of the waiting list in the next 12 months.

ECC/HANH may determine to conduct a purge with in-house staff or contracting out the service to complete the function.

Removal from the Waiting List

ECC/HANH Policy

ECC/HANH will remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required. Such requests must be submitted in writing.

If at any time an applicant family is on the waiting list, the ECC/HANH determines that the family is not eligible for assistance (see Chapter 3), the family will be removed from the waiting list.

If a family is removed from the waiting list because the ECC/HANH has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family on how to request an informal review regarding ECC/HANH's decision (see Chapter 16) [24 CFR 982.201(f)].

A family may also be removed from the waiting list if the family fails to respond to the ECC/HANH's written invitation to attend an eligibility appointment.

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families are selected from the waiting list depends on the selection method chosen by ECC/HANH and is impacted in part by any selection preferences for which the family qualifies. The availability of targeted funding also may affect the order in which families are selected from the waiting list.

ECC/HANH must maintain a clear record of all information required to verify that the family is selected from the waiting list according to ECC/HANH'S selection policies [24 CFR 982.204(b) and 982.207(e)].

4-III.B. SELECTION AND HCV FUNDING SOURCES

Regular HCV Funding

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

Special Admissions [24 CFR 982.203]

HUD may award funding for specifically named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, ECC/HANH may admit such families whether or not they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. ECC/HANH must maintain records showing that such families were admitted with special program funding.

Targeted Funding [24 CFR 982.204(e)]

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

Emergency Housing Vouchers

The American Rescue Plan (ARP) of 2021, section 3202 created the Emergency Housing Vouchers for individuals and families who are experiencing homelessness; at risk of experiencing homelessness; fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or were recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing stability. ECC was allocated 37 EHV effective July 1, 2021.

After September 30, 2023, ECC/HANH may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended. All referrals must come through the Continuum of Care Coordinated (CoC) Entry system (New Haven Alliance Coordinated Access Network) or from a Victims Services Provider.

The CoC maintains the waitlist for this program by prioritizing individuals and families for EHV assistance, determining the homelessness eligibility, and refers individuals and families through the CoC's coordinated entry system.

Families referred by the CoC may receive EHV program funded housing support services including: supporting individuals and families in processing voucher applications, supporting the housing search process, and planning for and coordinating the delivery of supportive services to support the housing stability of EHV participants. (see Chapter 20, Special Purpose Vouchers)

4-III.C. SELECTION METHOD

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

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

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

ECC/HANH Policy

The ECC/HANH offers preferences to the below families in the stated order.

1.) Displace by Government Action

Persons displaced by government action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or formally recognized pursuant to Federal disaster relief laws. 24 CFR 5.403(b). This preference will be prioritized in the following:

a. Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)
b. Displacement as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons. i.e. Fire Dept, LCI
c. Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

2.) Reasonable Accommodation - LIPH

Reasonable Accommodation for disability issues under the Fair Housing Act for

residents currently residing in an ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.

3.) Violence Against Women Act (VAWA)

Violence Against Women Act (VAWA) for applicants who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA).

**This preference applies if an applicant is already on the HCV waitlist as a result of having previously applied for HCV. The preference will be applied, and the applicant will be repositioned on the waitlist-based ads of the date of the original approval date.*

An applicant who is not yet on the LIPH or HCV applicant waitlist will be added only to the LIPH applicant site-based waitlist as outlined in the ACOP.

*New applicants **will not** be added to the HCV waitlist, however, once on the LIPH waitlist, families may potentially have a one-time opportunity to opt for vouchers if vouchers are available.*

See the VAWA preference policy for more information.

4.) Documented Witness Protection

For individuals or families that are in a documented Witness Protection Program. Documentation to be provided by the appropriate law enforcement agency.

5.) LIPH – Crime and Safety

For individuals or families currently residing in an ECC/HANH public housing unit, who are in a situation involving crime and safety, where transfer to another public housing development does not meet the needs of ECC/HANH public housing residents due to other situations involving crime and safety.

6.) Homeless

For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) and who will receive vouchers for project-based developments with homeless requirements or will receive tenant-based vouchers.

7.) Supportive Housing

For individuals or families who are direct referrals for ECC/HANH project-based (PBV) or tenant-based (TBV) supportive housing programs

8.) Emergency Housing Vouchers (EHV)

For families who are direct referrals for the Emergency Housing Vouchers (EHV)

NOTE:

Supportive Housing, EHV and Homeless are preferences but are established as separate waiting lists in the ECC/HANH Wait List systems.

ECC/HANH Policy

To view the order of voucher issuance and complete voucher issuance table, see Chapter 17-VII.E Choice Mobility Project Based Voucher (PBV) to Tenant Based Voucher (TBV).

HCV Waitlists & Prefer					
	TBV Waitlist with order of preferences	Reasonable Accommodation from LIPH	VAWA Preference from LIPH	RAD/PBV to TBV Transfer Waitlist with order of preferences (1 out of every 4 required)	PBV to TBV transfer waitlist with order of preferences

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

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

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

ECC/HANH Policy

The ECC/HANH will monitor progress in meeting the income targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

Order of Selection

The ECC/HANH system of preferences may select families based on local preferences according to the date and time of application or by a random selection process (lottery) [24 CFR 982.207(c)].

If ECC/HANH does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].

ECC/HANH Policy

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify, and in accordance with ECC/HANH's hierarchy of preferences, if applicable. Within each targeted funding or preference category, families will be selected according to the date and time of application.

Separate waiting lists will be established for applicants/referrals for project-based or tenant-based applicants in supportive housing and/or Effort to end homelessness initiatives.

Documentation will be maintained by the ECC/HANH as to whether families on the list qualify for and are interested in targeted funding.

4-III.D. NOTIFICATION OF SELECTION

When a family has been selected from the specific waiting list, ECC/HANH must notify the family of the selection.

ECC/HANH Policy

The ECC/HANH will notify the family by first class mail, or email if applicable, when it is selected from the waiting list.

The notice will inform the family of the following:

Date, time and location of the scheduled application interview, including any procedures for rescheduling the interview.

Who is required to attend the interview.

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

If a notification letter is returned to ECC/HANH with no forwarding address, the family will be removed from the waiting list without further notice.

Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will be scheduled for a second interview. Applicants who cannot be contacted after a second attempt or who fail to show for a second interview shall have their applications withdrawn, subject to reasonable accommodation for people with disabilities.

4-III.E. THE APPLICATION INTERVIEW

HUD recommends that ECC/HANH obtain the information and documentation needed to make an eligibility determination though an interview with an ECC/HANH representative [HCV GB, pg. 4-16]. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if ECC/HANH determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period determined by ECC/HANH [Notice PIH 2012-10].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

ECC/HANH Policy

Families selected from the waiting list are required to participate in an eligibility interview.

All adult family members are required to attend the interview. The ECC/HANH may waive this requirement on a case-by-case basis for students attending school out of state and/or for members for whom attendance would present a hardship.

All adult household members must provide acceptable documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity.)

If the household member does not provide the required documentation at the time of the interview, he or she will be required to provide it within 10 business days.

Pending disclosure and documentation of social security numbers, ECC/HANH will allow the family to retain its place on the waiting list for 90 days. If all household members have not disclosed their SSNs at the next time the ECC/HANH is issuing vouchers, the ECC/HANH will issue a voucher to the next eligible applicant family on the waiting list.

Verification of information pertaining to adult members of the household that are not present at the interview will not begin until signed release forms are returned to ECC/HANH.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, signing authorization of release of information forms, consent forms allowing ECC/HANH to obtain required criminal records, providing required signatures, and submitting required documentation. If any materials are missing, ECC/HANH will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview

(Chapter 7 provides details about longer submission deadlines for particular items, including documentation of eligible noncitizen status).

If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, the ECC/HANH will provide translation services in accordance with the ECC/HANH's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact ECC/HANH in advance of the interview to schedule a new appointment. This does not count as a missed appointment.

In all circumstances, if a family does not attend a scheduled interview, ECC/HANH will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without ECC/HANH approval will be denied assistance based on the family's failure to supply information needed to determine eligibility.

Exceptions may be made on a case-by-case basis where extenuating circumstances out of the applicant's control prevented them from attending the second appointment. The applicant will be required to provide acceptable documented proof. If approved, a third appointment will be scheduled.

When ECC/HANH denies eligibility due to failure to appear at the eligibility interview and/or failure to supply information needed to determine eligibility, a notice of denial will be issued in accordance with policies contained in Chapter 3.

4-III.F. COMPLETING THE APPLICATION PROCESS

ECC/HANH must verify all information provided by the family (see Chapter 7). Based on verified information, ECC/HANH must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list.

ECC/HANH Policy

If ECC/HANH determines that the family is ineligible, ECC/HANH will send written notification of the ineligibility determination within 10 business days of the determination to the family. The notice will specify the reasons for ineligibility and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g., targeted funding, extremely low-income), the family will be returned to the waiting list. The ECC/HANH will notify the family in writing that it has been returned to the waiting list and will specify the reasons for it.

If ECC/HANH determines that the family is eligible to receive assistance, ECC/HANH will invite the family to attend a briefing in accordance with the policies in Chapter 5.

PART IV: VAWA APPLICANT WAITLIST & TRANSFER WAITLIST PREFERENCE

4-IV. A OVERVIEW

In support of The Violence Against Women Act, 42 U. S. C. 13701, ECC/HANH has implemented a waitlist preference for victims of domestic violence. The preference applies to:

- all site-based waitlists for developments owned and managed by ECC/HANH, including sites managed by a 3rd party entity
- ECC/HANH's in-house transfer waitlists

Admissions and Screening

A. Non-Denial of Assistance. ECC/HANH will not deny admission to the Section 8 rental assistance program to any person because that person is or has been a victim of domestic violence, sexual assault, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

B. Admissions Preference. Applicants for housing assistance from ECC/HANH will receive a preference in admissions by virtue of their status as victims of domestic violence, sexual assault, dating violence, or stalking. This preference is particularly described as follows:

- Applicants holding a place on any ECC/HANH wait list will be repositioned as outlined in the Administrative Plan.

C. Mitigation of Disqualifying Information. When so requested in writing by an applicant, whose history includes incidents in which the applicant was a victim of domestic violence, ECC/HANH, shall take such information into account in mitigation of potentially disqualifying information, such as poor credit history or previous damage to a dwelling.

If requested by an applicant to take such mitigating information into account, ECC/HANH shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence and its probable relevance to the potentially disqualifying information.

ECC/HANH will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

D. Mandatory Disqualify: Former Housing Choice Voucher Participants and former Residents of any Low-Income Public Housing program who were not in good standing at the time of exiting the program.

4.IV-B. PREFERENCE QUALIFICATIONS

To qualify for the VAWA preference an incident of domestic violence must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of the VAWA application request, and the applicant must be currently homeless or at risk of being homeless as a result of domestic violence.

Supporting Documents

The applicant must provide supporting documentation of incident(s) of domestic violence including certification from a federal, state, tribal, territorial or local police; or protective order; or a signed certification by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse.
This person may be an employee, agent, or volunteer of a victim service provider; an attorney; or a medical professional.
Acceptable documentation also includes a record of an administrative agency, and documentation from a mental health professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incident(s) of abuse., The victim must also sign the documentation.

Request for the VAWA Preference

To begin the VAWA preference application process, the applicant may visit our office at 360 Orange Street, New Haven, CT 06511 to obtain a VAWA certification packet. If unable to visit the office, the applicant may contact ECC/HANH's Reasonable Accommodations Manager (RAM) at 498-8800 and request the VAWA Certification Form be mailed.
Once the applicant has received, the VAWA certification form he/she must fill out the form in its entirety, sign and return along with required proof of domestic violence incident(s). All incomplete requests will be denied.

The completed certification packet and supporting documentation are to be mailed or hand delivered to:

Reasonable Accommodations Manager
Elm City Communities/Housing Authority of the City of New Haven
360 Orange Street
New Haven, Connecticut 06511

If the applicant cannot mail or hand-deliver the completed form, please contact the Reasonable Accommodations Manager to discuss other methods of delivery.

Denial of Preference

Notification of Rejection will be sent by ECC/HANH's Reasonable Accommodation Manager (RAM) within 10 business days of receipt. The notice will inform the applicant of the basis for such determination and will offer an opportunity for an informal hearing.
(see ECC/HANH ACOP & Administrative Plan for Informal Hearing of Rejected Applicants).

Approval of Preference

When the VAWA preference is approved, the applicant will receive notification of approval as well as the pre-application. Upon receipt of the completed pre-application, all eligible families will be added to all wait lists for which the family qualifies for.

If an applicant is already on the ECC/HANH applicant waitlist as a result of having previously applied for HCV, the preference will be applied, and the applicant will be repositioned on the applicant waitlist as outlined in the agency's HCV Administrative Plan (Admin Plan), based on the date of the original approval date.

**An applicant who is not yet on the LIPH or HCV applicant waitlist will be added only to the LIPH applicant site-based waitlist as outlined in the ACOP.*

New applicants will not be added to the HCV waitlist, however, once on the LIPH waitlist, families may potentially have a one-time opportunity to opt for vouchers if vouchers are available.

4.IV-C TRANSFERS FOR CURRENT ECC/HANH RESIDENTS APPROVED FOR VAWA PROTECTIONS TO ANOTHER ECC/HANH OWNED SITE

Current residents of properties owned and/or managed by ECC/HANH or a 3rd party entity who experience new incident(s) of domestic violence may request a unit transfer as a protection

The resident would submit a completed VAWA certification or Form 5383 for Emergency Transfer Request to ECC's Reasonable Accommodations Manager.

The submission must also include supporting documentation of incident(s) of domestic violence including certification from a federal, state, tribal, territorial or local police; or protective order; or a signed certification by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of such abuse.

To qualify for the VAWA preference an incident of domestic violence must have taken place no more than 90 calendar days prior to date of ECC/HANH's receipt of the VAWA application request for a transfer.
Resident families approved for protections will be added to ECC/HANH's "LIPH" transfer list with a VAWA preference. The resident families will be offered units in LIPH and RAD properties, and ECC owned (LIPH/PBV) properties managed by a 3rd party entity. (See Chapter 19)

<u>LIPH/PBV/RAD Unit Assignments for New Applicants</u>

When an applicant family with a VAWA preference reaches the top of a site-based wait list and is eligible to receive a unit offer, ECC/HANH will approve the first available and appropriate sized unit, as outlined by the Occupancy Standards found in ECC/HANH'S ACOP and Admin Plan.

The unit may be within either ECC/HANH's low-income public housing properties, RAD & RAD/PBV properties, or ECC/HANH owned property that is managed by a 3rd party entity.

When the applicant family is extended a unit offer and rejects the unit offer for good cause, that is related to the development, not the specific unit, the family will be withdrawn from that site-based wait list only, thereby allowing the family to remain active on other site-based wait lists.

If the unit family rejects the unit offer for reasons related to the suitability of the unit for the family, ECC/HANH will review the facts and make a determination as to whether the rejection warrants withdrawal of the family from that specific wait list.

Failure to accept this offer for any reason other than good cause will result in the applicant being removed from that particular wait list.

4-IV. D HCV OPTION FOR APPLICANTS ON A LIPH SITE BASED WAITING LISTS WITH VAWA PREFERENCE

Each month, the Reasonable Accommodations Manager (RAM) or designee will determine how many families have been on a site based LIPH wait lists for a period of 90 days. The RAM will then contact the HCV Manager or designee to determine if vouchers are available for said families.

When vouchers are available, the Reasonable Accommodations Manager will contact the families who have been on the LIPH waiting list for a period of 90 days. The Reasonable Accommodation Manager will use the date of receipt of pre-app, since family will have a different position number on each development list).

These families will be invited to an informational session to discuss their choice of receiving a voucher or waiting for an available LIPH unit.

Families will then indicate their preference in writing within 10 business days of the informational session by using the election form provided at the session. The offer to opt for a Housing Choice Voucher will only occur once for each family.

The names of applicants choosing vouchers will be provided to the HCV department for inclusion on the HCV TBV wait list with the VAWA preference.

The HCV department will conduct briefings and voucher issuances for the families. Families that choose a voucher but later opts to stay on the LIPH waitlist, instead of using the voucher, will be able to do so.

The family must provide written notification of such decision to ECC prior to the lease & Housing Assistance Contract signing with ECC/HANH's HCV staff.

Applicants who choose and utilize the voucher will remain on the LIPH wait lists without a preference unless the family requests, in writing, to be removed from the waitlist, or when other circumstances outlined in the ACOP warranting removal from the waitlist occur.

Families who opt out of receiving a voucher and choose to remain on LIPH wait lists will do so with the VAWA preference.

4-IV. E HCV OPTION FOR RESIDENTS ON THE "LIPH" TRANSFER LIST WITH A VAWA PREFERENCE

ECC/HANH will offer 2 options to resident families who experience new incidents of domestic violence and are approved for inclusion on the "LIPH" transfer list.

Option 1

Each month, the Reasonable Accommodations Manager (RAM) or designee will determine how many families have been on the "LIPH" Transfer wait list for more than 90 days, the Reasonable Accommodation Manager will then contact the HCV Manager or designee to determine if tenant-based vouchers (TBV) are available for said families.

When vouchers are available, the Reasonable Accommodations Manager will contact families from the LIPH transfer wait list who were on the list for more than 90 days did not receive and accept a unit transfer offer and were not previously contacted for a housing voucher (using date of the approval for the VAWA preference).

These families will be invited to an informational session to discuss their choice of receiving a voucher or remaining on the transfer list awaiting a LIPH unit transfer offer.

The families will then indicate their preference in writing within 10 business days of the informational session by using the election form provided at the session. The offer to opt for a Housing Choice Voucher will only occur once for each family.

Those resident families choosing vouchers will be added to the HCV VAWA transfer list. Names will be provided to the HCV Dept. for briefing and voucher issuance.

The family will remain a LIPH family with no loss of rights until they have been offered a voucher, signed a lease and a HAP contract is executed by ECC/HANH and a property owner on behalf of the family.

If a family chooses a voucher but later opts to stay on the LIPH transfer list instead of using the voucher, the family will be able to do so.

However, the written notification by the family **must occur prior** to the lease signing with another property owner and execution of a Housing Assistance Contract by ECC/HANH HCV staff and property owner.

Option 2

Per Notice PIH 2021-15 (HA), issued May 5, 2021.
The Emergency Housing Voucher (EHV) program is available through the. **American Rescue Plan Act of 2021 (P.L. 117-2) (ARP).**

The U.S. Department of Housing and Urban Development (HUD) has awarded 37 of Emergency Housing Vouchers (EHVs) to the ECC/HANH to be used to assist individuals and families who are:

(1) homeless;
(2) at risk of homelessness;
(3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or
(4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

NOTE: Recently homeless individuals and families must always be referred by the CoC or it's designee.
HUD has established an alternative requirement under which ECC/HANH must enter into a Memorandum of Understanding (MOU), to establish a partnership with the Continuum of Care (CoC) or other homeless or victim service providers, to assist qualifying families through a direct referral process for the administration of the EHVs. The specific services that the CoC will provide is outlined in the MOU.

HUD has allocated 37 emergency housing vouchers (EHV) to ECC/HANH. ECC/HANH has partnered with Continuum of Care (CoC) as the referral agency for eligible VAWA families.

Families with a VAWA preference may be referred to the CoC for an EHV.

The HCV Manager will request VAWA names from the Reasonable Accommodation Coordinator. The HCV Manager will forward the referral list to the CoC for review. The CoC will assess the families, make a determination of which families are eligible for the EHV. Based on available EHV the qualifying families will be submitted through the direct referral process to HCV.

The CoC will be responsible for:

- prioritizing individuals and families for EHV assistance,
- determining the homelessness eligibility,
- referring individuals and families through the CoC's coordinated entry (CE) system,
- supporting individuals and families in processing voucher applications,
- supporting the housing search process,
- planning for and coordinating the delivery of supportive services to support the housing stability of EHV participants.

After September 30, 2023, ECC/HANH may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended.

Those families who do not qualify for an EHV, will remain active on the LIPH transfer list and the HCV VAWA transfer list.

Note: VAWA requirements and ECC/HANH policies including definitions, notification, documentation, and confidentiality can be found in chapter 16. Specific VAWA requirements and ECC/HANH policies are located primarily in the following sections: 3-I.C, "Family Breakup and Remaining Member of Tenant Family"; 3-III.G, "Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking"; 10-I.A, "Allowable Moves"; 10-I.B, "Restrictions on Moves"; 12-II.E, "Terminations Related to Domestic Violence, Dating Violence, or Stalking"; and 12-II.F, "Termination Notice."

PART V: EFFORT TO END HOMELESSNESS
HOMELESS PREFERENCE/WAITING LIST SET-ASIDES

4-V.A. HOMELESS DEFINITION AND PREFERENCE

ECC/HANH is adding a homeless admissions preference/set-aside for applicants for the project-based and tenant-based Effort to End Homelessness Initiatives.

This preference/set-aside applies to families or individuals who are:

(1) homeless;

(2) at risk of homelessness;

(3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or

(4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

The HUD definition of Homeless is listed in 4 categories:

Category 1

Literally homeless individuals/families

Individuals and families who lack a fixed, regular, and adequate nighttime residence, which includes one of the following:

- Place not meant for human habitation
- Living in a shelter (Emergency shelter, hotel/motel paid by government or charitable organization)
- Exiting an institution (where they resided for 90/ days or less AND were residing in emergency shelter or place not meant for human habitation immediately before entering institution)

Category 2

Individuals/families who will imminently (within 14 days) lose their primary nighttime residence, which includes ALL of the following:

- Have no subsequent residence identified AND
- Lack the resources or support networks needed to obtain other permanent housing

Category 3

Unaccompanied youth (under 25 years of age) or families with children/youth who meet the homeless definition under another federal statute and includes ALL of the following:

- Have not had lease, ownership interest, or occupancy agreement in permanent housing at any time during last 60 days

- Have experienced two or more moves during last 60 days
- Can be expected to continue in such status for an extended period of time because of chronic disabilities, OR chronic physical health or mental health conditions, OR substance addiction, OR histories of domestic violence or childhood abuse (including neglect) OR presence of a child or youth with a disability, OR two or more barriers to employment

Category 4

Individuals/families fleeing or attempting to flee domestic violence, dating violence, violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or family member and includes ALL of the following:

- Have no identified residence, resources or support networks
- Lack the resources and support networks needed to obtain other permanent housing

Source: http://www.hudhre.info/documents/HEARTH_HomelessDefinition_FinalRule

ECC/HANH Policy

ECC/HANH has established a homeless preference and set-aside vouchers/waiting lists for individuals and families that meet the HUD definition of homelessness.

There will be set-aside vouchers/waiting lists for families and individuals who will be housed in the PBV and TBV supportive housing programs.

ECC/HANH must have a Memorandum of Understanding (MOU) with the CAN for the set-aside vouchers under the ECC/HANH MTW Homeless Voucher initiative.

The homeless preference will apply to individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN). The preference will apply to project-based developments that have homeless requirements for designated units or tenant-based vouchers.

When units and/or vouchers that are designated for the homeless population become available, current applicants on the HCV waiting list will be notified of the homeless preference and will be instructed on the necessary procedure to qualify.

They will need to contact the Coordinated Access Network (CAN) for an assessment and the CAN will send a referral to ECC/HANH. To be eligible for the preference, an applicant must be a direct referral from the Coordinated Access Network (CAN).

The applicant will be granted a first right to an available unit under the preference should they meet the above definition of homeless.

Notification to applicants on the HCV waiting list will be done by first class mail or electronic mail and/or posted on the ECC/HANH website, www.elmcitycommunities.org, and applicant portal no later than thirty (30) days prior to the effective date of the preference. ECC/HANH must have a MOU with the CAN specific to the homeless preference.

For the set aside vouchers and homeless preference, the CAN will conduct an applicant assessment through their Coordinated Entry system and will send the referral to ECC/HANH.

The CAN will determine which program the applicant is eligible for and will send the referral accordingly.

Once the referral has been received, the applicant will be placed on the appropriate Set Aside/Voucher Waiting List or assigned the homeless preference.

The referral must include a commitment by the homeless service provider to provide supportive services to help the household transition from homelessness to permanent housing.

When a unit becomes vacant in a PBV or RAD/PBV development the applicant who meets the criteria of the admissions preference and who is on the existing waiting list will be selected first for eligibility determination and unit offer.

When tenant-based vouchers are offered, the applicant who meets the criteria of the admissions preference and who is on the existing waiting list will be selected first for eligibility determination and a voucher offer.

All applicants must comply with the current admissions requirements at the specific property, including income and background screening criteria.

Applicants must also comply with the ECC/HANH eligibility and background screening criteria as stated in Chapter 3 (Eligibility) of this Admin Plan.

Applicants who do not pass the eligibility criteria will be provided with the basis of the intent to deny or denial in writing and will be notified of their right to request a meeting to review the information or right to request an informal hearing.
(See Chapter 16, Informal Reviews and Hearings.)

If the intent to deny review or informal review meeting is favorable to the applicant, the applicant will be returned to the waiting list with the homeless preference and offered the next available unit or voucher.

Through the establishment of the Homeless and near homeless set aside vouchers for Choice Mobility Cap, applicants referred from the CAN are entitled to receive 1 out of every 3, new vouchers issued. The remaining 2 vouchers will be issued to applicants on ECC/HANH's Tenant Based Voucher (TBV) Wait List with a VAWA preference.

In essence, the TBV waitlist is tiered into five separate waitlists so as to accommodate the choice mobility requirement outlines above, and to assure that applicants who qualify for the set aside under the ECC/HANH's Tenant Based Voucher (TBV) Wait List with a VAWA preference.

Note: This preference can be amended as needed and/or removed with proper notification of such to all affected parties, including written notification to HUD.

Chapter 5

BRIEFINGS AND VOUCHER ISSUANCE

INTRODUCTION

This chapter explains the briefing and voucher issuance process. When a family is determined to be eligible for the Housing Choice Voucher (HCV) program, ECC/HANH must ensure that the family fully understands the way the program operates and the family's obligations under the program. This is accomplished through both an oral briefing and provision of a briefing packet containing the HUD-required documents and other information the family needs to know in order to lease a unit under the program. Once the family is fully informed of the program's requirements, ECC/HANH issues the family a voucher. The voucher includes the unit size for which the family qualifies based on the ECC/HANH's subsidy standards, as well as the issue and expiration date of the voucher. The voucher is the document that authorizes the family to begin its search for a unit and limits the amount of time the family has to successfully locate an acceptable unit.

This chapter describes HUD regulations and ECC/HANH policies related to these topics in two parts:

> Part I: Briefings and Family Obligations. This part details the program's requirements for briefing families orally, and for providing written materials describing the program and its requirements. It includes a particular focus on the family's obligations under the program.
>
> Part II: Subsidy Standards and Voucher Issuance. This part discusses ECC/HANH's standards for determining how many bedrooms a family of a given composition qualifies for, which in turn affects the amount of subsidy the family can receive. It also discusses the policies that dictate how vouchers are issued, and how long families have to locate a unit.

PART I: BRIEFINGS AND FAMILY OBLIGATIONS

5-I.A. OVERVIEW

HUD regulations require ECC/HANH conduct mandatory briefings for applicant families who qualify for a voucher. The briefing provides a broad description of owner and family responsibilities, explains ECC/HANH's procedures, and includes instructions on how to lease a unit. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

5-I.B. BRIEFING [24 CFR 982.301]

ECC/HANH must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed in individual face-to-face meetings, through group briefing sessions, or via remote briefing sessions, or via briefing video. At the briefing, ECC/HANH must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973) and ensure that the

briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.

ECC/HANH Policy

Briefings will be conducted in individual face-to-face meetings, through group briefing sessions, or via remote briefing sessions, or via briefing video.

The Head of Household is required to attend or watch the briefing.

Families that attend group briefings and still need individual assistance will be referred to an appropriate ECC/HANH staff person.

Briefings will be conducted in English. For limited English proficient (LEP) applicants, ECC/HANH will provide translation services in accordance with ECC/HANH's LEP plan (See Chapter 2).

Notification and Attendance

ECC/HANH Policy

If the applicant family wishes to add or remove a member(s) at the time of the initial briefing, the family will be referred back to the Intake Team.

Families will be notified of their eligibility for assistance at the time they are invited to attend a briefing. The notice will identify who is required to attend the briefing, as well as the date and time of the scheduled briefing.

If the notice is returned by the post office with no forwarding address, the applicant will be denied and sent a notice of denial. Their name will not be placed back on the waiting list. If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated.

Applicants who fail to attend a scheduled briefing will be scheduled for another briefing automatically. ECC/HANH will notify the family of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without prior ECC/HANH approval, will be denied assistance (see Chapter 3).

Remote Briefings [Notice PIH 2020-32]

ECC/HANH Policy

Remote briefings may be conducted over the phone, via videoconferencing, or through other virtual platforms.

ECC/HANH will conduct a face-to-face briefing upon request of the applicant, as a reasonable accommodation for a person with a disability if safety and health concerns can be reasonably addressed.

Conducting Remote Briefings

ECC/HANH must ensure that the lack of technology or inability to use technology for remote briefings does not pose a disadvantage to families that may not be apparent to ECC/HANH.

ECC/HANH must ensure that the family has the appropriate technological access in order to fully participate in the remote briefing.

Using the ECC/HANH Tenant Portal, the applicant/participant will be notified that the briefing is available to view. If a family does not watch the briefing video within five business days, or if the written notification that was sent to the family is returned by the post office or the email alert is rejected, ECC/HANH will contact the family by telephone to identify potential technological barriers and to determine which technology resources are accessible to the family.

ECC/HANH will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person briefing or have a one-on-one briefing over the phone, as appropriate.

ECC/HANH will conduct remote briefings via the tenant portal video platform when available. If applicants are unable to adequately access the video conferencing platform, the briefing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in, the remote briefing will be postponed, and an in-person alternative or one-on-one briefing over the phone will be provided.

ECC/HANH will provide login information via the tenant portal. An electronic copy of the briefing packet will be available upon invitation of briefing, via the tenant portal. ECC/HANH will provide a paper copy of the briefing packet upon family request.

ECC/HANH will ensure that all electronic information stored or transmitted as part of the briefing meets the requirements for accessibility for persons with disabilities and persons with LEP, and is secure, including ensuring that personally identifiable information (PII) is protected.

ECC/HANH will ensure that families who participate in remote briefings have the opportunity to ask questions.

If families lose connectivity during any remote briefing or otherwise feel they were unable to access information presented during the briefing, the family may request a one-on-one briefing over the phone or in person with ECC/HANH.

Oral Briefing [24 CFR 982.301(a)]

Each briefing must provide information on the following subjects:

- How the Housing Choice Voucher program works;
- Family and owner responsibilities;
- Where the family can lease a unit, including renting a unit inside or outside ECC/HANH's jurisdiction;
- An explanation of how portability works. ECC/HANH may not discourage the family from choosing to live anywhere in ECC/HANH's jurisdiction or outside ECC/HANH jurisdiction under portability, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order;

- ECC/HANH must inform the family of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance;
- The advantages of areas that do not have a high concentration of low-income families; and
- For families receiving welfare-to-work vouchers, a description of any local obligations of a welfare-to-work family and an explanation that failure to meet the obligations is grounds for denial of admission or termination of assistance.

Briefing Packet [24 CFR 982.301(b,); New HCV GB*, Housing Search and Leasing,* p. 7)]

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

- The term of the voucher, voucher suspensions, and ECC/HANH's policies on any extensions of the term. If ECC/HANH allows extensions, the packet must explain how the family can request an extension.
- A description of the method used to calculate the housing assistance payment for a family, including how ECC/HANH determines the payment standard for a family, how ECC/HANH determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how ECC/HANH determines the maximum allowable rent for an assisted unit.
- Where the family may lease a unit and an explanation of how portability works, including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance.
- The HUD-required tenancy addendum, which must be included in the lease.
- The form the family must use to request approval of tenancy**,** and a description of the procedure for requesting approval for a tenancy.
- A statement of the ECC/HANH policy on providing information about families to prospective owners.
- The ECC/HANH subsidy standards including when and how exceptions are made.
- Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.
- The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home.*
- Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.
- A list of landlords known to ECC/HANH who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to ECC/HANH

that may assist the family in locating a unit. ECC/HANH must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration.

- Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to ECC/HANH.
- The family obligations under the program, including any obligations of a welfare-to-work family.
- The grounds on which the ECC/HANH may terminate assistance for a participant family because of family action or failure to act.
- ECC/HANH's informal hearing procedures including when ECC/HANH is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- An explanation of the advantages of moving to an area that does not have a high concentration of low-income families.
- Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction
- Information about the characteristics of these areas including job opportunities, schools, transportation, and other services
- An explanation of how portability works, including a list of portability contact persons for neighboring PHAs with names, addresses, and telephone numbers

Additional Items to Be Included in the Briefing Packet

In addition to items required by the regulations, ECC/HANH may wish to include supplemental materials to help explain the program to both participants and owners [HCV GB p. 8-7, Notice PIH2017-12].

ECC/HANH Policy

ECC/HANH will provide the following additional materials in the briefing packet:

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

Information about the protections afforded by the Violence against Women Act of 2013 (VAWA) to victims of domestic violence, dating violence, sexual assault, and stalking (see section 16-IX.C)

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

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

The Environmental Protection Agency (EPA) pamphlet on lead-based paint entitled 'Renovate Right'

A list of available accessible units known to ECC/HANH for persons with disabilities

A summary of ECC/HANH's reasonable accommodations procedures

A Request for Reasonable Accommodation form

A copy of HUD form 903

How to request a Minimum Rent Hardship Exemption form

Sample of a HAP Contract

Mobility Counseling Referral form

5-I.C. FAMILY OBLIGATIONS

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

Time Frames for Reporting Changes Required By Family Obligations

ECC/HANH Policy

Unless otherwise noted below, when family obligations require the family to respond to a request or notify ECC/HANH of a change, notifying ECC/HANH of the request or change within 10 business days is considered prompt notice.

When a family is required to provide notice to ECC/HANH, the notice must be in writing.

Family Obligations [24 CFR 982.551]

The family obligations of the voucher are listed as follows:

- The family must supply any information that ECC/HANH or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by ECC/HANH or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.

- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

  ECC/HANH Policy

  Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.

- The family must allow ECC/HANH to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.

- The family must not commit any serious or repeated violation of the lease.

  ECC/HANH Policy

  ECC/HANH will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

  Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].

- The family must notify ECC/HANH and the owner before moving out of the unit or terminating the lease.

  ECC/HANH Policy

  The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to ECC/HANH at the same time the owner is notified.

- The family must promptly give ECC/HANH a copy of any owner eviction notice.

- The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

- The composition of the assisted family residing in the unit must be approved by ECC/HANH. The family must promptly notify ECC/HANH in writing of the birth, adoption, or court-awarded custody of a child. The family must request ECC/HANH approval to add any other family member as an occupant of the unit.

  ECC/HANH Policy

  The request to add a family member must be submitted in writing and approved by ECC/HANH and by the owner prior to the person moving into the unit. ECC/HANH will

determine eligibility of the new member in accordance with the policies in Chapter 3. The family must promptly notify ECC/HANH if any household member no longer resides in the unit.

- If ECC/HANH has given approval, a foster child or a live-in aide may reside in the unit. ECC/HANH has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when ECC/HANH consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (sections I.K and I.M), and Chapter 11 (section II.B).
- The family must not sublease the unit, assign the lease, or transfer the unit.

  ECC/HANH Policy

  Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

- The family must supply any information requested by ECC/HANH to verify that the family is living in the unit or information related to family absence from the unit.
- The family must promptly notify ECC/HANH when the family is absent from the unit.

  ECC/HANH Policy

  Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to ECC/HANH at the start of the extended absence.

- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).
- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and ECC/HANH policies related to drug-related and violent criminal activity.
- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and ECC/HANH policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.

- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless ECC/HANH has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]

PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE

5-II.A. OVERVIEW

ECC/HANH must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. ECC/HANH must also establish policies related to the issuance of the voucher, to the voucher term, and to any extensions of the voucher term.

5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

For each family, ECC/HANH determines the appropriate number of bedrooms under the ECC/HANH subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when ECC/HANH determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- Any live-in aide (approved by ECC/HANH to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;
- Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under the ECC/HANH subsidy standards.

<u>ECC/HANH Policy</u>

ECC/HANH will assign one bedroom for each two persons within the household, except in the following circumstances:

Children age five and under will share a bedroom with any child or parent;

Persons of the opposite sex (other than spouses, and children under age 5) will be allocated separate bedrooms.

Live-in aides will be allocated a separate bedroom.

Single person families will be allocated one bedroom.

Persons six and older of the same sex will not be allocated separate bedrooms.

Persons six and older of the opposite sex will be allocated separate bedrooms.

A single head of household parent shall not be required to share a bedroom with his/her child.

An unborn child will be counted as a person in determining apartment size.

Exceptions may be made upon approval in case of reasonable accommodations for a person with disabilities (See 5-II-C).

ECC/HANH will reference the following chart in determining the appropriate voucher size for a family:

Voucher Size	**Persons in Household (Minimum – Maximum)**
1 Bedroom	1-2
2 Bedrooms	2-4
3 Bedrooms	3-6
4 Bedrooms	4-8
5 Bedrooms	5-10

5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS

In determining family unit size for a particular family, ECC/HANH may grant an exception to its established subsidy standards if ECC/HANH determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. [24 CFR 982.402(b)(8)].

Reasons may include, but are not limited to:

- A need for an additional bedroom for medical equipment
- A need for a separate bedroom for reasons related to a family member's disability, medical or health condition

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom [24 CFR 982.402(b)(8)].

ECC/HANH Policy

ECC/HANH will consider granting an exception for any of the reasons specified in the regulation: the age, sex, health, handicap, or relationship of family members or other personal circumstances.

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include

appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor, health professional, social worker), unless the disability and the disability–related request for accommodation is readily apparent or otherwise known. The family's continued need for an additional bedroom due to special medical equipment must be re-verified at bi/triennial reexamination.

ECC/HANH's reasonable accommodation committee will review all requests and determine the eligibility of the request. ECC/HANH will notify the family of its determination. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.

5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]

When a family is selected from the waiting list (or as a special admission as described in Chapter 4), or when a participant family wants to move to another unit, ECC/HANH issues a Housing Choice Voucher, form HUD-52646. This chapter deals only with voucher issuance for applicants. For voucher issuance associated with moves of program participants, please refer to Chapter 10.

The voucher is the family's authorization to search for housing. It specifies the unit size for which the family qualifies, and includes both the date of voucher issuance and date of expiration. It contains a brief description of how the program works and explains the family obligations under the program. The voucher is evidence that ECC/HANH has determined the family to be eligible for the program, and that ECC/HANH expects to have money available to subsidize the family if the family finds an approvable unit. However, ECC/HANH does not have any liability to any party by the issuance of the voucher, and the voucher does not give the family any right to participate in the ECC/HANH's housing choice voucher program [Voucher, form HUD-52646]

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

ECC/HANH Policy

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

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

ECC/HANH Policy

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

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

5-II.E. VOUCHER TERM, EXTENSIONS, AND SUSPENSIONS

Voucher Term [24 CFR 982.303]

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

ECC/HANH Policy

The initial voucher term will be 60 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 60-day period unless ECC/HANH grants an extension.

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

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

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

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

ECC/HANH Policy

ECC/HANH will automatically approve two (2) 30-day extensions upon written request from the family.

ECC/HANH will approve additional extensions only in the following circumstances, and only if the family provides the required housing search log:

It is necessary as a reasonable accommodation for a person with disabilities.

It is necessary due to reasons beyond the family's control, as determined by ECC/HANH. Following is a list of extenuating circumstances that ECC/HANH may consider in making its decision. The presence of these circumstances does not guarantee that an extension will be granted:

Serious illness or death in the family

Other family emergency

Obstacles due to employment

Whether the family has already submitted requests for tenancy approval that were not approved by ECC/HANH

Whether family size or other special circumstances make it difficult to find a suitable unit

Any request for an additional extension must include the reason(s) an additional extension is necessary. ECC/HANH may require the family to provide documentation to support the request or obtain verification from a qualified third party.

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

ECC/HANH will decide whether to approve or deny an extension request within 10 business days of the date the request is received and will immediately provide the family written notice of its decision.

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

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

ECC/HANH Policy

When a Request for Tenancy Approval and proposed lease is received by ECC/HANH, the term of the voucher will be suspended while ECC/HANH processes the request. If the requested tenancy is denied, ECC/HANH will provide the family notice in writing of the new expiration date of the voucher term along with a new Request for Tenancy Approval (RTA).

Expiration of Voucher Term

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

ECC/HANH Policy

If an applicant family's voucher term or extension expires before ECC/HANH has approved a tenancy, ECC/HANH will require the family to reapply for assistance.

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

Chapter 6

INCOME AND SUBSIDY DETERMINATIONS

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

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's payment and ECC/HANH'S subsidy. ECC/HANH will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations.

ECC/HANH Policy

As ECC/HANH is a Moving-to-Work Agency, HUD allows ECC/HANH to simplify the income and rent determination policies and processes for the standard Housing Choice Voucher (HCV) program. These rules do not apply to special programs such as Veteran's Administration Supportive Housing (VASH) or Single Room Occupancy (SRO) (see Chapter 15 Special Housing Types).

This chapter describes HUD regulations and ECC/HANH policies related to these topics in three parts as follows:

Part I: Annual Income. ECC/HANH policies for calculating annual income are found in Part I.

Part II: Monthly Income Tiered Rent and Total Tenant Payment (TTP). The family's annual income is compared to a Simplified Rent Table to determine the family's Monthly Income Tiered Rent (TTP). The Simplified Rent Table takes into consideration average adjustments that would be made to a family's annual income based on existing HUD regulations, resulting in the Total Tenant Payment (TTP). Families experiencing $2,000 or more in allowable income deduction adjustments will then experience a reduction in their TTP.

Part III: Family Share and ECC/HANH Subsidy. The application of agency payment standards, use of utility allowances, and the methodology for determining ECC/HANH subsidy and required family payment.

HOUSING CHOICE VOUCHER RENT SIMPLIFICATION

ECC/HANH believes there is a better way to administer essential housing programs, one that encourages long-term self-sufficiency for both the program participants as well as the agency.

The Rent Simplification policies apply only to the Housing Choice Voucher (HCV) Program included under the agency's MTW Program. The Moderate Rehabilitation Program, Mainstream for Elderly, Welfare to Work and Enhanced Vouchers are not covered by these policies.

Rent Simplification: Equity & Efficiency

The proposed system rewards families who increase their incomes and provides them with more opportunities to save while easing ECC/HANH/ELM CITY COMMUNITIES's burden of administering these housing programs.

Everyone Should Contribute

ECC/HANH believes that every family should contribute towards their housing. Under Rent Simplification, the criteria under which a family can claim zero income and not pay any rent are not changed. What will change is the amount of time families will be permitted to request an interim adjustment. The minimum rent will be increased from $25.00 per month to $50.00 per month for the HCV Program.

Fiscal Equity for ECC/HANH/ELM CITY COMMUNITIES

Rent Simplification is forecast to be revenue neutral. In other words, the implementation of Rent Simplification will not increase the amount of rental revenue to the ECC/HANH/ELM CITY COMMUNITIES.

Approvable Method

Rent Simplification allows all stakeholders to easily understand how tenant rents are determined, and armed with some basic income data, anticipate what future rents will be. This will allow families to easily plan for future expenses and savings.

Measurable Reduction in Administrative Time

By simplifying the rent determination and deduction procedures in Federal Public Housing, Rent Simplification makes the job of recertifying tenants significantly easier.

Transition to Avoid Hardships

ECC/HANH/ELM CITY COMMUNITIES has devised a system that is not only revenue neutral for the organization but will not result in any undue hardship to our families. There will be a transition period of one year from the current income based rent determination process to

the new income tiered rent determination process. No family will have an increase in Total Tenant Payment (TTP) during the first year they are subject to the requirements of this Rent Simplification Policy. Please note that this hold harmless provision does not apply to increases in TTP that result from an increase in family annual income above the amount earned in the reporting period immediately preceding the family being subject to Rent Simplification. No family shall be subject to an increase in TTP of greater than $25.00 a month during the second year that the family is subject to the Rent Simplification Policy. The increase in TTP during the third year the family is subject to Rent Simplification shall not exceed $50; $75 a month during the fourth year; and $100 a month above the monthly TTP in the year immediately following the implementation of Rent Simplification.

Asset Exclusion

Asset exclusion is raised to $50,000.00. Increasing the asset exclusion amount allows residents to accumulate more assets before they are calculated as income. Families will self-certify that they do not have assets in excess of $50,000.00.

Earned Income Disallowance

The Earned Income exclusion under Sec. 5.617 for Self-Sufficiency incentives for persons with disabilities who experience increases in annual income is eliminated. Instead, family members over the age of 18 who enroll in ECC/HANH's Family Self Sufficiency (FSS) Program will have all I**ncremental earnings** and benefits resulting to the family member from participation in qualifying Federal, State or City of New Haven employment training programs (including training programs not affiliated with a local government) and training of a family member while enrolled in the FSS Program excluded from determination of Annual Income so long as the family member is enrolled in the FSS Program.

Family Self Sufficiency (FSS) Income Exclusions

The average annual income of our participants in the HCV Program is approximately $15,700.00 and the median is $12,900.00 per year. In order to promote long-term sustainable economic self-sufficiency of the residents, all families that enroll in the FSS program who are members of Very Low Income families will have all incremental earnings and benefits from any qualified Federal, State or Local employment training program training of a family member (including programs not affiliated with the local government) excluded from the determination of Annual Income so long as the family member is enrolled in HANH/ELM CITY COMMUNITIES's FSS Program.

Additionally, any incremental earning by any family member while enrolled in the FFS Program will be excluded from the determination of Annual Income, 100% during the 1st year, 75% in 2nd year, 50% in 3rd year, 25% in 4th year and 0% during the 5th year of FSS participation. In addition to regularly scheduled recertifications, the family member will have their rent re-determined at the conclusion of the FSS Program or termination from the Program.

Families may choose to enroll directly into the optional FSS Earned Income Disregard so long as any member of the household is enrolled in FSS Program. Incremental earnings from wages or salaries are excluded in the first 12 months; 75% in the second 12 months; 50% in the third 12 months; and 25% in the fourth 12 months. A family is limited to 48 months of eligibility for this optional IEE.

In addition to expanding the scope of the existing exclusion to include Federal and State programs, an optional exclusion will be provided to cover the incremental increases and wages and salaries so long as that family member is enrolled in the ECC/HANH/ELM CITY COMMUNITIES FSS Program.

There is not a requirement that these increases in rental income must go into an escrow account. Families will be permitted to retain these additional earnings.

Other Exclusions

All adoption assistance payments will be excluded from income calculations under Section 5.609(c) (8) (v) as the $480 dependent deduction is eliminated. All income earned by full-time students will no longer be included in the determination since there will no longer be the $480 dependent deduction to offset income.

Annualized Income Calculation

Prospective and past income may be used to calculate resident rents, especially for families with irregular or sporadic employment histories. For families with income of up to and including $5,000.00 we will accept a self-certification. For families earning more than $5,000.00 of wages and salaries we want pay stubs covering the most recent four weeks of employment or a W-2 or 1099 within 180 days of the effective date of recertification. We must complete EIV or other UIV as required by HUD.

Annual Reexaminations

Reexaminations are currently conducted every year for non-elderly households and every two year for elderly and disabled households. ECC/HANH spends on average three hours per annual reexamination. Under Rent Simplification, annual reexaminations will occur every two years for non-elderly households and every three years for elderly and disabled households. These changes will allow families who experience increases in income to retain all of their increased earnings between annual reexaminations. During the first year all families will be recertified. This process will be phased in over a three-year period.

Effective FY2015 (October 2014), ECC/HANH updated its definitions of elderly/disabled and work-able families. Under the policy change, an elderly/disabled family will be defined as one in which all adult members (excluding live-in attendants) are elderly and/or disabled. A work-able family will be one that doesn’t meet the new elderly/disabled definition. Work-able households

under the new definition will have reexaminations every two years (biennial schedule) and elderly/disabled households will have annual reexaminations every three years (triennial schedule).
ECC/HANH believes this new definition more closely matches the spirit of a "work-able" family since all work-able families would have at least one work-able adult. Under the prior definition, an elderly/disabled family only needed a head, co-head, or spouse to be elderly or disabled which led to some families with work-able adults being categories as elderly/disabled. This change will also give ECC/HANH the ability to better track earnings and employment for work-able families; and the better population division will give ECC/HANH the flexibility to implement work-able specific rent policy changes in the future if it so chooses.

Deductions for Exceptional Expenses

Excess resources are dedicated to verifying deductions for child care, medical and disability allowances. Third party verifications of these amounts are difficult to accomplish and the agency more often than not relies upon first- and second-party verifications of these deductions. Obtaining verification data also places an undue burden on the resident. To simplify this process, ECC/HANH/ELM CITY COMMUNITIES will eliminate standard deductions for these amounts for elderly, disabled and non-elderly households.

Households with exceptional expenses may request a rent reduction. This includes large families (more than two children). It also includes families with high medical expenses, disability assistance expenses, or child care expenses. Combined, exceptional expenses must total no less than $2000.00 in order for family to qualify for the additional monthly rent deduction.

The amount of expense is set in $2,000.00 tiers. This allows ECC/HANH/ELM CITY COMMUNITIES to move away from verifying every last dollar. Tenants are not required to provide documentation of every dollar of expense; rather, tenants need only provide documentation sufficient to meet the appropriate tier.

The amount of monthly rent reduction is established at the mid-range of the tier.

Households with exceptional expenses will receive a direct reduction of the monthly rent. However, no tenant's rent will be reduced below a rent of $50.00 as a result.

Tiered Amount of Expenses	Monthly Rent Reduction
$ 2,000 - $ 3,999	$ 75 (equivalent to $3,000 deduction)
$ 4,000 - $ 5,999	$ 125 (equivalent to $5,000 deduction)
$ 6,000 +	Hardship Review

Changes in Family Composition

Residents are still required to get permission from the Housing Choice Voucher staff to add anyone to a household and to report changes in family composition. A family's rent is recalculated if the addition or subtraction of a household member results in an income change of

$200.00 per month or more, or that causes the family to move from one income tier to another. This increase in rent does not count as an interim reexamination.

Mandatory Interim Reexaminations Policy

Residents must request an interim reexamination if any of the following conditions occur:

- Change in family composition that affects the voucher size or bedroom size.
- The addition of a family member 18 years of age or older
- Change in family composition that causes the family to move from one income tier to another with a higher rent schedule.
- Addition of a live-in aid
- Income increase following an interim rent reduction
- If HANH grants an exceptional deduction for any family and there is a subsequent change then the family must report that change to HANH.

Optional Interim Reexaminations Policy

Residents have the option to request three (3) interim reexaminations during every twelve (12) month period. Interims may be granted in the following instances:

- Decrease in family income that is expected to last 90 days or more if it will result in a change in the family's income (exclude seasonal workers; see below)
- Increase in Exceptional Expenses of at least $2,000.00

Interim rents normally remain in place until the next scheduled reexamination. If a family experiences an increase in income it is not necessary for the family to report this increase in income until the next scheduled certification date, except when the increase occurs after an interim decrease has been processed.

Households receiving a requested interim rent reduction must report any subsequent income increase to ECC/HANH/ELM CITY COMMUNITIES within thirty (30) days of occurrence. Failure to report the change within thirty (30) days results in retroactive rent changes, and depending on the severity of the circumstances, lease termination.

Seasonal workers who are employed for a period of time less than 12 months annually will have their rent calculated over a 12-month period using the 9 or 10 months of income earned. During the months the worker is not actively working, the family will not be able to request a rent reduction as the rent has already been adjusted over a 12-month period.

Permanent loss of income (i.e., death of an income earner) results in a permanent, rather than interim, rent reduction. This decrease in rent does not count as an interim reexamination. Under this circumstance, the family is not required to report a subsequent increase in income until the next scheduled certification.

Verification of Annual Income from Wages and Salaries and Assets

To reduce the administrative burden associated with the verification of income ECC/HANH/ELM CITY COMMUNITIES will amend its Admission and Continued Occupancy (ACOP) to specify that:

- For earnings from wages and salaries where Annual Income for the prior period is up to and including $5,000.00, self-certification from family is all that shall be required as verification of income.
- For earnings from and salaries of more than $5,000.00 the most recent pay stubs for recent 4 weeks of employment, or W-2 or 1099 within 180 days of the anniversary date shall be required in addition to the self-certification, but only to the extent that verification of Annual Income is not available from a third party source of Upfront Income Verification.
- Self-certification of all sources of Annual Income shall be required in all cases.
- For families with total assets of $50,000.00 or less a self-certification of said assets shall be required.

Income Tiered Rents Calculated within $1,000 Bands

Rents are based on $1,000.00 income bands starting at $2,500.00. Using a band-based rent schedule allows the ECC/HANH/ELM CITY COMMUNITIES and residents to move away from verifying every last dollar earned and deducted. **(See Exhibit A)**

Currently, almost 58 percent of the families in the HCV Program pay 25 percent or more of Annual Income for TTP; approximately 18 percent pay between 20 and 25 percent of Annual Income for TTP; approximately 17 percent pay between 10 and 20 percent of Annual Income for TTP; and approximately 7 percent pay less than 10 percent of Annual Income for TTP.

Currently, the median TTP is $251.00 per month. The median Housing Assistance Payment is $725.00 per month. The median Tenant Rent (TTP minus utility allowance) to owner is $121.00 per month. One of the goals of the Rent Simplification is that it be revenue neutral.

Total Tenant Payment for HCV families shall be set at 28.5 percent of the lower range of each income band. For example, for a family with Annual Income between $2,500.00 and $3,499.00, the TTP rent will be calculated at 28.5 percent of $2,500.00. Families with incomes below $2,500.00 will pay the minimum rent of $50.00. Families will be permitted to submit documentation for Additional or Excess Deductions where they have verifiable proof that total deductions as defined herein equal or exceed $2,000.00

Minimum Rents
Families with annual income below $2,500.00 will pay a rent of $50.00.
Zero (0) Income Households

A family claiming zero ($0) rent is automatically exempt from the minimum rent requirements for a 90-day period when the family's circumstances fall into any one of the following criteria:

1. When a family has lost eligibility or is awaiting eligibility determination from a Federal, State or local assistance program;

2. When the family would be evicted because it is unable to pay the minimum rent;
3. When the income of the family has decreased because of changed circumstances, including loss of employment;
4. When a death in the family has occurred; or
5. Other circumstances determined by ECC/HANH to be reasons to waive the minimum rent requirement (collectively, the "Criteria for Minimum Rent Exemption").

If a family is unable to pay the minimum rent because of a financial hardship, the family is eligible for a temporary or long-term exemption from the minimum rent requirement and the HAP will be adjusted accordingly.

A temporary hardship exemption exists when none of the above criteria is expected to last for more than 90 days.

A long tern hardship exemption exists when at least one of the above criteria is expected to last for more than 90 days.

A family may only receive one hardship exemption from the minimum rent requirement during a twelve-month period, unless a participant is elderly, disabled or is enrolled in ECC/HANH's Family Self-Sufficiency Program. The minimum rent requirement may be waived more than once during a twelve-month period if at least one adult member of the household enrolls in the Family Self Sufficiency Program (the FSS Program). Elderly and disabled families are not required to enroll in the FSS Program.

Once ECC/HANH identifies a participant's need for a hardship exemption from the minimum rent requirement or the family requests such exemption, the minimum rent shall be suspended immediately for a period of 90 days.

Hardship Review

All "Applications for Exemption from Minimum Rent" shall be forwarded to the Hardship Review Committee.

The Hardship Review Committee shall consist of the Executive Director or his/her designee, the Chief Operations Officer or his/her designee, the Service Center Director or his/her designee, and the Assistant Executive Director of Community and Economic Development or his/her designee. At the family's option, the Hardship Review Committee may include one (1) participant of ECC/HANH who is in good standing.

The Application for Exemption from Minimum Rent shall originate from the family or an ECC/HANH employee if the family experiences any one of the Criteria for Minimum Rent Exemption.

When a participant submits an application or an ECC/HANH employee submits an application on behalf of a participant. ECC/HANH will suspend the minimum rent requirement commencing on the first of the month following the date of the application for a period of 90 days and adjust the HAP payment accordingly.

The participant's assistance cannot be terminated for nonpayment of minimum rent while participant's Application for Exemption from Minimum Rent is pending or during the 90-day period of suspension, whichever is longer.

The Hardship Review Committee shall send a letter to all participant families who have applied for Hardship Exemption from Minimum Rent stating:

(a) that ECC/HANH has received an Application for Exemption from Minimum Rent,
(b) that ECC/HANH will suspend the minimum rent requirement for 90 days effective as of the first of the next month and the effective dates of the 90-day suspension,
(c) that there can be no termination of assistance for non-payment of rent during the suspension period;
(d) the date for a meeting with the participant to discuss the hardship exemption request, giving the participant family at least ten days advance notice of such meeting and informing the participant that he or she may have one opportunity to reschedule the meeting; and
(e) that, with the exception of elderly and disabled families, the participant family has been referred to the FSS program and will not be able to receive a hardship exemption in excess of 90 days without enrolling in the program.

The Hardship Review Committee will review the circumstances surrounding the request and determine if the request is temporary, long term or nonexistent.

1. If the Committee determines that ***the hardship is of a temporary nature (the hardship is expected to last less than 90 days***), at the end of the 90-day period, the participant's rent will be reinstated to the minimum rent retroactively to the initial date of suspension. The participant will have an opportunity to enter into a reasonable repayment agreement with ECC/HANH for any back rent that is due and owing to ECC/HANH.

2. If the Committee determines that the ***hardship is of a long-term nature (the hardship is expected to last more than 90 days),*** the tenant shall be exempt from the minimum rent requirement from the first of the month following the date of the application for exemption from the minimum rent until such time that the hardship no longer exists.

   ECC/HANH may deny a participant a long term exemption from the minimum rent requirement, if the participant fails to attend the scheduled meetings with the Hardship Review Committee. ECC/HANH will provide each participant one opportunity to reschedule the meeting. If the participant fails to attend the scheduled meetings, ECC/HANH may deny the long-term exemption from the minimum rent requirement. The letter scheduling the meeting, shall inform participants that persons with disabilities are entitled to reasonable accommodation with regard to this requirement.

Except for Elderly or Disabled families, no tenant shall be exempt from the minimum rent requirements for more than 90 days during a one year period unless at least one member of the family who is 18 years of age or older enrolls and actively participates in ECC/HANH's FSS Program for job or benefit counseling. Such family member(s) shall enroll in the FSS program within 30 days from the date of the Application of Exemption from Minimum Rent.

3. If the hardship is determined to be nonexistent, the participant will be responsible for paying rent to ECC/HANH for any rent that was suspended while tenant's Application for Exemption from Minimum Rent was pending. The minimum rent shall be re-instated retroactively to the initial date of the suspension. Participant will have an opportunity to enter into a reasonable repayment agreement with ECC/HANH for any back rent that is due and owing to ECC/HANH.

Upon completion of the review process, the Hardship Review Committee shall render a written recommendation to the Executive Director, who shall then adopt or reject the recommendation and shall issue a written decision that states as follows:

1. If the hardship exemption is determined to be short term:
   (a) that a short-term hardship exemption was granted;
   (b) the effective dates of the exemption;
   (c) the basis for the decision to grant a short-term exemption, including that a long-term exemption was denied and the reason that such long-term exemption was denied; and
   (d) that the participant has a right to enter into a reasonable repayment agreement with ECC/HANH for the minimum rent that was suspended and is now owing to ECC/HANH.

2. If the hardship exemption is determined to be long term:
   (a) that a long-term hardship exemption was granted;
   (b) whether the long-term exemption is permanent or subject to periodic review and, if subject to periodic review, when such review will take place; and
   (c) that all non-elderly, non-disabled participants are required to comply with FSS requirements as a condition of the receipt of a long term exemption; and
   (d) that the participant must notify ECC/HANH within 10 days if the hardship ceases to exist because the participant has obtained a source of income sufficient to pay (at least) the minimum rent.

3. If the hardship is determined to be non-existent:
   (a) that a hardship exemption was denied;
   (b) the reason for such determination; and
   (c) the terms and condition on which the participant family must pay back the minimum rent that was suspended and is now owing to ECC/HANH.

All letters concerning Hardship Review Committee determinations shall state that any participant who disagrees with the decision may request an informal hearing in accordance with ECC/HANH's hearing procedures, a copy of which will be included with the written decision. In cases where a hearing is sought, no action shall be taken by ECC/HANH until the grievance process is completed.

Mixed Families

For mixed families, where some households include members with citizenship or eligible immigration status as well as those without, rents are calculated using the simplification model; subsidy is then prorated using current methods.

Fraud Prevention

After two or more instances of job loss or income drop within ninety (90) days of a scheduled reexamination (based on current and prior reexamination history), ECC/HANH/ELM CITY COMMUNITIES sets a rent based on the past year's W-2 or other information available for income verification. Households are advised that this is a potential fraud issue and that they have the right to grieve through the normal process to more fully explain the reasons for the pattern of income loss. ECC/HANH/ELM CITY COMMUNITIES will set the rent after the Conference Panel review.

Households with two or more instances of job loss or income drop within ninety (90) days of a scheduled certification do not have access to the Hardship Review Committee.

Rent Simplification Implementation – Housing Choice

Residents will receive notice of the new policy on July 1, 2007 and the policy will take effect on January 1, 2008 for all reexaminations with an anniversary effective date on or after January 1, 2008 and for all new lease-ups and residents requesting interim reexaminations after January 1, 2008.

A staggered approach is used to integrate the two-year and three-year reexamination cycles.

- Initially in fiscal year 2008, all families will be re-examined during the first year.
- In the second year of the program (2009), two thirds of the elderly/disabled families will be re-examined and one half of the non-elderly/non-disabled families.
- In the third year of the program (2010), one third on the elderly/disabled families will be re-examined and one-half of the remaining non-elderly/non-disabled families.

Rent Simplification is expected to be fully implemented by December 31, 2010.

SEMAP WAIVERS

The SEMAP verification methods and ratings are set forth under 24 CFR Part 983. As a result of the Rent Simplification Plan many of these indicators will either no longer be relevant or the Authority and/or HUD will be unable to measure ECC/HANH's performance; therefore, ECC/HANH will request a waiver of the following SEMAP indicators beginning October 1, 2007.

- Sec. 985.3(c). **Determination of Adjusted Income**.
  Beginning October 1, 2007, Total Tenant Payment will be based Annual Income by income tiers. Additional, ECC/HANH will no longer include assets of less than $50,000in the determination of Annual Income. There will no longer be any Mandatory Deductions; therefore, a waiver of this Section is required.
- Section 985.3(j) **Annual reexaminations**.
  This indicator shows whether ECC/HANH completes a reexamination for each participating family at least every 12 months (24 CFR 5.617). A waiver of this indicator is required since ECC/HANH will no longer reexamine every family each year.
- Section 985.3(m) **Annual HQS Inspections**.
  This indicator shows whether ECC/HANH inspects each unit under contract at least annually. (24 CFR 982.405(a). ECC/HANH will no longer inspect every unit every year, but will instead inspect units according to the families' biennial or triennial recertification schedule.
- Section 985.507(m) **Rent to Owner: Reasonable Rent**
- Section 985.3(n) **Lease-Up**.
  This indicator shows whether ECC/HANH enters HAP contracts for the number of units reserved under ACC for at least one year. Due to the funding fungibility under MTW, Section 8 funds are used according to the priorities set forth in the MTW Annual Plan.

Alternative Inspection Schedule

ECC/HANH will no longer inspect each unit every year, but will instead inspect units according to the families' biennial or triennial recertification schedule, unless:

- The participant or landlord requests a special inspection due to violations noticed by either party.

Hardship Waiver Policy and Guidelines

Families with Annual Income below $2,500 annually shall pay the minimum rent of $50.00 per month.

All families placed on minimum rent with the exception of elderly and disabled families will be referred to the Family Self Sufficiency Program.

If a family is unable to pay the minimum rent because of a financial hardship, the family is eligible for a temporary or long-term hardship exemption from the minimum rent requirements.

All families placed on minimum rent must be informed in writing of the procedures for applying for a hardship exemption from the Minimum Rent Requirement and the ability to have minimum rent waived.

All families who apply for such hardship exemption, with the exception of elderly persons and persons with disabilities, will be referred to the Family Self Sufficiency Program in order to assist the family in moving towards self-sufficiency.

ECC/HANH will notify all families of their right to request a hardship exemption from the minimum rent requirement and in accordance with the provisions set forth herein. Participants will be notified of their right to request a hardship exemption through the Application for Exemption from Minimum Rent, a copy of which will be provided to participants at lease-up and at each recertification appointment and mailed to participants at each interim recertification. The policy and procedures for requesting such hardship exemption will also be included in participant rent change notifications, Application for Exemption from Minimum Rent and all form documents related to the exemption process.

Criteria for Hardship Exemption from Minimum Rent Requirement.

A family is automatically exempt from the minimum rent requirements for a 90-day period when the family's circumstances fall into any one of the following criteria:

1. When a family has lost eligibility or is awaiting eligibility determination from a Federal, State or local assistance program;
2. When the family would be evicted because it is unable to pay the minimum rent;
3. When the income of the family has decreased because of changed circumstances, including loss of employment;
4. When a death in the family has occurred; or
5. Other circumstances determined by ECC/HANH to be reasons to waive the minimum rent requirement (collectively, the "Criteria for Minimum Rent Exemption").

If a family is unable to pay the minimum rent because of a financial hardship, the family is eligible for a temporary or long term exemption from the minimum rent requirement and the HAP will be adjusted accordingly.

A temporary hardship exemption exists when none of the above criteria is expected to last for more than 90 days.

A long tern hardship exemption exists when at least one of the above criteria is expected to last for more than 90 days.

A family may only receive one hardship exemption from the minimum rent requirement during a twelve month period, unless a participant is elderly, disabled or is enrolled in ECC/HANH's

Family Self-Sufficiency Program. The minimum rent requirement may be waived more than once during a twelve month period if at least one adult member of the household enrolls in the Family Self Sufficiency Program (the FSS Program). Elderly and disabled families are not required to enroll in the FSS Program.

Once ECC/HANH identifies a participant's need for a hardship exemption from the minimum rent requirement or the family requests such exemption, the minimum rent shall be suspended immediately for a period of 90 days.

Initiation of Hardship Exemption Review

An application for Exemption from Minimum Rent may originate from either an ECC/HANH employee or the participant family.

ECC/HANH employees must complete and apply for Exemption from Minimum Rent on behalf of a participant family whenever any evidence exists that the family falls into any one of the Criteria for Minimum Rent Exemption (as set forth above).

A participant family also has the right to request a hardship exemption from minimum rent. Such request must be in writing and must state the family circumstances that qualify the family for a hardship exemption.

Notification of the Right to a Hardship Exemption

ECC/HANH will notify all families of the ability to receive a hardship exemption from minimum rent and the procedures for applying for such a hardship exemption in the Application for Exemption from Minimum Rent, a copy of which will be provided to participants at lease up and at each recertification appointment or mailed to participants for interim recertifications.

ECC/HANH will also notify all families in writing of the ability to receive a hardship exemption from minimum rent and the procedures for applying for such a hardship exemption in the following documents: participant rent change notifications, the Application for Exemption from Minimum Rent and all form documents related to the hardship exemption process.

ECC/HANH will also notify all families in all of the above documents that all families that are exempt from the minimum rent requirements will be referred to the Family Self Sufficiency (FSS) Program in order to assist the family in moving toward self-sufficiency. Elderly and disabled families are not required to participate in the FSS program.

Exceptional Expenses

1. **Applicability**- Deductions permitted under 24 CFR Part 5.611(a) shall be permitted only to the extent the sum of anticipated deductions permitted under said Part 5.611(a) for the year are expected to equal or exceed $2,000. Families with Exceptional Expenses that equal or exceed $2,000 may request a rent deduction. The amounts of expenses are set in $2,000 tiers. This allows ECC/HANH to move away from having to verify every dollar of every deduction. Participants will no longer be required to provide documentation for every

dollar of expenses, but, instead, participants need only provide documentation sufficient to the expenses of the appropriate tier.

The amount of the rent deduction is established at the mid-range of each tier. Families with Exceptional Expenses will receive a reduction in the rental payment as set forth on the following table:

Families must have more than two qualifying dependents in order to qualify for additional Dependent Deductions

The Elderly/Disabled deductions shall not be used in determining Exceptional Expenses.

Dependent deduction shall only be allowed for families with more than two dependents since the standard amount of this deduction has been included in the determination of the percentage used to calculate tenant rent.

Tiered Amount of Exceptional Expenses	**Monthly Rent Reduction**
$ 2,000 - $ 3,999	$ 75 (equivalent to $3,000 deduction)
$ 4,000 - $ 5,999	$ 125 (equivalent to $5,000 deduction)
$ 6,000 +	Hardship Review

Elderly persons and persons with disabilities always have the right to request a Reasonable Accommodation(s).

Rents are determined in accordance with the methods and income measures set forth in ECC/HANH's Public Housing Rent Simplification Policies.

ATTACHMENT C-1

EXCEPTION TO HCV REGULATIONS

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
Annual Income	24 CFR Part 5.609(a)(4)	Any income derived from an asset, to which any member of the family has access.	Excludes assets, from the determination of annual income, to extent the amount is $50,000 or less. All income earned by a fulltime student will be excluded. All income earned by a family from adoption assistance will be excluded.
Income Exclusion for Person Enrolled in FSS Program	24 CFR Part 5.609(b)(1)	Incremental earnings and benefits to any family member, received from participation in a qualifying **State or local employment training** program, (including training programs not affiliated with a local government); and training of a family member participating as resident management staff.	Exclude 100 percent of any incremental earnings from wages or salaries earned by any family member during the first year of FSS program participation, 75% in 2nd year, 50% in 3rd year, 25% in 4th year and 0% in 5th year, as long as the household is enrolled in the FSS Program. This will not exceed 5 years. Additionally, the current exclusion covering incremental earnings of any family participating in a state or local program will be expanded to include any qualifying **federal** program, whether or not the member is enrolled in the FSS program.

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
Business Income for Resident Owned Businesses	24 CFR Part 5.609(b)(2)	The net income from the operation of a business or profession is included in determining annual income.	During the first year of enrollment in the FSS program, exclude 100 percent of any net income derived from the operation of a business; provided the business qualifies as **a resident owned business** under 24 CFR Part 963.5. • 50 percent exclusion during the second year; • 25 percent exclusion the third year.
Earned Income Disallowance for Persons with Disabilities	24 CFR Part 5.617(a)	Incremental income earned by a previously unemployed disabled person in the 12 months prior to becoming employed, provided the increase in income is the result of; (1) employment of a family member, previously unemployed for one or more years prior to employment; (2) increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or (3) result of new employment or increased earnings of a family member during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families.	Eliminated since any family member that enrolls in the FSS program will have all incremental earnings excluded as long as the member remains in the FSS program.

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
Mandatory Deductions	24 CFR Part 5.611	**(1)** $480 for each dependent; **(2)** $400 for any elderly family or disabled family; **(3)** The sum of the following, to the extent the sum exceeds three percent of annual income: (i)Un-reimbursed medical expenses of any elderly family or disabled family; and (ii) reimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities **(4)** Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.	Eliminate all mandatory deductions.
Additional (Exception Expenses Deductions)	24 CFR 5.611	None	Families with verifiable deductions that or exceed of $2,000 will be allowed to request that these additional expenses be used in determining TTP. These verifiable deductions must equal or exceed $2,000 and shall be the sum of: Mandatory Deductions determined in accordance with Section 5.611 (a), plus non-reimbursed utility expenses (except telephone).

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
Total Tenant Payment	24 CFR 5.628	Determining total tenant payment (TTP). Total tenant payment is the highest of the following amounts, rounded to the nearest dollar: (a) 30 percent of the family's monthly adjusted income; (b) 10 percent of the family's monthly income; (c) If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or (d) The minimum rent, as determined in accordance	TTP to be based upon (1) income-tiered TTP structure or the minimum TTP $50 for a family with income of up to $2,500 annually

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
		with Sec. 5.630.	
Hardship Provision	24 CFR 5.630(b)	A family may be exempt from minimum rent as follows: (i) When the family has lost eligibility or is waiting an eligibility determination for a Federal, State, or local assistance program, including a family that includes a member who is a non-citizen; (ii) When the family would be evicted because it is unable to pay the minimum rent; (iii) When the income of the family has decreased because of changed circumstances, including loss of employment.	A family whose shelter expenses, plus un-reimbursed medical, child care and disability expenses exceed 40 % of annual income or whose medical, child care or disability expenses of $6,000 or more annually may seek hardship.
Minimum Rent	24 CFR 5.630	$25.00 for HCV. $50.00 for LIPH	HCV increased from $25.00 a month to $50.00 a month so that LIPH and HCV have same minimum rent amount.
Utility Allowances and Reimbursements	24 CFR 5.632(a) and (b)	Tenant Paid Utilities to be deducted from TTP to determine tenant rent.	No change. Tenant paid utilities to be deducted from TTP to determine tenant rent.
Medical Deductions	24 CFR 5.611(c)		No longer applicable unless they exceed applicable threshold.
Annual Reexamination of Income and Family Composition	24 CFR 982.516	Reexamination of income must occur every year, except every two years for elderly or disabled households.	Reexamination of family income will occur every three years for Elderly or Disabled families and every two years for all other families, instead of every year. Reexamination of family composition will only

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
			occur if a family notifies ECC/HANH of a change in family composition since this will affect the determination of appropriate size unit. Annual update of changes in family composition for persons 18 years of age and older that are added or subtracted from the family. ECC/HANH will do UIV and submit a 50058 annually.
Interim Reexamination	24 CFR 982.516	A family may request an interim reexamination of family income for any changes since the last annual reexamination. ECC/HANH must conduct the interim reexamination within a reasonable time period after the family request. Currently, family must report any change in income that exceeds $200 or more a month.	A family may request a maximum of three interim re-examinations within a 12-month period, with the exception of those conditions where they are required to report certain changes in family composition or certain changes in family income. A family, except for elderly or disabled, may only make **one** request for an **interim** for a hardship exemption each 12 months, unless one (1) household member is enrolled in the FSS program.
Verification of Wages,	24 CFR 5.659	ECC/HANH must obtain and document in the family's file third party verification of the following factors, or	Only a self-certification will be required for income up to and

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
Salaries and Assets below $5,000 and Assets below $50,000		must document in the file why third-party verification was not available: (1) Reported family annual income; (2) The value of assets; (3) Expenses related to deductions from annual income; and (4) Other factors that affect the determination of adjusted income.	including $5,000. For income above $5,000 two most recent pay stubs or a W-2 or 1099 dated within 90 days of effective date of re-examination. ECC/HANH will continue to conduct EIV or UIV.
Determination of Tenant Total Payment (TTP)	24 CFR 5.628	Determining total tenant payment (TTP). Total tenant payment is the highest of the following amounts, rounded to the nearest dollar: (1) 30 percent of the family's monthly adjusted income; (2) 10 percent of the family's monthly income; (3) if the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or (4) The minimum rent	TTP based upon income-tiered approach. No family shall be subject to an increase in TTP greater than $25.00 a month during the second-year family is of the Rent Simplification Policy. The increase in TTP during the third year of the Rent Simplification Policy shall not exceed $50 a month. The increase in TTP during the fourth year of the Rent Simplification Policy shall not $75 a month. The increase in TTP during the fifth year shall not exceed $100 a month above the monthly TTP in the year immediately preceding the implementation of Rent Simplification Policy.

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
			• **These limitations on rent increase** shall only apply to increases in TTP that result from the implementation of the Rent Simplification Policy and not rent increases that result from changes in family composition or changes in family income.
Annual Inspections	24 CFR Part 982.405(a)	ECC/HANH must inspect each unit annually during Section 8 assisted occupancy. 24 CFRP Part 982.405 (a) states that: The PHA must inspect the unit leased to a family prior to the initial term of the lease, at least annually during assisted occupancy, and at other times as needed, to determine if the unit meets the HQS. (See §982.305(b)(2) concerning timing of initial inspection by the PHA.)	ECC/HANH will no longer inspect every unit every year, but will instead inspect units every two years, unless the first unit inspection conducted after the implementation of the Rent Simplification Policy shows that the unit; (1) failed an inspection, or (2) the unit had a failed inspection in the three

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
			Years prior to the implementation of the Rent Simplification Policy. A unit must have three consecutive years without a failed inspection to qualify for the bi-annual inspection. Units for which landlords are requesting increases in HAP payment will also be inspected prior to ECC/HANH granting any such increase.
Waiver of SEMAP Indicator	24 CFR Part 985.3(c).		**Determination of Adjusted Income**. Beginning October 1, 2007, Total Tenant Payment will be based Annual Income by income tiers. Additional, ECC/HANH will no longer include assets of less than $50,000 is the determination of Annual Income. There will no longer be any Mandatory Deductions; therefore, a waiver of this Section is required by HUD.

Topic	Exceptions to HCV Program Regulations	Current Policy	Alternative MTW Policy for Housing Choice Voucher Program
Waiver of SEMAP Indicator	24 CFR Part 985.3(m)		**Annual HQS Inspections**. This indicator shows whether the PHA inspects each unit under contract at least annually. 24 CFR 982.405(a). ECC/HANH will no longer inspect every unit every year, but will instead inspect a unit every two years unless the unit's inspection history indicates a need for an annual inspection as set forth above.
Waiver of SEMAP Indicator	24 CFR Part 985.3 (n)		**Lease-Up**. This indicator shows whether or not ECC/HANH enters HAP contracts for the number of units reserved under ACC for at least one year. ECC/HANH currently has a waiver of this provision and request that it be extended until September 30, 2008
Portability procedures	24 CFR Part 982355 (c) (1)	ECC/HANH would like to have the ability to re-determine the eligibility of adult household members by performing a background check to ensure that family members do not have a criminal background.	

Housing Choice Voucher (HCV) Program
Rent Simplification Rent Tier Schedule

Utility Allowance						
Income Range						
$0	$2,499	$50		$34,500	$35,499	$819
$2,500	$3,499	$59		$35,500	$36,499	$843
$3,500	$4,499	$83		$36,500	$37,499	$867
$4,500	$5,499	$107		$37,500	$38,499	$891
$5,500	$6,499	$131		$38,500	$39,499	$914
$6,500	$7,499	$154		$39,500	$40,499	$938
$7,500	$8,499	$178		$40,500	$41,499	$962
$8,500	$9,499	$202		$41,500	$42,499	$986
$9,500	$10,499	$226		$42,500	$43,499	$1,009
$10,500	$11,499	$249		$43,500	$44,499	$1,033
$11,500	$12,499	$273		$44,500	$45,499	$1,057
$12,500	$13,499	$297		$45,500	$46,499	$1,081
$13,500	$14,499	$321		$46,500	$47,499	$1,104
$14,500	$15,499	$344		$47,500	$48,499	$1,128
$15,500	$16,499	$368		$48,500	$49,449	$1,152
$16,500	$17,499	$392		$49,500	Above	$1,176
$17,500	$18,499	$416				
$18,500	$19,499	$439				
$19,500	$20,499	$463				
$20,500	$21,499	$487				
$21,500	$22,499	$511				
$22,500	$23,499	$534				
$23,500	$24,499	$558				
$24,500	$25,499	$582				
$25,500	$26,499	$606				
$26,500	$27,499	$629				
$27,500	$28,499	$653				

$28,500	$29,499	$677				
$29,500	$30,499	$701				
$30,500	$31,499	$724				
$31,500	$32,499	$748				
$32,500	$33,499	$772				
$33,500	$34,499	$796				

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

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

> 5.609 Annual income.
>
> (a) Annual income means all amounts, monetary or not, which:
>
> (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or
>
> (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
>
> (3) Which are not specifically excluded in paragraph [5.609(c)].
>
> (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1)
- Annual Income Exclusions (Exhibit 6-2)
- Treatment of Family Assets (Exhibit 6-3)
- Earned Income Disallowance for Persons with Disabilities (Exhibit 6-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this plan, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Summary of Income Included and Excluded by Person	
Live-in aides	Income from all sources is excluded [24 CFR 5.609(c)(5)].
Foster child or foster adult	Income from all sources is excluded [24 CFR 5.609(c)(2)].
Head, spouse, or cohead Other adult family members	All sources of income not specifically excluded by the regulations or policy are included.
Children under 18 years of age	Employment income is excluded [24 CFR 5.609(c)(1)]. All other sources of income, except those specifically excluded by the regulations or policy, are included.
Full-time students 18 years of age or older (not head, spouse, or cohead)	**ECC/HANH Policy:** All employment income is excluded [24 CFR 5.609(c)(11)]. All other sources of income, except those specifically excluded by the regulations or policy, are included.

Temporarily Absent Family Members

The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].

ECC/HANH Policy

Generally, an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.

Absent Students

ECC/HANH Policy

When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to ECC/HANH indicating that the student has established a separate household or the family declares that the student has established a separate household.

Absences Due to Placement in Foster Care

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].

ECC/HANH Policy

If a child has been placed in foster care, ECC/HANH will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

Absent Head, Spouse, or Cohead

ECC/HANH Policy

An employed head, spouse, or cohead absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

Family Members Permanently Confined for Medical Reasons

If a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted [HCV GB, p. 5-22].

ECC/HANH Policy

ECC/HANH will request verification of the family member's permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent.

If the family certifies that the family member is confined on a permanent basis, they may present, and ECC/HANH will consider, any additional documentation or evidence.

If the family member is expected to be temporarily absent for more than 180 calendar days, ECC/HANH may require reverification of the temporary absent status.

ECC/HANH's decision is subject to reasonable accommodation requirements

Joint Custody of Dependents

ECC/HANH Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 50 percent or more of the time.

When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, ECC/HANH will make the determination based on available documents such as court orders, or an IRS return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

Caretakers for a Child

ECC/HANH Policy

The approval of a caretaker is at the owner and ECC/HANH's discretion and subject to the owner and ECC/HANH's screening criteria. If neither a parent nor a designated guardian remains in a household receiving HCV assistance, ECC/HANH will take the following actions.

(1) If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

(2) If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for 90 days. After the 90 days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases ECC/HANH will extend the caretaker's status as an eligible visitor.

(3) At any time that custody or guardianship legally has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.

(4) During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

6-I.C. ANTICIPATING ANNUAL INCOME

ECC/HANH is required to count all income "anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date" [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection

ECC/HANH generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes ECC/HANH to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- ECC/HANH believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

<u>ECC/HANH Policy</u>

If ECC/HANH cannot anticipate annual income for a full 12-month period, ECC/HANH will average known sources of income that vary in order to calculate annual income.

If a family member is a seasonal employee, ECC/HANH will average the income across 12 months when annualizing.

Example 1: HANH is conducting Mr. Quinn's biennial reexamination. Mr. Quinn works in construction 8 months of the year, earning $1,500 a month. He is paid cash. The remaining months he receives no income.

HANH will annualize his income: $1,500 x 8 = $12,000 whether or not he is working at the time of his biennial reexamination.

No interim will be conducted if Mr. Quinn was working at the time of his biennial reexamination and then reports that income stopped due to this regular layoff. Nor will an interim be conducted when Mr. Quinn resumes work at this regular job.

Example 2: Ms. Marie works as a school bus driver 10 months out of the year earning $15,000 from this employment. The remaining 2 months, she draws $1,500 a month in unemployment benefits. HANH will calculate Ms. Marie's annual income to be $18,000 ($15,000 + $3,000 ($1,500 x 2)).

No interim will be conducted when Ms. Marie starts or stops working.

Income from the previous year may be analyzed to determine the amount to anticipate when third party verification is not available or reliable.

If by averaging, an estimate can be made for those families whose income fluctuates from month-to-month, this estimate will be used so that housing payments will not change from month-to-month.

This method used depends on the regularity, source, and type of income.

ECC/HANH is required to use HUD's Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)].

HUD allows ECC/HANH to use tenant-provided documents (pay stubs) to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where ECC/HANH does not determine it is necessary to obtain additional third-party data.

<u>ECC/HANH Policy</u>

When EIV is obtained and the family does not dispute the EIV employer data, ECC/HANH will use current tenant-provided documents to project annual income. When the tenant-provided documents are pay stubs, ECC/HANH will make every effort to obtain current and consecutive pay stubs dated within the last 60 days.

ECC/HANH will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following cases:

- If EIV or other UIV data is not available,
- If the family disputes the accuracy of the EIV employer data, and/or

- If ECC/HANH determines additional information is needed.

In such cases, ECC/HANH will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how ECC/HANH annualized projected income.

When ECC/HANH cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), ECC/HANH will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to ECC/HANH to show why the historic pattern does not represent the family's anticipated income.

Known Changes in Income

If ECC/HANH verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

Example: An employer reports that a full-time employee who has been receiving $8/hour will begin to receive $8.25/hour in the eighth week after the effective date of the reexamination. In such a case ECC/HANH would calculate annual income as follows: ($8/hour × 40 hours × 7 weeks) + ($8.25 × 40 hours × 45 weeks).

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 days of the reexamination interview date.

Projecting Income

In HUD's EIV webcast of January 2008, HUD made clear that ECC/HANH is not to use EIV quarterly wages to project annual income.

6-I.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages and Related Compensation

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income [24 CFR 5.609(b)(1)].

ECC/HANH Policy

For persons who regularly receive bonuses or commissions, ECC/HANH will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, ECC/HANH will use the prior year amounts. In either case the family may provide, and ECC/HANH will consider, a credible

justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, ECC/HANH will count only the amount estimated by the employer. The file will be documented appropriately.

Some Types of Military Pay

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

***Temporary, Nonrecurring, or Sporadic Income* [24 CFR 5.609(c)(9)]**

This type of income (including gifts) is not included in annual income. Sporadic income includes temporary payments from the U.S. Census Bureau for employment lasting no longer than 180 days [Notice PIH 2009-19].

ECC/HANH Policy

Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally, as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

Children's Earnings

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income [24 CFR 5.609(c)(1)]. (See Eligibility chapter for a definition of *foster children*.)

Certain Earned Income of Full-Time Students

To be considered "full-time," a student must be considered "full-time" by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

ECC/HANH Policy

All earnings of an adult full-time student (except for the head, spouse, or co-head) are excluded from annual income.

Income of a Live-in Aide

Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

Income Earned under Certain Federal Programs

Income from some federal programs is specifically excluded from consideration as income [24 CFR 5.609(c)(17)], including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Awards under the federal work-study program (20 U.S.C. 1087 uu)

- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
- Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

Resident Service Stipend

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed $200 per individual per month) received by a resident for performing a service for ECC/HANH or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of ECC/HANH'S governing board. No resident may receive more than one such stipend during the same period of time [24 CFR 5.600(c)(8)(iv)].

State and Local Employment Training Programs

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

ECC/HANH Policy

ECC/HANH includes federal employment training programs under this rule along with state and local employment training programs for FSS program participants only.

ECC/HANH defines *training program* as "a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education" [expired Notice PIH 98-2, p. 3].

ECC/HANH defines *incremental earnings and benefits* as the difference between: (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program, and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].

In calculating the incremental difference, ECC/HANH will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058.

End of participation in a training program must be reported in accordance with ECC/HANH's interim reporting requirements.

HUD-Funded Training Programs

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

ECC/HANH Policy

To qualify as a training program, the program must meet the definition of *training program* provided above for state and local employment training programs.

Earned Income Tax Credit

Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

ECC/HANH's Incremental Earnings Increase Exclusion for Family Self-Sufficiency Program Participants

ECC/HANH Policy

In addition to the federal and HUD required exclusions, ECC/HANH has implemented an agency exclusion for FSS program participants (those families enrolled in the FSS program through execution of a form HUD-52650).

ECC/HANH shall exclude from the determination of Annual Income 100 percent of any incremental earnings increase from wages or salaries earned by any family member during the first year that family member is enrolled in ECC/HANH's Family Self -Sufficiency Program; 75 percent exclusion for the second year the family member is enrolled in the FSS Program; 50 percent exclusion for the third year the family member is enrolled in the FSS Program; 25 percent exclusion for the fourth year the family member is enrolled in the FSS Program; and no exclusion in the fifth year of enrollment or thereafter.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

Annual income includes "the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family" [24 CFR 5.609(b)(2)].

Business Expenses

Net income is "gross income less business expense" [HCV GB, p. 5-19].

ECC/HANH Policy

To determine business expenses that may be deducted from gross income, ECC/HANH will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

Business Expansion

HUD regulations do not permit ECC/HANH to deduct from gross income expenses for business expansion.

ECC/HANH Policy

Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness

HUD regulations do not permit ECC/HANH to deduct from gross income the amortization of capital indebtedness.

ECC/HANH Policy

Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means ECC/HANH will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business

HUD regulations require ECC/HANH to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

ECC/HANH Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of an assisted family provided an up-front loan of $2,000 to help a business get started, ECC/HANH will not count as income any withdrawals from the business up to the amount of this loan until the loan has been

repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

ECC/HANH Policy

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the HCV program. However, HUD requires that ECC/HANH include in annual income the anticipated "interest, dividends, and other net income of any kind from real or personal property" [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, ECC/HANH must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of *net family assets*. This section begins with a discussion of general policies related to assets and then provides HUD rules and ECC/HANH policies related to each type of asset.

General Policies

ECC/HANH Policy

Rent Simplification -ECC/HANH will not include income from assets unless the total market value of all assets for the family equals more than $50,000.

Income from Assets

ECC/HANH generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes ECC/HANH to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) ECC/HANH believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, ECC/HANH can take into consideration past rental income along with the prospects of obtaining a new tenant.

ECC/HANH Policy

Anytime current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present

information and documentation to ECC/HANH to show why the asset income determination does not represent the family's anticipated asset income.

Valuing Assets

The calculation of asset income sometimes requires ECC/HANH to make a distinction between an asset's market value and its cash value.

- The market value of an asset is its worth in the market (e.g., the amount a buyer would pay for real estate or the total value of an investment account).
- The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

ECC/HANH Policy

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, p. 5-28].

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3), Notice PIH 2012-29]

ECC/HANH Policy

ECC/HANH will not include income from assets unless the total market value of all assets for the family equals $50,000 or more. ECC/HANH will then include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income.

Imputed income from assets is calculated by multiplying the total cash value of all family assets by an average passbook savings rate as determined by ECC/HANH.

- Note: The HUD field office no longer provides an interest rate for imputed asset income. The "safe harbor" is now for ECC/HANH to establish a passbook rate within 0.75 percent of a national average.
- ECC/HANH must review its passbook rate annually to ensure that it remains within 0.75 percent of the national average.

ECC/HANH Policy

ECC/HANH initially set the imputed asset passbook rate at 0%, within the national rate established by the Federal Deposit Insurance Corporation (FDIC).

ECC/HANH will review the passbook rate annually, in August of each year. The rate will not be adjusted unless the current ECC/HANH rate is no longer within 0.75 percent of the

national rate. If it is no longer within 0.75 percent of the national rate, the passbook rate will be set at the current national rate. Changes to the passbook rate will take effect on October 1 following the August review.

Determining Actual Anticipated Income from Assets

It may or may not be necessary for ECC/HANH to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property's market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes "amounts derived (during the 12-month period) from assets to which any member of the family has access."

ECC/HANH Policy

If an asset is owned by more than one person and any family member has unrestricted access to the asset, ECC/HANH will count the full value of the asset. A family member has unrestricted access to an asset when he or she can legally dispose of the asset without the consent of any of the other owners.

If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, ECC/HANH will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, ECC/HANH will prorate the asset evenly among all owners.

Assets Disposed of for Less than Fair Market Value [24 CFR 5.603(b)]

HUD regulations require ECC/HANH to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

The *HCV Guidebook* permits ECC/HANH to set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].

ECC/HANH Policy

ECC/HANH will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than $1,000.

When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

ECC/HANH Policy

All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

ECC/HANH Policy

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. ECC/HANH may verify the value of the assets disposed of if other information available to ECC/HANH does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts

For regular checking accounts and savings accounts, *cash value* has the same meaning as *market value*. If a checking account does not bear interest, the anticipated income from the account is zero.

ECC/HANH Policy

Rent Simplification - For families with a total market value of assets of less than $50,000, only a self-certification is required to verify the value of assets.

In determining the value of a checking account, ECC/HANH will use current balance.

In determining the value of a savings account, ECC/HANH will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, ECC/HANH will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

ECC/HANH Policy

In determining the market value of an investment account, ECC/HANH will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known. For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings). When the anticipated rate of return is not known (e.g., stocks), ECC/HANH will calculate asset income based on the earnings for the most recent reporting period.

Equity in Real Property or Other Capital Investments

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25].

ECC/HANH Policy

In determining the equity, ECC/HANH will determine market value by examining recent sales of at least three properties in the surrounding or similar neighborhood that possess comparable factors that affect market value.

ECC/HANH will first use the payoff amount for the loan (mortgage) as the unpaid balance to calculate equity. If the payoff amount is not available, ECC/HANH will use the basic loan balance information to deduct from the market value in the equity calculation.

Equity in real property and other capital investments is considered in the calculation of asset income **except** for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR5.603(b)]
- The value of a home currently being purchased with assistance under the HCV program Homeownership Option for the first 10 years after the purchase date of the home [24 CFR 5.603(b), Notice PIH 2012-3]

- Equity in owner-occupied cooperatives and manufactured homes in which the family lives [HCV GB, p. 5-25]
- Equity in real property when a family member's main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.
- Interests in Indian Trust lands [24 CFR 5.603(b)]
- Real property and capital assets that are part of an active business or farming operation [HCV GB, p. 5-25]

ECC/HANH must also deduct from the equity the reasonable costs for converting the asset to cash. Using the formula for calculating equity specified above, the net cash value of real property is the market value of the loan (mortgage) minus the expenses to convert to cash [Notice PIH 2012-3].

ECC/HANH Policy

For the purposes of calculating expenses to convert to cash for real property, ECC/HANH will use ten percent of the market value of the home.

A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

ECC/HANH Policy

In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless ECC/HANH determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

Trusts

A *trust* is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

Revocable Trusts

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

Nonrevocable Trusts

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

Retirement Accounts

Company Retirement/Pension Accounts

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, ECC/HANH must know whether the money is accessible before retirement [HCV GB, p. 5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

Personal Property

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p. 5-25].

> ECC/HANH Policy
>
> In determining the value of personal property held as an investment, ECC/HANH will use the family's estimate of the value. ECC/HANH may obtain an appraisal to confirm the value of the asset if there is reason to believe that the family's estimated value is off by $50 or more. The family must cooperate with the appraiser, but cannot be charged any costs related to the appraisal.
>
> Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].

ECC/HANH Policy

Necessary personal property consists of only those items not held as an investment, and may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

Life Insurance

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14].

Lump-Sum Payments for the Delayed Start of a Periodic Payment

Most lump-sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income. Additionally, any deferred disability benefits that are received in a lump-sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [24 CFR 5.609(c)(14)].

ECC/HANH Policy

When a delayed-start payment is received and reported during the period in which ECC/HANH is processing a reexamination, ECC/HANH will adjust the family share and ECC/HANH subsidy retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with ECC/HANH.

Treatment of Overpayment Deductions from Social Security Benefits

ECC/HANH must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period,

ECC/HANH must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2012-10].

Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship guardianship assistance payments (Kin-GAP) and other similar guardianship payments are treated the same as foster care payments and are likewise excluded from annual income [Notice PIH 2012-1].

  ECC/HANH Policy

  ECC/HANH will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)].
- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)].
- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)].
- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. *Note:* EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.
- Lump-sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.H.) [24 CFR 5.609(c)(14)].
- Lump-sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA) [24 CFR 5.609(c)(14)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

ECC/HANH must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was receiving HCV assistance at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those "who receive welfare assistance or other public assistance benefits ('welfare benefits') from a State or other public agency ('welfare agency') 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 such assistance" [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family's welfare income because the family commits fraud or fails to comply with the agency's economic self-sufficiency program or work activities requirement, ECC/HANH must include in annual income "imputed" welfare income. ECC/HANH must request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

Offsets

The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with an assisted family.

Alimony and Child Support

ECC/HANH must count alimony or child support amounts awarded as part of a divorce or separation agreement.

ECC/HANH Policy

ECC/HANH will count court-awarded amounts for alimony and child support unless ECC/HANH verifies that: (1) the payments are not being made, and (2) the family has made reasonable efforts to collect amounts due, including filing with courts or agencies responsible for enforcing payments [HCV GB, pp. 5-23 and 5-47].

Families who do not have court-awarded alimony and child support awards are not required to seek a court award and are not required to take independent legal action to obtain collection.

If alimony or child support payments actually received are erratic, ECC/HANH will obtain and use as annual income the amount received for the most recent completed twelve months.

Regular Contributions or Gifts

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

ECC/HANH Policy

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such as groceries and clothing provided to a family on a regular basis.

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

6-I.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9) and FR 5/20/14]

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

Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9) and FR 4/10/06]

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

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

- They are seeking or receiving Section 8 assistance on their own—that is, apart from their parents—through the HCV program, the project-based voucher program, or the moderate rehabilitation program.
- They are under 24 years of age **OR** they have no dependent children.

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

To determine annual income in accordance with the above requirements, ECC/HANH will use the definitions of *dependent child, institution of higher education,* and *parents* in section 3-II.E, along with the following definitions:

- *Assistance under the Higher Education Act of 1965* includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs. [FR 4/10/06, pp. 18148-18150]
- *Assistance from private sources* means assistance from nongovernmental sources, including parents, guardians, and other persons not residing with the student in an HCV assisted unit. [FR 4/10/06, pp. 18148-18150]
- *Tuition and fees* are defined in the same manner in which the Department of Education defines "tuition and fees." [Notice PIH 2015-21]
    - The amount of tuition and required fees covering a full academic year most frequently charged to students.
    - The amount represents what a typical student would be charged and may not be the same for all students at an institution.
    - If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an academic year is used to estimate average tuition.
    - Required fees include all fixed sum charges that are required of a large proportion of all students. Examples include, but are not limited to, writing and science lab fees and fees specific to the student's major or program (i.e., nursing program).
    - Expenses related to attending an institution of higher education must **not** be included as tuition. Examples include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges.

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

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

- Students residing with parents who are seeking or receiving Section 8 assistance
- Students who are enrolled in an educational institution that does **not** meet the 1965 HEA definition of *institution of higher education*
- Students who are over 23 **AND** have at least one dependent child, as defined in section 3-II.E
- Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.

6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) and updated by FR Notice 5/20/14 that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of $480 per adopted child [24 CFR 5.609(c)(12)]

  <u>ECC/HANH Policy</u>

  ECC/HANH excludes all amounts of adoption assistance payments.
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17), FR Notice 5/20/14]. HUD publishes an updated list of these exclusions periodically. It includes:

  (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017 (b))

  (b) Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966, including WIC

  (c) Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)

  (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))

(e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)

(f) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))

(g) Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

(h) Deferred disability benefits from the Department of Veterans Affairs, whether received as a lump sum or in monthly prospective amounts

(i) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)

(j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))

(k) A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al.* v. *Ken Salazar et al.,* for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010

(l) The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)

(m) Benefits under the Indian Veterans Housing Opportunity Act of 2010 (only applies to Native American housing programs)

(n) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))

(o) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in *In Re Agent Orange* product liability litigation, M.D.L. No. 381 (E.D.N.Y.)

(p) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spinal bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spinal bifida

(q) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)

(r) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)

(s) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))

(t) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)

(u) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965j, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109–249 applies and requires that the amount of financial assistance in excess of tuition and mandatory fees shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109–249) (See Section 6-I.L. for exceptions.)

(v) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))

(w) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)

(x) Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002

(y) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013–30, "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a))

(z) Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations

PART II: ADJUSTED INCOME

6-II.A. MEDICAL EXPENSES DEDUCTIONS

Allowable income deductions used to calculate Exceptional Expenses are as follows:

(1) $480 for each dependent;

(2) The sum of the following, to the extent the sum exceeds three percent of annual income:

(i) Unreimbursed medical expenses of any elderly family or disabled family;

(ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and

(3) Any reasonable child care expenses necessary to enable a member of the family to be employed, seek work, or to further his or her education.

This part covers policies related to these allowable deductions. Verification requirements related to these deductions are found in Chapter 7.

Anticipating Expenses

ECC/HANH Policy

Generally, ECC/HANH will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and non-school periods and cyclical medical expenses), ECC/HANH will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, ECC/HANH will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. ECC/HANH may require the family to provide documentation of payments made in the preceding year.

HUD regulations define *medical expenses* at 24 CFR 5.603(b) to mean "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."

ECC/HANH Policy

The most current IRS Publication 502, *Medical and Dental Expenses,* will be used as a reference to determine the costs that qualify as medical expenses.

Summary of Allowable Medical Expenses from IRS Publication 502	
Services of medical professionals Surgery and medical procedures that are necessary, legal, non cosmetic Services of medical facilities Hospitalization, long-term care, and in-home nursing services Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor Improvements to housing directly related to medical needs (e.g., ramps for a wheelchair, handrails)	Substance abuse treatment programs Psychiatric treatment Ambulance services and some costs of transportation related to medical expenses The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth) Cost and continuing care of necessary service animals Medical insurance premiums or the cost of a health maintenance organization (HMO)
Note: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.	

Families That Qualify for Both Medical and Disability Assistance Expenses

ECC/HANH Policy

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, ECC/HANH will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.B. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of "earned income received by family members who are 18 years of age or older and who are able to work" because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

ECC/HANH Policy

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, ECC/HANH will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

When ECC/HANH determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members' incomes.

Eligible Disability Expenses

Examples of auxiliary apparatus are provided in the *HCV Guidebook* as follows: "Auxiliary apparatus are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable a blind person to read or type, but only if these items are directly related to permitting the disabled person or other family member to work" [HCV GB, p. 5-30].

HUD advises ECC/HANH to further define and describe auxiliary apparatus [VG, p. 30].

Eligible Auxiliary Apparatus

ECC/HANH Policy

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost of service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

Eligible Attendant Care

The family determines the type of attendant care that is appropriate for the person with disabilities.

ECC/HANH Policy

Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person

enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

If the care attendant also provides other services to the family, ECC/HANH will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Payments to Family Members

No disability assistance expenses may be deducted for payments to a member of an assisted family [24 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

Necessary and Reasonable Expenses

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

ECC/HANH Policy

ECC/HANH determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, ECC/HANH will collect information from organizations that provide services and support to persons with disabilities. A family may present, and ECC/HANH will consider, the family's justification for costs that exceed typical costs in the area.

Families That Qualify for Both Medical and Disability Assistance Expenses

ECC/HANH Policy

This policy applies only to families in which the head or spouse is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, ECC/HANH will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.C. CHILD CARE EXPENSE DEDUCTION

HUD defines *child care expenses* at 24 CFR 5.603(b) as "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."

Clarifying the Meaning of *Child* for This Deduction

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family's household are included when determining the family's child care expenses [HCV GB, p. 5-29].

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

ECC/HANH Policy

The family must identify the family member(s) enabled to pursue an eligible activity. The term *eligible activity* in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family's request, ECC/HANH will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

ECC/HANH Policy

If the child care expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the child care expense being allowed by ECC/HANH.

Furthering Education

ECC/HANH Policy

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

Being Gainfully Employed

ECC/HANH Policy

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

Earned Income Limit on Child Care Expense Deduction

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by "the amount of employment income that is included in annual income" [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person with disabilities who receives the earned income disallowance (EID) or a full-time student whose earned income above $480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person's earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes $15,000 but because of the EID only $5,000 is included in annual income, child care expenses are limited to $5,000.

ECC/HANH must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

ECC/HANH Policy

When the child care expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, ECC/HANH generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

Eligible Child Care Expenses

The type of care to be provided is determined by the assisted family. ECC/HANH may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p. 26].

Allowable Child Care Activities

ECC/HANH Policy

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family's unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, ECC/HANH will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also

cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

Necessary and Reasonable Costs

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

ECC/HANH Policy

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For child care that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

To establish the reasonableness of child care costs, ECC/HANH will use the schedule of child care costs from the local welfare agency. Families may present, and ECC/HANH will consider, justification for costs that exceed typical costs in the area.

PART III: CALCULATING FAMILY SHARE AND ECC/HANH SUBSIDY

6-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

Family Share [24 CFR 982.305(a)(5)]

If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds ECC/HANH'S applicable payment standard: (1) the family will pay more than the TTP, and (2) at initial occupancy ECC/HANH may not approve the tenancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than 60 days before the family's voucher was issued. (For a discussion of the application of payment standards, see section 6-III.C.)

ECC/HANH Policy

Under its MTW agreement, ECC/HANH does not calculate 'monthly adjusted income' for HCV families. ECC/HANH determines TTP based on a family's annual income.

In a non-MTW agency, the majority of families' TTP is based on 30% of monthly adjusted income. To best mirror the standard Family Share requirement under 24 CFR 982.305 (a)(5), ECC/HANH converts the family's TTP to equal as closely as possible what would be Monthly Adjusted Income if the TTP were based on 30% of MAI by multiplying the TTP times 3.333.

ECC/HANH then determines 40% of this figure to determine the maximum family share.

ECC/HANH Subsidy [24 CFR 982.505(b)]

ECC/HANH will pay a monthly housing assistance payment (HAP) for a family that is equal to the lower of (1) the applicable payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP. (For a discussion of the application of payment standards, see section 6-III.C.)

Utility Reimbursement [24 CFR 982.514(b)]

When the ECC/HANH subsidy for a family exceeds the rent to owner, the family is due a utility reimbursement. HUD permits the ECC/HANH to pay the reimbursement to the family or directly to the utility provider.

ECC/HANH Policy

ECC/HANH will make utility reimbursements to the family.

6-III.B. APPLYING PAYMENT STANDARDS [24 CFR 982.505]

Overview

ECC/HANH'S schedule of payment standards is used to calculate housing assistance payments for HCV families. This section covers the application of ECC/HANH'S payment standards. The establishment and revision of ECC/HANH'S payment standard schedule are covered in Chapter 16.

Payment standard is defined as "the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family)" [24 CFR 982.4(b)].

The payment standard for a family is the lower of (1) the payment standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under ECC/HANH'S subsidy standards [24 CFR 982.4(b)], or (2) the payment standard for the size of the dwelling unit rented by the family.

If ECC/HANH has established an exception payment standard for a designated part of an FMR area and a family's unit is located in the exception area, ECC/HANH must use the appropriate payment standard for the exception area.

ECC/HANH is required to pay a monthly housing assistance payment (HAP) for a family that is the lower of (1) the payment standard for the family minus the family's TTP or (2) the gross rent for the family's unit minus the TTP.

If during the term of the HAP contract for a family's unit, the owner lowers the rent, ECC/HANH will recalculate the HAP using the lower of the initial payment standard or the gross rent for the unit [HCV GB, p. 7-8].

Changes in Payment Standards

When ECC/HANH revises its payment standards during the term of the HAP contract for a family's unit, it will apply the new payment standards in accordance with HUD regulations.

Decreases

If the amount on the payment standard schedule is decreased during the term of the HAP contract, the lower payment standard generally will be used beginning at the effective date of the family's second regular reexamination following the effective date of the decrease in the payment standard. ECC/HANH will determine the payment standard for the family as follows:

Step 1: At the first regular reexamination following the decrease in the payment standard, ECC/HANH will determine the payment standard for the family using the lower of the payment standard for the family unit size or the size of the dwelling unit rented by the family.

Step 2: ECC/HANH will compare the payment standard from step 1 to the payment standard last used to calculate the monthly housing assistance payment for the family. The payment standard used by ECC/HANH at the first regular reexamination following the decrease in the payment standard will be the higher of these two payment standards. ECC/HANH will advise the family that the application of the lower payment standard will be deferred until the second regular reexamination following the effective date of the decrease in the payment standard.

Step 3: At the second regular reexamination following the decrease in the payment standard, the lower payment standard will be used to calculate the monthly housing assistance payment for the family unless ECC/HANH has subsequently increased the payment standard, in which case the payment standard will be determined in accordance with procedures for increases in payment standards described below.

Increases

If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard.

Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination [HCV GB, p. 7-8].

Changes in Family Unit Size

Irrespective of any increase or decrease in the payment standard, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard for the family beginning at the family's first regular reexamination following the change in family unit size.

Reasonable Accommodation

If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities, ECC/HANH is allowed to establish a higher payment standard for the family within the basic range.

6-III.C. APPLYING UTILITY ALLOWANCES [24 CFR 982.517]

Overview

An ECC/HANH-established utility allowance schedule is used in determining family share and ECC/HANH subsidy. A family's utility allowance is determined by the size of dwelling unit leased by a family or the voucher unit size for which the family qualifies using ECC/HANH subsidy standards, whichever is the lowest of the two [FR Notice 06/25/14]. See Chapter 5 for information on the ECC/HANH's subsidy standards.

For policies on establishing and updating utility allowances, see Chapter 16.

Reasonable Accommodation

HCV program regulations require an ECC/HANH to approve a utility allowance amount higher than shown on ECC/HANH'S schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, ECC/HANH will approve an allowance for air-conditioning, even if ECC/HANH has determined that an allowance for air-conditioning generally is not needed.

The family must request the higher allowance and provide ECC/HANH with an explanation of the need for the reasonable accommodation and information about the amount of additional allowance required [HCV GB, p. 18-8].

Utility Allowance Revisions

At reexamination, ECC/HANH must use the ECC/HANH current utility allowance schedule [24 CFR 982.517(d)(2)].

ECC/HANH Policy

Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination that is effective after the allowance is adopted.

6-III.D. PRORATED ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.520]

HUD regulations prohibit assistance to ineligible family members. A *mixed family* is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. ECC/HANH must prorate the assistance provided to a mixed family. ECC/HANH will first determine assistance as if all family members were eligible and then prorate the assistance based upon the percentage of family members that actually are eligible. For example, if the ECC/HANH subsidy for a family is calculated at $500 and two of four family members are ineligible, the ECC/HANH subsidy would be reduced to $250.

EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 CFR 5.609

(a) *Annual income means all amounts, monetary or not, which:*

(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Which are not specifically excluded in paragraph (c) of this section.

(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) *Annual income includes, but is not limited to:*

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31[1]; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, “financial assistance” does not include loan proceeds for the purpose of determining income.

HHS DEFINITION OF "ASSISTANCE"

45 CFR: General Temporary Assistance for Needy Families

260.31 What does the term “assistance” mean?

(a)(1) The term “assistance” includes cash, payments, vouchers, and other forms of benefits designed to meet a family’s ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

[1] Text of 45 CFR 260.31 follows.

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of "assistance"] excludes: (1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.

24 CFR 5.609

(c) *Annual income does not include the following:*

(1) Income from employment of children (including foster children) under the age of 18 years;

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide, as defined in Sec. 5.403;

(6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8) (i) Amounts received under training programs funded by HUD;

(ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

<u>ECC/HANH Policy</u>

ECC/HANH also applies the above income exclusion to incremental earnings and benefits resulting from participation in a qualifying federal training program.

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the

laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

ECC/HANH Policy

ECC/HANH excludes all earnings of each adult full-time student (excluding the head of household and spouse)

(12) Adoption assistance payments in excess of $480 per adopted child;

ECC/HANH Policy

ECC/HANH excludes all amounts of adoption assistance payments.

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See Section 6-I.M. for a list of benefits that qualify for this exclusion.]

EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

24 CFR 5.603(b) 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.

(2) 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 Sec. 5.609.

(3) 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.

(4) For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.

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

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

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

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

Disallowance. Exclusion from annual income.

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

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

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over a six-month period is at least $500.

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

(1) Initial twelve month exclusion. During the cumulative twelve month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(2) Second twelve month exclusion and phase-in. During the second cumulative twelve month period after the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income of a qualified family fifty percent of any increase in income of such family member as a result of employment over income of that family member prior to the beginning of such employment.

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

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

EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) *Applicability.* This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

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

Covered families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") 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 such assistance.

Economic self-sufficiency program. See definition at Sec. 5.603.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefit reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

(c) *Imputed welfare income.*

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).

(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) *Review of PHA decision.*

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an informal hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income in accordance with this section. If the family claims that such amount is not correctly calculated in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the family written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. Such notice shall also state that if the family does not agree with the PHA determination, the family may request an informal hearing on the determination under the PHA hearing procedure.

(e) *PHA relation with welfare agency.*

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

Chapter 7

VERIFICATION

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, Notice PIH 2010-19]

INTRODUCTION

ECC/HANH must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. ECC/HANH must not pass on the cost of verification to the family.

ECC/HANH will follow the verification guidance provided by HUD in Notice PIH 2010-19 and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary ECC/HANH policies.

Part I describes the general verification process. Part II provides more detailed requirements related to family information. Part III provides information on income and assets, and Part IV covers mandatory deductions.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies of the ECC/HANH.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230 and Notice PIH 2023-27]

The family must supply any information that ECC/HANH or HUD determines is necessary to the administration of the program and must consent to ECC/HANH verification of that information [24 CFR 982.551].

Consent Forms

The family must supply any information that ECC/HANH or HUD determines is necessary to the administration of the program and must consent to ECC/HANH verification of that information [24 CFR 982.551].

All adult family members must sign consent forms as needed to collect information relevant to the family's eligibility and level of assistance. While ECC/HANH must use form HUD-9886, this form does not release all the information necessary to the administration of the program. ECC/HANH has also developed its own release forms to cover all other necessary information.

Form HUD-9886 [24 CFR 5.230(b)(1), b(2), (c)(4), and (c)(5); and Notice PIH 2023-27]

All adult applicants and participants must sign the form HUD-9886, Authorization for Release of Information. All adult family members (and the head and spouse/cohead, regardless of age) are required to sign the Form HUD-9886 at admission and at every annual certification. ECC/HANH is an MTW agency and received HUD approval for HUD form 9886 to be signed every 36 months.

The form must be signed:

- When any person 18 years or older becomes a member of the family;
- When a current member of the family turns 18; or
- As required by HUD or ECC/HANH in administrative instructions.

ECC/HANH has the discretion to establish policies around when family members must sign consent forms when they turn 18. ECC/HANH must establish these policies stating when family members will be required to sign consent forms at intervals other than at reexamination.

> ECC/HANH Policy
>
> Family members turning 18 years of age between annual recertifications will be notified in writing that they are required to sign the required Consent to the Release of Information Form HUD-9886 at the family's next annual or interim reexamination, whichever is earlier.

The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and ECC/HANH may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA).

ECC/HANH may obtain any financial record from any financial institution, whenever ECC/HANH determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits [24 CFR 5.230(c)(4)]. The terms "financial record" and "financial institution" are defined in the Right to Financial Privacy Act (12 U.S.C. 3401).

The executed form will remain effective until the family is denied assistance, assistance is terminated, or the family provides written notification to ECC/HANH to revoke consent.

Penalties for Failing to Consent [24 CFR 5.232]

If any family member who is required to sign a consent form fails to do so, ECC/HANH will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with ECC/HANH procedures.

However, this does not apply if the applicant, participant, or any member of their family, revokes their consent with respect to the ability of ECC/HANH to access financial records from financial institutions, unless ECC/HANH establishes a policy that revocation of consent to access financial records will result in denial or termination of assistance or admission [24 CFR

5.232(c)]. ECC/HANH may not process interim or annual reexaminations of income without the family's executed consent forms.

ECC/HANH Policy

ECC/HANH has established a policy that revocation of consent to access financial records will result in denial of admission or termination of assistance in accordance with ECC/HANH policy.

In order for a family to revoke their consent, the family must provide written notice to ECC/HANH.

Within 10 business days of the date the family provides written notice, ECC/HANH will send the family a notice acknowledging receipt of the request and explaining that revocation of consent will result in denial or termination of assistance, as applicable. At the same time, ECC/HANH will notify their local HUD office.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [Notice PIH 2023-27]

HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires ECC/HANH to use the most reliable form of verification that is available and to document the reasons when ECC/HANH uses a lesser form of verification.

ECC/ECC/HANH Policy

In order of priority, the forms of verification that the ECC/ECC/HANH will use are:

Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system

Up-front Income Verification (UIV) using a non-HUD system

Written Third-Party Verification (may be provided by applicant or participant)

Written Third-party Verification Form (verification form sent directly to a third-party)

Oral Third-party Verification

Self-Certification

Each of the verification methods is discussed in subsequent sections below.

Requirements for Acceptable Documents

ECC/ECC/HANH Policy

Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 days of the date they are provided to the ECC/HANH. The documents must not be damaged, altered or in any way illegible.

Print-outs from Web pages are considered original documents.

The ECC/HANH staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and the copy

Any family self-certifications must be made in a format acceptable to the ECC/HANH.

Verification of Family Income of up to $5,000

ECC/HANH Policy

Under its MTW Plan, for families with income of up to $5,000,

ECC/HANH will accept a self-certification.

File Documentation

ECC/HANH must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that ECC/HANH has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

ECC/HANH Policy

The ECC/HANH will document, in the family file, the following:

- Reported family annual income
- Value of assets
- Expenses related to deductions from annual income
- Other factors influencing exceptional expenses

When ECC/HANH is unable to obtain third-party verification, ECC/HANH will document in the family file the reason that third-party verification was not available [24 CFR 982.516(a)(2); Notice PIH 2010-19].

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to ECC/HANH'S use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the ECC/HANH.

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 ECC/HANH 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 ECC/HANH.

See Chapter 6 for the ECC/HANH's policy on the use of UIV/EIV to project annual income.

Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)

ECC/HANH must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and Notice PIH 2023-27 and administrative guidance issued by HUD.

The EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

The income validation tool (IVT) in EIV provides projections of discrepant income for wages, unemployment compensation, and SSA benefits pursuant to HUD's data sharing agreements with other departments.

The following policies apply to the use of HUD's EIV system.

EIV Income and IVT Reports

ECC/HANH are required to obtain an EIV Income and IVT report for each family any time the ECC/HANH conducts an annual reexamination. However, ECC/HANH is not required to use the EIV Income and IVT reports:

- At annual reexamination if ECC/HANH used Safe Harbor verification from another means-test federal assistance program to determine the family's income; or
- During any interim reexaminations.

The EIV Income and IVT Reports are also not available for program applicants at admission.

When required to use the EIV Income Report, in order for the report to be considered current, the ECC/HANH must pull the report within 120 days of the effective date of the annual reexamination.

The data shown on income reports is updated quarterly. Data may be between 3 and 6 months old at the time reports are generated.

ECC/HANH Policy

ECC/HANH will obtain EIV income and IVT reports for all annual reexaminations for all families on a monthly basis. ECC/HANH will ensure that all EIV Income reports are pulled within 120 days of the effective date of the annual reexamination.

Reports will be generated as part of the regular reexamination process.

Income reports will be compared to family-provided information as part of the reexamination process. Income reports may be used in the calculation of annual income, as described in Chapter 6-I.C. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income reports and family-provided information will be resolved as described in Chapter 6-I.C. and in this chapter.

Income reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to

verify and calculate earned income, unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

Income reports will be retained in participant files with the applicable bi/triennial or interim reexamination documents.

When the ECC/HANH determines through income reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity.

New Hires Report [Notice PIH 2023-27]

The New Hires Report identifies participant families who have new employment within the last six months. The report is updated monthly. ECC/HANH must review this information at annual reexamination

ECC/HANH requires families to undergo interim reexaminations for earned income increases.

ECC/HANH Policy

In accordance with ECC/HANH policies in Chapter 11, ECC/HANH does not process interim reexaminations for families who have increases in earned income. Except for instances in which the participant went from zero income to income. ECC/HANH will only review the New Hires Report at annual reexamination.

No Income Reported by HHS or SSA Report This report is a tool for ECC/HANH to identify participants who passed the SSA identity test, but no income information was reported by either HHS or SSA records. This scenario does not mean that the participant does not have any income. ECC/HANH obtains written, third-party verification of any income reported by the participant. ECC/HANH must identify in its policies and procedures when this report will be pulled [Notice PIH 2023-27].

ECC/HANH Policy

ECC/HANH will generate the No Income Reported by HHS or SSA Report quarterly and will retain the report.

ECC/HANH will re-verify the status of participants identified on the report quarterly. Based on the information provided by the family and in EIV, ECC/HANH may require that family members provide verifications or sign release forms in order to obtain additional verification.

When ECC/HANH determines through this report and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity

EIV Identity Verification

The EIV system verifies tenant identities against SSA records. These records are compared to PIC data for a match on social security number, name, and date of birth.

ECC/HANH are required to use EIV's *Identity Verification Report* on a monthly basis to improve the availability of income information in EIV [Notice PIH 2023-27].

When identity verification for a participant fails, a message will be displayed within the EIV system and no income information will be displayed.

ECC/HANH Policy

The ECC/HANH will identify participants whose identity verification has failed by reviewing EIV's *Identity Verification Report* on a monthly basis.

The ECC/HANH will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the participant. When the ECC/HANH determines that discrepancies exist due to ECC/HANH errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.

Deceased Tenants Reports [Notice PIH 2012-4 and Notice PIH 2023-27]

The Deceased Tenant Report identifies residents that have been reported by the SSA as deceased. ECC/HANH is required to review the report at least quarterly.

ECC/HANH Policy

ECC/HANH will review the Deceased Tenants Report on a monthly basis.

When the Deceased Tenants Report identifies an individual as being deceased, ECC/HANH must immediately send a letter to the head of household, if it is a household member or a member of the household if it is the head of household. The letter will advise that an interim must be processed to remove the deceased member from the household composition.

When the only remaining household member is the live-in aide, ECC/HANH will advise the live-in-aide that they will need to vacate the unit. The live-in aide is not entitled to the voucher or unit and is not eligible for any rental assistance or continued occupancy. ECC/HANH may not designate the live-in aide as the new head of household or change the relation code on the Form HUD-50058.

If the deceased person is the head of household and there are no other members in the household, ECC/HANH will contact the emergency contact person to confirm the death of the head of household. ECC/HANH must also notify the owner in writing if the head of household is deceased and is the only household member.

ECC/HANH will process an End of Participation (EOP) recertification and may list the EOP as the last day of the month in which the death occurred. The landlord is entitled to receive the full HAP amount for the month in which the tenant death occurred.

Other EIV Reports [Notice PIH 2023-27]

ECC/HANH is required to review the Multiple Subsidy Report at least quarterly and the Failed EIV Pre-Screening and Failed Verification (Failed SSA Identity Test) reports at least monthly

Upfront Income Verification Using Non-HUD Systems (Optional)

In addition to mandatory use of the EIV system, HUD encourages ECC/HANH to utilize other upfront verification sources.

ECC/HANH Policy

The ECC/HANH will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process:

HUD's EIV system

The Work Number

Department of Social Services (DSS)

Department of Labor (DOL) (provides access to State Wage Information Collection Agency (SWICA) data

Child Support Enforcement database

Background check services

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD's current verification hierarchy defines two types of written third-party verification. The more preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to ECC/HANH by the family. If written third-party verification is not available, ECC/HANH must attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party.

Written Third-Party Verification [Notice PIH 2018-18]

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 or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

ECC/HANH is required to obtain, at minimum, two current and consecutive pay stubs for determining annual income from wages.

ECC/HANH 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.

ECC/HANH Policy

Third-party documents provided by the family must be dated within 60 days of the ECC/HANH request date. When a request for documentation is mailed to a family, including in a notice of a scheduled initial eligibility or bi/triennial interview, the date of request is the date of the mailed letter.

If the ECC/HANH determines that third-party documents provided by the family are not acceptable, the ECC/HANH will explain the reason to the family and request additional documentation.

As verification of earned income, the ECC/HANH will require the family to provide the two most current, consecutive pay stubs. If the two paystubs do not provide the information needed to best anticipate annual income, such as in the case of extreme fluctuation of hours worked, the ECC/HANH may request up to two additional paystubs.

Written Third-Party Verification Form

When upfront verification is not available and the family is unable to provide written third-party documents, ECC/HANH must request a written third-party verification form. HUD's position is that this traditional third-party verification method presents administrative burdens and risks which may be reduced through the use of family-provided third-party documents.

ECC/HANH may mail, fax, or e-mail third-party written verification form requests to third-party sources.

ECC/HANH Policy

The ECC/HANH will send third-party verification forms directly to the third party.

Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by ECC/HANH.

Oral Third-Party Verification [Notice PIH 2018-18]

For third-party oral verification, ECC/HANH contact sources, identified by UIV techniques or by the family, by telephone or in person.

Oral third-party verification is mandatory if neither form of written third-party verification is available.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., 10 business days.

ECC/HANH should document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed.

ECC/HANH Policy

In collecting third-party oral verification, ECC/HANH staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

When any source responds verbally to the initial written request for verification the ECC/HANH will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

When Third-Party Verification is Not Required [Notice PIH 2018-18]

Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family's total tenant payment.

ECC/HANH Policy

If the family cannot provide original documents, the ECC/HANH will pay the service charge required to obtain third-party verification, unless it is not cost effective in which

case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].

Primary Documents

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

Imputed Assets

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

ECC/HANH Policy

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

7-I.E. SELF-CERTIFICATION

Self-certification, or "tenant declaration," is used as a last resort when ECC/HANH is unable to obtain third-party verification.

When ECC/HANH relies on a tenant declaration for verification of income, assets, or expenses, the family's file must be documented to explain why third-party verification was not available.

ECC/HANH Policy

When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the ECC/HANH.

The ECC/HANH may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to the ECC/HANH and must be signed by the family member whose information or status is being verified.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

ECC/HANH Policy

The ECC/HANH will require families to furnish verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicles identification card U.S. military discharge (DD 214) Current U.S. passport Current employer identification card Voter's registration Official Student Identification card	Certificate of birth Adoption papers Custody agreement Health and Human Services ID Certified school records

If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at the ECC/HANH'S discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a format acceptable to the ECC/HANH and be signed in the presence of an ECC/HANH representative or ECC/HANH notary public.

Legal identity will be verified for all applicants at the time of eligibility determination and in cases where the ECC/HANH has reason to doubt the identity of a person representing him or herself to be a participant.

Verification to reflect gender change and name change

Families that want to change a sex designator on a household member in the family composition can do so by submitting supporting documentation.

ECC/HANH Policy

If a household member wishes to change their name or sex designator the following documents must be submitted

- a certified copy of a court order granting your legal name change/ Sex designator or amend the sex designation on the birth certificate
- an updated Social Security Card that reflects a name change

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216, 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 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. Nor may the head of household opt to remove a household member from the family composition for this purpose.

ECC/HANH 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

ECC/HANH 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.

ECC/HANH Policy

The ECC/HANH will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to the ECC/HANH within 90 days.

When a participant requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the participant must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. ECC/HANH may not add the new household member until such documentation is provided.

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

ECC/HANH Policy

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

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

ECC/HANH Policy

The ECC/HANH will verify each disclosed SSN by:

Obtaining documentation from applicants and participants that is acceptable as evidence of social security numbers

Making a copy of the original documentation submitted, returning it to the individual, and retaining a copy in the file folder

Once the individual's verification status is classified as "verified," ECC/HANH may, at its discretion, remove and destroy copies of documentation accepted as evidence of social security numbers. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

ECC/HANH Policy

Once an individual's status is classified as "verified" in HUD's EIV system, the ECC/HANH will not remove and destroy copies of documentation accepted as evidence of social security numbers.

7-II.C. DOCUMENTATION OF AGE

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

ECC/HANH Policy

If an official record of birth or evidence of social security retirement benefits cannot be provided, the ECC/HANH will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

Age must be verified only once during continuously assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

ECC/HANH Policy

Families are required to verify relationships as detailed below. Exceptions may be made by ECC/HANH Supervisors and Management on a case-by-case basis.

Marriage

ECC/HANH Policy

A marriage certificate generally is required to verify that a couple is married.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

Separation or Divorce

ECC/HANH Policy

The ECC/HANH will require the family to provide documentation of the divorce or separation.

A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

A copy of a court-ordered maintenance or other court record is required to document a separation.

If no court document is available, documentation from a community-based agency will be accepted.

Absence of Adult Member

ECC/HANH Policy

If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

The ECC/HANH will consider any of the following as verification:

- Court documents demonstrating that a husband or wife has instituted divorce action or legal separation.
- An order of protection/restraining order obtained by one family member against another.
- Proof of another home address, such as utility bills, canceled checks for rent payments, drivers' license, or lease or rental agreement, if available.
- Department of Labor records, or records of another public agency, obtained through third-party verification that indicates the new address of the family member.

If no other proof can be provided, the ECC/HANH will accept a Notarized Statement from the family and may conduct home visits if necessary, to verify the absence of an adult as reported.

If the adult family member is incarcerated, a document from the Court or prison should be provided.

ECC/HANH may also verify changes in family composition (either reported or unreported) through letters, telephone calls, utility records, inspections, landlords, neighbors, credit data, school or DMV records, and other sources.

Foster Children and Foster Adults

ECC/HANH Policy

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

Guardianship of Minor Children

ECC/HANH Policy

Documentation that an adult family member has guardianship or custody of minor child(ren), which could include but is not limited to, two of any of the following:

Verification from DSS, DCF, Social Security Administration proof of payee, or other governmental agency, documentation of legal custody or guardianship, notarized certification signed by the absent parent or in loco parentis, school records, or other official document listing minor child(ren) under the tenant's guardianship or custody.

7-II.E. VERIFICATION OF STUDENT STATUS

General Requirements

ECC/HANH Policy

The ECC/HANH requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family reports full-time student status for an adult other than the head, spouse, or cohead.

The family reports childcare expenses to enable a family member to further his or her education.

The family includes a student enrolled in an *institution of higher education.*

Restrictions on Assistance to Students Enrolled in Institutions of Higher Education

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are seeking or receiving HCV assistance.

ECC/HANH Policy

In accordance with the verification hierarchy described in section 7-1.B, the ECC/HANH will determine whether the student is exempt from the restrictions in 24 CFR 5.612 by verifying any one of the following exemption criteria:

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

The student is at least 24 years old.

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

The student is married.

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

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

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

Independent Student

ECC/HANH Policy

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

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

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

Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is $0.

7-II.F. DOCUMENTATION OF DISABILITY

ECC/HANH must verify the existence of a disability in order to allow certain income disallowances and deductions from income. ECC/HANH is not permitted to inquire about the nature or extent of a person's disability [24 CFR 100.202(c)]. ECC/HANH may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If ECC/HANH receives a verification document that provides such information, ECC/HANH will not place this information in the tenant file. Under no circumstances will ECC/HANH request a participant's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at http://www.hhs.gov/ocr/privacy/.

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability

- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

Family Members Receiving SSA Disability Benefits

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions [VG, p. 23].

ECC/HANH Policy

For family members claiming disability who receive disability benefits from the SSA, the ECC/HANH will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system. If documentation from HUD's EIV System is not available, the ECC/HANH will request a current (dated within the last 60 days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), the ECC/HANH will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant or participant receives the benefit verification letter, they will be required to provide it to ECC/HANH.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.403.

ECC/HANH Policy

For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. A detailed discussion of eligibility requirements is in the Eligibility chapter. This verifications chapter discusses HUD and ECC/HANH verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously assisted occupancy. [24 CFR 5.508(g)(5)]

U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

ECC/HANH may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

ECC/HANH Policy

Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless the ECC/HANH receives information indicating that an individual's declaration may not be accurate.

Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-1 at the end of this chapter summarizes documents family members must provide.

ECC/HANH Verification [HCV GB, pp. 5-3 and 5-7]

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this plan. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, ECC/HANH must verify immigration status with the United States Citizenship and Immigration Services (USCIS).

ECC/HANH will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS

ECC/HANH must verify any preferences claimed by an applicant that determined placement on the waiting list.

ECC/HANH Policy

The ECC/HANH will verify preferences as follows:

1. **Displaced by Government Action**
    i. Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, an including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)

ii. Displacement as the result of a local natural disaster and/or commendation of a property or dwelling for health and safety reasons;

iii. Displacement as defined by the US Department of Housing and Urban Development as the result of a natural disaster or an emergency defined event resulting in the displacement of persons needing housing assistance.

2. Reasonable Accommodation

Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.

3. Violence Against Women Act (VAWA)

Violence Against Women Act (VAWA) for applicants on the LIPH waitlist and LIPH residents who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH residents and applicant families claiming protections under the Violence Against Women Act (VAWA.

See the VAWA preference policy for more information.

4. Documented Witness Protection

For persons or families that are in a documented Witness Protection Program. Documentation to be provided by the appropriate law enforcement agency.

5. LIPH - Crime and Safety

An individual or family currently residing in an ECC/HANH public housing unit, LIHTC/PBV or RAD/PBV unit who are in a situation involving crime and safety, where transfer of the family to another public housing, LIHTC/PBV or RAD/PBV development does not meet the needs of the family due to other situations involving crime and safety.

6. Homeless

For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) for project-based developments with homeless requirements or tenant-based vouchers.

7. Supportive Housing

For individuals and families who meet the HUD definition of homeless and are direct referrals for project-based or tenant-based Efforts to end Homelessness TBV and PBV initiatives.

8. Emergency Housing Vouchers

Families who are applicants/referrals for Emergency Housing Vouchers (EHV)

PART III: VERIFYING INCOME AND ASSETS

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

7-III.A. EARNED INCOME

Tips

ECC/HANH Policy

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

Wages

ECC/HANH Policy

For earnings from wages and salaries where Annual Income for the prior year is up to $5,000.00, where UIV is unavailable, self-certification from the family is the only form of verification required.

As verification of earned income, for earnings from wages and salaries in excess of $5,000.00 the ECC/HANH will require the family to provide the two most current, consecutive pay stubs. If the two paystubs do not provide the information needed to best anticipate annual income, such as in the case of extreme fluctuation of hours worked, the ECC/HANH may request up to two additional paystubs.

At ECC/HANH's discretion, ECC/HANH may also require the family to provide the most recent W-2 or 1099.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

ECC/HANH Policy

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

An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a statement of income and expenses must be submitted and the business owner or self-employed person must certify to its accuracy.

All schedules completed for filing federal and local taxes in the preceding year.

If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

The ECC/HANH will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-

employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations.

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

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

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

Social Security/SSI Benefits

To ensure consistency in the determination of annual Social Security and SSI income, ECC/HANH is required to use EIV-reported Social Security and SSI benefit amounts unless the tenant disputes the EIV-reported amount [Notice PIH 2018-24].

ECC/HANH Policy

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

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

7-III.D. ALIMONY OR CHILD SUPPORT

ECC/HANH Policy

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

If the family declares that it ***receives regular payments***, verification will be obtained in the following order of priority:

Child Support database

Copies of the receipts and/or payment stubs for the 60 days prior to ECC/HANH request

Third-party verification form from the state or local child support enforcement agency

Third-party verification form from the person paying the support

Family's self-certification of amount received

If the family declares that it ***receives irregular or no payments***, in addition to the verification process listed above, the family must provide evidence that it has taken all reasonable efforts to collect amounts due. This may include:

A statement from any agency responsible for enforcing payment that shows the family has requested enforcement and is cooperating with all enforcement efforts

If the family has made independent efforts at collection, a written statement from the attorney or other collection entity that has assisted the family in these efforts

Note: Families are not required to undertake independent enforcement action.

7-III.E. ASSETS AND INCOME FROM ASSETS

ECC/HANH Policy

Assets Valued at $50,000 or less.

For families with a total market value of assets of $50,000 or less, only a self-certification of assets shall be required.

Assets Disposed of for Less than Fair Market Value

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. ECC/HANH needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

ECC/HANH Policy

Assets Valued at $50,000 or less Disposed of for Less Than Fair Market Value.

ECC/HANH will accept a self-certification from the family as verification of assets valued at $50,000 or less which are disposed of for less than fair market value.

7-III.F. NET INCOME FROM RENTAL PROPERTY

ECC/HANH Policy

The family must provide:

A current executed lease for the property that shows the rental amount or certification from the current tenant

A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, the ECC/HANH will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

ECC/HANH Policy

The ECC/HANH will accept written third-party documents supplied by the family as evidence of the status of retirement accounts.

The type of original document that will be accepted depends upon the family member's retirement status.

Before retirement, the ECC/HANH will accept an original document from the entity holding the account with a date that shows it is the most recent statement.

Upon retirement, the ECC/HANH will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

After retirement, the ECC/HANH will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded.

For fully excluded income, ECC/HANH is **not** required to follow the verification hierarchy, document why third-party verification is not available, or report the income on the 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) [Notice PIH 2013-04].

ECC/HANH 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, ECC/HANH has the option of requiring additional verification.

For partially excluded income, ECC/HANH **is** required to follow the verification hierarchy and all applicable regulations, and to 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 (for example, income excluded under the earned income disallowance).

ECC/HANH Policy

The ECC/HANH will accept the family's self-certification as verification of fully excluded income. The ECC/HANH may request additional documentation if necessary, to document the income source.

The ECC/HANH will verify the source and amount of partially excluded income as described in Part 1 of this chapter.

7-III.I. ZERO ANNUAL INCOME STATUS

ECC/HANH Policy

The ECC/HANH will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, and earnings are not being received by families claiming to have zero annual income.

ECC/HANH defines a Zero Income family as a family receiving no income from any source, or that is receiving only food stamps. A family receiving other types of income, whether included or excluded under regulation or federal statute, is not considered a Zero Income family.

7-III.J. STUDENT FINANCIAL ASSISTANCE [Notice PIH 2015-21]

Any financial assistance, in excess of amounts received for tuition, that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education must be considered income unless the student is over the age of 23 with dependent children or is residing with parents who are seeking or receiving HCV assistance [24 CFR 5.609(b)(9) and FR 4/10/06].

For students over the age of 23 with dependent children or students residing with parents who are seeking or receiving HCV assistance, the full amount of student financial assistance is excluded from annual income [24 CFR 5.609(c)(6)]. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education (as defined in Exhibit 3-2). Excluded amounts are verified only if, without verification, ECC/HANH would not be able to determine whether or to what extent the income is to be excluded (see section 7-III.H).

ECC/HANH Policy

For a student subject to having a portion of his/her student financial assistance included in annual income in accordance with 24 CFR 5.609(b)(9), the ECC/HANH will request written third-party verification of both the source and the amount. Family-provided documents from the educational institution attended by the student will be requested, as well as documents generated by any other person or entity providing such assistance, as reported by the student.

In addition, the ECC/HANH will request written verification of the student's tuition amount.

If the ECC/HANH is unable to obtain third-party written verification of the requested information, the ECC/HANH will pursue other forms of verification following the verification hierarchy in section 7-I.B.

7-III.K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the income of the student's parents must be considered when determining income eligibility, unless the student is determined independent from their parents in accordance with ECC/HANH policy [24 CFR 5.612 and FR 4/10/06, p. 18146].

This provision does not apply to students residing with parents who are seeking or receiving HCV assistance. It is limited to students who are seeking or receiving assistance on their own, separately from their parents.

ECC/HANH Policy

If the ECC/HANH is required to determine the income eligibility of a student's parents, the ECC/HANH will request an income declaration and certification of income from the appropriate parent(s) (as determined in section 3-II. E). The ECC/HANH will send the request directly to the parents, who will be required to certify to their income under penalty of perjury. The parents will be required to submit the information directly to ECC/HANH. The required information must be submitted (postmarked) within 10 business days of the date of ECC/HANH'S request or within any extended timeframe approved by ECC/HANH.

The ECC/HANH reserves the right to request and review supporting documentation at any time if it questions the declaration or certification. Supporting documentation may include, but is not limited to, Internal Revenue Service (IRS) tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters, and other official and authentic documents from a federal, state, or local agency.

PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent deduction requires only that ECC/HANH verify that the family members identified as dependents meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. ECC/HANH must verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or cohead of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full-time student

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

ECC/HANH Policy

Medical expenses will be verified through:

Written third-party documents provided by the family, such as pharmacy printouts or receipts.

The ECC/HANH will make a best effort to determine what expenses from the past are likely to continue to occur in the future. The ECC/HANH will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.

Written third-party verification forms if the family is unable to provide acceptable documentation.

If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.

In addition, ECC/HANH must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
- The expenses are not paid for or reimbursed by any other source.
- Costs incurred in past years are counted only once.

Eligible Household

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62, or a person with disabilities. ECC/HANH must verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter and as described in Chapter 7 (7-IV.A.) of this plan.

Qualified Expenses

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for ECC/HANH'S policy on what counts as a medical expense.

Unreimbursed Expenses

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

ECC/HANH Policy

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

Expenses Incurred in Past Years

ECC/HANH Policy

When anticipated costs are related to on-going payment of medical bills incurred in past years, the ECC/HANH will verify:

The anticipated repayment schedule

The amounts paid in the past, and

Whether the amounts to be repaid have been deducted from the family's annual income in past years

7-IV.C. DISABILITY ASSISTANCE EXPENSES

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

Attendant Care

ECC/HANH Policy

The ECC/HANH will accept written third-party documents provided by the family.

If family-provided documents are not available, the ECC/HANH will provide a third-party verification form directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

Written third-party documents provided by the family, such as receipts or cancelled checks.

Third-party verification form signed by the provider if family-provided documents are not available.

If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

Auxiliary Apparatus

ECC/HANH Policy

Expenses for auxiliary apparatus will be verified through:

Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.

Third-party verification form signed by the provider if family-provided documents are not available.

If third-party verification is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

In addition, the ECC/HANH must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

Family Member is a Person with Disabilities

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. ECC/HANH will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

Family Member(s) Permitted to Work

ECC/HANH must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

ECC/HANH Policy

The ECC/HANH will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense allows a family member, or members to work.

Unreimbursed Expenses

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

ECC/HANH Policy

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

7-IV.D. CHILD CARE EXPENSES

Policies related to childcare expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I of this chapter. In addition, ECC/HANH must verify that:

- The child is eligible for care (12 or younger).
- The costs claimed are not reimbursed.
- The costs enable a family member to work, actively seek work, or further their education.
- The costs are for an allowable type of childcare.
- The costs are reasonable.

Eligible Child

To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. ECC/HANH will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

Unreimbursed Expense

To be eligible for the childcare deduction, the costs must not be reimbursed by another source.

ECC/HANH Policy

The family (and the care provider) will be required to certify that the childcare expenses are not paid or reimbursed to the family from any source.

Pursuing an Eligible Activity

ECC/HANH must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

ECC/HANH Policy

Information to be Gathered

The ECC/HANH will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

Seeking Work

Whenever possible the ECC/HANH will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases the ECC/HANH will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to the ECC/HANH any reports provided to the other agency.

In the event third-party verification is not available, the ECC/HANH will provide the family with a form on which the family member must record job search efforts. The ECC/HANH will review this information at each subsequent reexamination for which this deduction is claimed.

Furthering Education

The ECC/HANH will request third-party documentation to verify that the person permitted to further his or her education by the childcare is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

Gainful Employment

The ECC/HANH will seek third-party verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

Allowable Type of Child Care

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

ECC/HANH Policy

The ECC/HANH will verify that the type of childcare selected by the family is allowable, as described in Chapter 6 (6-II.F).

The ECC/HANH will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

The ECC/HANH will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

Reasonableness of Expenses

Only reasonable childcare costs can be deducted.

ECC/HANH Policy

The actual costs the family incurs will be compared with ECC/HANH'S established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, the ECC/HANH will request additional documentation, as required, to support a determination that the higher cost is appropriate.

EXHIBIT 7-1: SUMMARY OF DOCUMENTATION REQUIREMENTS FOR NONCITIZENS [HCV GB, pp. 5-9 and 5-10]	
• **All** noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to ECC/HANH. • Except for persons 62 or older, all noncitizens must sign a verification consent form • Additional documents are required based upon the person's status.	
Elderly Noncitizens • A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.	
All other Noncitizens • Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.	

• Form I-551 Alien Registration Receipt Card (for permanent resident aliens)
• Form I-94 Arrival-Departure Record annotated with one of the following:
  • "Admitted as a Refugee Pursuant to Section 207"
  • "Section 208" or "Asylum"
  • "Section 243(h)" or "Deportation stayed by Attorney General"
  • "Paroled Pursuant to Section 221 (d)(5) of the USCIS"
	• Form I-94 Arrival-Departure Record with no annotation accompanied by:
	  • A final court decision granting asylum (but only if no appeal is taken);
	  • A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90);
	  • A court decision granting withholding of deportation; or
	  • A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).

• Form I-688 Temporary Resident Card annotated "Section 245A" or Section 210".	Form I-688B Employment Authorization Card annotated "Provision of Law 274a. 12(11)" or "Provision of Law 274a.12".
• A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant's entitlement to the document has been verified; or • Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the *Federal Register*	

Chapter 8

HOUSING QUALITY STANDARDS AND RENT REASONABLENESS DETERMINATIONS

[24 CFR 982 Subpart I and 24 CFR 982.507]

INTRODUCTION

HUD requires that all units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's Housing Quality Standards (HQS) and permits ECC/HANH to establish additional requirements. The use of the term "HQS" in this plan refers to the combination of both HUD and ECC/HANH established requirements.

All units must pass an HQS inspection prior to the approval of a lease and at least once every 24 months for workable families, every 36 months for non-workable families, and at other times as needed, to determine that the unit meets HQS. Effective July 1, 2014, ECC/HANH may establish a policy for performing unit inspections biennially rather than annually. This policy could apply to some or all assisted units. ECC/HANH still has the option to inspect every unit annually. See Section 8-II.G for further details.

HUD also requires ECC/HANH to determine that rents for units under the program are reasonable when compared to comparable unassisted units in the market area.

This chapter explains HUD and ECC/HANH requirements related to housing quality and rent reasonableness as follows:

> Part I. Physical Standards. This part discusses the physical standards required of units occupied by HCV-assisted families and identifies decisions about the acceptability of the unit that may be made by the family based upon the family's preference. It also identifies life-threatening conditions that must be addressed on an expedited basis.
>
> Part II. The Inspection Process. This part describes the types of inspections ECC/HANH will make and the steps that will be taken when units do not meet HQS.
>
> Part III. Rent Reasonableness Determinations. This part discusses the policies ECC/HANH will use to make rent reasonableness determinations.

Special HQS requirements for homeownership, manufactured homes, and other special housing types are discussed in Chapter 15 to the extent that they apply in this jurisdiction.

> ECC/HANH Policy
> For purposes of Part I and Part II, when ECC/HANH obtains the services of an independent agency to perform HQS inspections, the independent agency will be responsible for fulfilling all ECC/HANH's responsibilities as prescribed by HUD except enforcing compliance.

PART I: PHYSICAL STANDARDS

8-I.A. GENERAL HUD REQUIREMENTS

HUD Performance and Acceptability Standards

HUD's performance and acceptability standards for HCV-assisted housing are provided in 24 CFR 982.401. These standards cover the following areas:

- Sanitary facilities
- Food preparation and refuse disposal
- Space and Security
- Thermal Environment
- Illumination and electricity
- Structure and materials
- Interior Air Quality
- Water Supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary condition
- Smoke Detectors

A summary of HUD performance criteria is provided in Exhibit 8-1. Additional guidance on these requirements is found in the following HUD resources:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)
- HUD Notice 2003-31, Accessibility Notice: Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Architectural Barriers Act of 1968 and the Fair Housing Act of 1988.

Tenant Preference Items

HUD requires ECC/HANH to enforce minimum HQS but also recognizes that certain judgments about the acceptability of the unit are left to the family. For example, ECC/HANH must ensure that the unit contains the required sanitary facilities, but the family decides whether the cosmetic appearance of the facilities is acceptable. Exhibit 8-2 summarizes those items that are considered tenant preferences.

Modifications to Provide Accessibility

Under the Fair Housing Act of 1988 an owner must not refuse the request of a family that contains a person with a disability to make necessary and reasonable modifications to the unit. Such modifications are at the family's expense. The owner may require restoration of the unit to its original condition if the modification would interfere with the owner or next occupant's full enjoyment of the premises. The owner may not increase a customarily required security deposit. However, the landlord may negotiate a restoration agreement that requires the family to restore the unit and, if necessary to ensure the likelihood of restoration, may require the tenant to pay a reasonable amount into an interest bearing escrow account over a reasonable period of time. The interest in any such account accrues to the benefit of the tenant. The owner may also require reasonable assurances that the quality of the work will be acceptable and that any required building permits will be obtained. [24 CFR 100.203; Notice 2003-31].

Modifications to units to provide access for a person with a disability must meet all applicable HQS requirements and conform to the design, construction, or alteration of facilities contained in the UFAS and the ADA Accessibility Guidelines (ADAAG) [28 CFR 35.151(c) and Notice 2003-31] See Chapter 2 of this plan for additional information on reasonable accommodations for persons with disabilities.

ECC/HANH Policy

Any owner that intends to negotiate a restoration agreement or require an escrow account must submit the agreement(s) to ECC/HANH for review.

8-I.B. ADDITIONAL LOCAL REQUIREMENTS

ECC/HANH may impose variations to the HQS as long as the additional criteria are not likely to adversely affect the health or safety of participant families or severely restrict housing choices for families. HUD approval is required for variations to the HQS. HUD approval is not required if the variations are clarifications of HUD's acceptability criteria or performance standards [24 CFR 982.401(a)(4)].

ECC/HANH Policy

All units must also meet the local Housing, Building, Health, and Fire codes as set forth by the ordinances of the City of New Haven. In cases of inconsistency between the Codes and HQS, the stricter of the two shall prevail.

Efforts will be made at all times to encourage owners to provide housing above HQS minimum standards.

Thermal Environment [HCV GB p.10-7]

ECC/HANH must define a “healthy living environment” for the local climate. This may be done by establishing a temperature that the heating system must be capable of maintaining, that is appropriate for the local climate.

ECC/HANH Policy

The heating system must be capable of maintaining an interior temperature of 65 degrees Fahrenheit between October 1 and May 1.

Clarifications of HUD Requirements

ECC/HANH Policy

As permitted by HUD, ECC/HANH has adopted the following specific requirements that elaborate on HUD standards.

Walls

In areas where plaster or drywall is sagging, severely cracked, or otherwise damaged, it must be repaired or replaced.

Windows

Window sashes must be in good condition, solid and intact, and properly fitted to the window frame. Damaged or deteriorated sashes must be replaced.

Windows must be weather-stripped as needed to ensure a weather-tight seal.

Window screens must be in good condition (applies only if screens are present).

Doors

All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.

All interior doors must have no holes, have all trim intact, and be openable without the use of a key.

Floors

All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be resecured and made level. If they cannot be leveled, they must be replaced.

All floors must be in a finished state. Raw wood or unsealed concrete is not permitted.

All floors should have some type of base shoe, trim, or sealing for a "finished look." Vinyl base shoe is permitted.

Sinks

All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.

All sinks must have functioning stoppers.

Toilets

All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly.

Security

If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

8-I.C. LIFE-THREATENING CONDITIONS [24 CFR 982.404(a); FR Notice 1/18/17]

HUD requires ECC/HANH to define life-threatening conditions and to notify the owner or the family (whichever is responsible) of the corrections required. The responsible party must correct life-threatening conditions within 24 hours of ECC/HANH notification.

ECC/HANH Policy

The following are considered life-threatening conditions:

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Natural or LP gas or fuel oil leaks
  - A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking or a strong odor is detected with potential for explosion or fire or that results in a health risk if inhaled
- Any electrical problem or condition that could result in shock or fire
  - A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed
  - A light fixture is hanging by its wires
  - A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day-to-day use of the unit
  - A receptacle (outlet) or switch is missing or broken, and electrical connections or wires are exposed
  - An open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses
  - A cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections
  - Any nicks, abrasions, or fraying of the insulation that exposes conducting wire
  - Exposed bare wires or electrical connections
  - Any condition that results in openings in electrical panels or electrical control device enclosures
  - Water leaking or ponding near any electrical device
  - Any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.
- Utilities not in service, including no running hot water

Conditions that present the imminent possibility of injury

Obstacles that prevent safe entrance or exit from the unit

Any components that affect the function of the fire escape are missing or damaged

Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency

The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency

Absence of a functioning toilet in the unit

Inoperable smoke detectors

Inoperable or missing smoke detectors

Missing or inoperable carbon monoxide detector

Missing, damaged, discharged, overcharged, or expired fire extinguisher (where required)

Gas/oil-fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney venting

The chimney or venting system on a fuel-fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting or gases

A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside

A fuel-fired space heater is not properly vented or lacks available combustion air

A non-vented space heater is present

Safety devices on a fuel-fired space heater are missing or damaged

The chimney or venting system on a fuel-fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gas

Deteriorating paint as defined at 24 CFR 35.110 in a unit built before 1978 that is to be occupied by a family with a child under six years of age if it would prevent the family from moving into the unit

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by ECC/HANH.

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

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

The owner will be required to repair an inoperable smoke detector unless ECC/HANH determines that the family has intentionally disconnected it (by removing batteries or other means). In this case, the family will be required to repair the smoke detector within 24 hours.

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

Family Responsibilities

The family is responsible for correcting the following HQS deficiencies:

- Tenant-paid utilities not in service
- Failure to provide or maintain appliances owned by the family
- Damage to the unit or premises caused by a household member or guest beyond normal wear and tear that results in a breach of the HQS. "Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

Owner Responsibilities

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

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

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

ECC/HANH Policy

In cases where the public health department has already completed an evaluation of the unit, ECC/HANH will make every effort to obtain a copy of this information and forward it to the owner.

Within 30 days after receiving the risk assessment report from ECC/HANH, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations [24 CFR 35.1325 and 35.1330]. If the owner does not complete the “hazard reduction” as required, the dwelling unit is in violation of HQS and ECC/HANH will take action in accordance with Section 8-II.G.

ECC/HANH reporting requirements, and data collection and record keeping responsibilities related to children with an environmental intervention blood lead level are discussed in Chapter 16.

8-I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.401, 24 CFR 982.403]

A dwelling unit must:

- Provide adequate space and security for the family
- Have at least one bedroom or living/sleeping room for each two persons
- A unit that does not meet these HQS space standards is defined as *overcrowded*.
- A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space [HCV GB p. 10-6]. A bedroom or living/sleeping room must have at least:
- One window
- Two electrical outlets in proper operating condition (permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets)

If ECC/HANH determines that a unit is overcrowded because of an increase in family size or a change in family composition, ECC/HANH must issue the family a new voucher, and the family and ECC/HANH must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, ECC/HANH must terminate the HAP contract in accordance with its terms.

PART II: THE INSPECTION PROCESS

8-II.A. OVERVIEW [24 CFR 982.405]

Types of Inspections

ECC/HANH conducts the following types of inspections as needed. Each type of inspection is discussed in the paragraphs that follow.

- *Initial Inspections*. ECC/HANH conducts initial inspections in response to a request from the family to approve a unit for participation in the HCV program. The unit must pass the HQS inspection on or before the effective date of the HAP Contract.
- *Annual/Biennial Inspections*. HUD requires ECC/HANH to inspect each unit under lease at least biennially or triennially, depending on ECC/HANH policy, to confirm that the unit still meets HQS. The inspection may be conducted in conjunction with the family's biennial or triennial reexamination but also may be conducted separately.
- *Special Inspections.* A special inspection may be requested by the owner, the family, or a third party as a result of problems identified with a unit between annual inspections.
- *Quality Control Inspections.* HUD requires that a sample of units be inspected by a supervisor or other qualified individual to evaluate the work of the inspector(s) and to ensure that inspections are performed in compliance with the HQS.

Inspection of ECC/HANH-Owned Units [24 CFR 982.352(b)]

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

Inspection Costs

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

Notice and Scheduling

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

> <u>ECC/HANH Policy</u>
>
> Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be not less than 48 hours. Inspections may be scheduled between 8:00 a.m. and 7:00 p.m. Generally,

inspections will be conducted on business days only. In the case of a life-threatening emergency, ECC/HANH will give as much notice as possible, given the nature of the emergency.

Owner and Family Inspection Attendance

HUD permits ECC/HANH to set policy regarding family and owner presence at the time of inspection [HCV GB p. 10-27].

ECC/HANH Policy

When a family occupies the unit at the time of inspection an adult family member or an adult representative of the family must be present for the inspection.

The presence of the owner or the owner's representative is encouraged but is not required.

At initial inspection of a vacant unit, ECC/HANH will inspect the unit in the presence of the owner or owner's representative. The presence of a family representative is required.

8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timing of Initial Inspections

HUD requires the unit to pass HQS before the effective date of the lease and HAP Contract. HUD requires PHAs with fewer than 1,250 budgeted units to complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 15 days of submission of the Request for Tenancy Approval (RTA). For PHAs with 1,250 or more budgeted units, to the extent practicable such inspection and determination must be completed within 15 days. The 15-day period is suspended for any period during which the unit is not available for inspection [982.305(b)(2)].

ECC/HANH Policy

ECC/HANH will complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within 15 days of submission of the Request for Tenancy Approval (RTA). The 15-day period will be suspended for any period during which the unit the RTA is not complete and is not available for inspection.

Inspection Results and Reinspections

ECC/HANH Policy

If any HQS violations are identified, the owner will be notified of the deficiencies and be given up to 14 days to correct the deficiencies. If requested by the owner, the time frame for correcting the deficiencies may be extended by ECC/HANH for good cause. The owner will be advised to notify ECC/HANH once repairs are completed.

If the time period for correcting the deficiencies (or any ECC/HANH-approved extension) has elapsed, or the unit fails HQS at the time of the reinspection, ECC/HANH will notify the owner and the family that the unit has been rejected and that the family must search for another unit. ECC/HANH may agree to conduct a second reinspection, for good cause, at the request of the family and owner.

Following a failed reinspection, the family may submit a new Request for Tenancy Approval after the owner has made repairs, if they are unable to locate another suitable unit.

Utilities

Generally, at initial lease-up the owner is responsible for demonstrating that all utilities are in working order including those utilities that the family will be responsible for paying.

HANH Policy

All utilities must be in service prior to the effective date of the HAP contract. If the utilities are not in service at the time of inspection, the inspector will notify the participant or owner (whomever is responsible for the utilities according to the RFTA) to have the utilities turned on. The inspector will schedule a reinspection.

Appliances

ECC/HANH Policy

If the family is responsible for supplying the stove and/or refrigerator, ECC/HANH will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. The required appliances must be in place before the HAP contract is executed by ECC/HANH. ECC/HANH will execute the HAP contract based upon a certification from the family that the appliances have been installed and are working. A confirmatory inspection will be scheduled within 30 days of HAP contract approval.

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

ECC/HANH Policy

Each unit under HAP contract will be inspected on a two year or three year schedule: no later than the effective date of the scheduled biennial or triennial reexamination (see Chapter 11).

Scheduling the Inspection

ECC/HANH Policy

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

If the family misses the first scheduled appointment without requesting a new inspection date, ECC/HANH will automatically schedule a second inspection. If the family misses two scheduled inspections without ECC/HANH approval, ECC/HANH will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

8-II.D. SPECIAL INSPECTIONS [HCV GB, p. 10-30]

ECC/HANH will conduct a special inspection if the owner, family, or another source reports HQS violations in the unit. If the reported condition is not life-threatening (i.e., ECC/HANH

would require the owner to make the repair within no more than 30 calendar days), then ECC/HANH must inspect the unit within 15 days of when ECC/HANH received the complaint.

ECC/HANH Policy

During a special inspection, ECC/HANH generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

If the annual inspection has been scheduled or is due within 90 days of the date the special inspection is scheduled ECC/HANH may elect to conduct a full annual inspection.

8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b); 24 CFR 985.3(e); HCV GB, p. 10-32]

HUD requires an ECC/HANH supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

The unit sample must include only units that have been inspected within the preceding 3 months. The selected sample will include (1) each type of inspection (initial, annual, and special), (2) inspections completed by each inspector, and (3) units from a cross-section of neighborhoods.

8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT

Notification of Corrective Actions

The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, ECC/HANH will determine (1) whether or not the failure is a life-threatening condition and (2) whether the family or owner is responsible.

ECC/HANH Policy

When life-threatening conditions are identified, ECC/HANH will immediately notify both parties by telephone, facsimile, or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within 24 hours of the ECC/HANH's notice.

When failures that are not life-threatening are identified, ECC/HANH will provide notification to the owner and the family of the inspection results, via mail, email or landlord portal. The written notice will specify who is responsible for correcting the violation, the time frame within which the failure must be corrected and the notice and form for self-certification of the repairs, in lieu of an in-person reinspection. Generally, not more than 30 days will be allowed for the correction.

The notice of the inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life-threatening conditions are not corrected within the specified time frame (or any ECC/HANH approved extension), the owner's HAP will be abated in accordance with ECC/HANH policy.

Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any ECC/HANH approved extension, if applicable) the family's assistance will be terminated in accordance with ECC/HANH policy.

Self-certification of repairs by a tenant or landlord is allowed only for non-life-threatening deficiencies. Life threatening deficiencies will require an in-person inspection within 24 hours of the first inspection

Self- Certification Process

The following section outlines the self-certification process for inspections when a unit has failed non-life safety HQS violations only. In these instances, it is the responsibility of the Landlord and the Tenant(s) to provide the ECC/HANH and/or it's designee with the required self-certification documentation within the repair period confirming that the non-life safety repairs have been completed.

Step	**Activity**
1	First Bi-Annual/Tri-Annual LCI HQS Inspection – **Result - Self Certification - Fail**
2	LCI Send out Non-Life Safety Fail Notice with Certification Information
3	Landlords /Tenants have 15 days from date of letter to correct deficiencies send submit self-certification to LCI
4	If LCI does not receive the self-certification within 15 days, the inspection will be considered to have failed a second time and will go into abatement, the 1st day of the following month **(Self Certification – 2nd Fail Abatement).** LCI shall send out Failure to Receive Certification Notice (Final Fail Notice) no more than 15 days after original Non-Life Safety Fail Notice sent to Owner/Tenant if not received.
5	If LCI does not receive the self-certification within 25 days from the date of the original HQS Failed Inspection Letter, LCI will process Non-Life-Safety **Self Certification Final Fail Termination** in Elite. The HAP contract will be terminated and the Tenant will need to move or can remain in the unit if the Landlord/Tenant agree to a new Lease and HAP contract and Initial inspection.
6	NOTE: Unit put into Abatement – no retroactive or additional payments will be made

The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within 24 hours, and non-life threatening conditions are not corrected within the specified time frame (or any ECC/HANH-approved extension), the owner's HAP will be abated in accordance with ECC/HANH policy (see 8-II.G.). Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any ECC/HANH-approved extension, if applicable) the family's assistance will be terminated in accordance with ECC/HANH policy (see Chapter 12).

Extensions

For conditions that are life-threatening, ECC/HANH cannot grant an extension to the 24-hour corrective action period. For conditions that are not life-threatening, ECC/HANH may grant an exception to the required time frames for correcting the violation, if ECC/HANH determines that an extension is appropriate [24 CFR 982.404].

ECC/HANH Policy

Extensions will be granted in cases where ECC/HANH has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

A repair cannot be completed because required parts or services are not available.

A repair cannot be completed because of weather conditions.

A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case by case basis, but will not exceed 60 days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within 15 calendar days once the weather conditions have subsided.

Reinspections

ECC/HANH Policy

Life Threatening HQS Deficiencies

ECC/HANH will conduct reinspections of units which were identified as having a life-threatening HQS failure to verify that the deficiency has been corrected within the required 24-hours.

If ECC/HANH is unable to gain entry to the unit in order to conduct the scheduled reinspection, ECC/HANH will consider the family to have violated its obligation to make the unit available for inspection. This may result in termination of the family's assistance in accordance with Chapter 12.

Non-Life Threatening HQS Deficiencies

ECC/HANH will verify that non-life threatening health and safety issues have been cured through accepting an ECC/HANH certification form signed by both the owner (or owner representative) and the family (head of household, spouse or co-head). In order for ECC/HANH to accept the certification as adequate verification, the owner/family must

also provide original receipts or other evidence documenting that the certified repair was completed. In lieu of or in addition to receipts and other evidence, the owner/family may provide pictures of the cured deficiency.

If the deficiencies have not been corrected by the time of the reinspection (life-threatening), or by ECC/HANH imposed deadline (life-threatening and non-life-threatening), ECC/HANH will send a notice of abatement to the owner, or in the case of family caused violations, a notice of termination to the family, in accordance with ECC/HANH policies.

8-II.G. ENFORCING OWNER COMPLIANCE

If the owner fails to maintain the dwelling unit in accordance with HQS, ECC/HANH must take prompt and vigorous action to enforce the owner obligations.

HAP Abatement

If an owner fails to correct HQS deficiencies by the time specified by ECC/HANH, HUD requires ECC/HANH to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension) [24 CFR 985.3(f)]. No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.

ECC/HANH Policy

ECC/HANH will make all HAP abatements effective the first of the month following the expiration of ECC/HANH specified correction period (including any extension).

Payment will resume effective on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated.

Owner rents are not abated as a result of HQS deficiencies that are the family’s responsibility.

There will be no more than three (3) inspections per participant/landlord in the case of failed inspections and/or abatement.

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

HAP Contract Termination

ECC/HANH must decide how long any abatement period will continue before the HAP contract will be terminated. ECC/HANH should not terminate the contract until the family finds another unit, provided the family does so in a reasonable time [HCV GB p. 10-29] and must give the owner reasonable notice of the termination. ECC/HANH will issue a voucher to permit the family to move to another unit as described in Chapter 10.

ECC/HANH Policy

The maximum length of time that HAP may be abated is 60 days. However, if the owner completes corrections and notifies ECC/HANH before the termination date of the HAP

contract, ECC/HANH may rescind the termination notice if (1) the family still resides in the unit and wishes to remain in the unit and (2) the unit passes inspection.

Reasonable notice of HAP contract termination by ECC/HANH is 30 days.

8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]

Families are responsible for correcting any HQS violations listed in paragraph 8.I.D. If the family fails to correct a violation within the period allowed by ECC/HANH (and any extensions), ECC/HANH will terminate the family's assistance, according to the policies described in Chapter 12.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

PART III: RENT REASONABLENESS [24 CFR 982.507]

8-III.A. OVERVIEW

Except in the case of certain LIHTC- and HOME-assisted units, no HAP contract can be approved until ECC/HANH has determined that the rent for the unit is reasonable. The purpose of the rent reasonableness test is to ensure that a fair rent is paid for each unit rented under the HCV program.

HUD regulations define a reasonable rent as one that does not exceed the rent charged for comparable, unassisted units in the same market area. HUD also requires that owners not charge more for assisted units than for comparable units on the premises. This part explains the method used to determine whether a unit's rent is reasonable.

> ECC/HANH Policy
>
> At the family's request, ECC/HANH will negotiate with the owner to reduce the rent or include some or all of the utilities in the rent to owner.
>
> If the rent can be approved after negotiations with the owner, ECC/HANH will continue processing the Request for Tenancy Approval and lease. If the revised rent involves change in the provision of utilities, a new Request for Tenancy Approval must be submitted by the owner.
>
> If the owner does not agree on the rent to owner after ECC/HANH has tried and failed to negotiate a revised rent, ECC/HANH will inform the family and owner that the lease is disapproved.

ECC/HANH-Owned Units [24 CFR 982.352(b)]

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

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

Owner-Initiated Rent Determinations

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

The owner and family first negotiate the rent for a unit. ECC/HANH (or independent agency in the case of ECC/HANH-owned units) will assist the family with the negotiations upon request. At initial occupancy ECC/HANH must determine whether the proposed rent is reasonable before a HAP Contract is signed. The owner must not change the rent during the initial lease term.

Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family. Rent increases will not be approved unless any failed items identified by the most recent HQS inspection have been corrected.

ECC/HANH Policy

Each unit under HAP contract will be inspected on a two-year or three-year schedule: no later than the effective date of the scheduled biennial or triennial reexamination (see Chapter 11).

After the initial occupancy period, the owner may request a rent adjustment concurrent with the scheduled bi/triennial reexamination effective date.

For rent increase requests after initial lease-up, ECC/HANH may request owners to provide information about the rents charged for other units on the premises, if the premises include more than 4 units. In evaluating the proposed rents in comparison to other units on the premises ECC/HANH will consider unit size and length of tenancy in the other units.

The owner will be notified of the determination in writing.

Rent Increase to Owners

Owners may request a rent increase no later than ninety (90) days prior to any Family reexamination month. The request must be submitted via the ECC/HANH designated owner portal. However, ECC/HANH will accept a rental increase on ECC/HANH form as a reasonable accommodation.

ECC/HANH Policy

The amount of the rent adjustment to the Owner may be adjusted either up or down, subject to timeliness of submission compliance above. ECC/HANH conducts reexaminations on an annual, biannual, and triannual basis, permitting rental adjustments only during these reviews.

Effective October 1, 2024, at the initial rent adjustment following this policy change, ECC/HANH will assess rent adjustments based on rent reasonableness and the ECC/HANH current Voucher Payment Standard, aiming to align rents as closely as possible with the current HUD-published Fair Market Rent adopted by ECC/HANH.

Subsequent rent adjustments to owners will be capped at the lesser of:

- The current rent multiplied by the annual adjustment factor percentage published by HUD in effect at the time of request submission; or
- The reasonable rent as most recently determined (or redetermined) by ECC/HANH; or
- The increased dollar amount requested by the Owner.

Prerequisites to a Rent Increase. The annual lease rent may not be increased unless:

• The Owner has requested a specific increase amount at least ninety (90) days before the Family's reexamination month; and
• The request is made in writing on ECC/HANH provided forms for each unit (or in case of PBV each project) for which an increase is being requested; and
• In the preceding year, the Owner has complied with all requirements of the HAP contract, including compliance with the Housing Quality Standards. Timing of any Increases to Rent.

Housing Assistance Payment increases, if approved by ECC/HANH, shall be effective as of the first day of the first month commencing on or after the Participant's reexamination month.

ECC/HANH- and HUD-Initiated Rent Reasonableness Determinations

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

ECC/HANH Policy

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

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

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

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

8-III.C. HOW COMPARABILITY IS ESTABLISHED

Factors to Consider

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

- Location and age
- Unit size including the number of rooms and square footage of rooms

- The type of unit including construction type (e.g., single family, duplex, garden, low-rise, high-rise)
- The quality of the units including the quality of the original construction, maintenance and improvements made
- Amenities, services, and utilities included in the rent

Units that Must Not Be Used as Comparables

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs: Section 8 project-based assistance, Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program-assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance.

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

Rents Charged for Other Units on the Premises

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

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

8-III.D. ECC/HANH RENT REASONABLENESS METHODOLOGY

How Market Data Is Collected

ECC/HANH Policy

Information is gathered on rental units in ECC/HANH market area, and each unit is rated, using ECC/HANH's rent reasonableness system. Using an automated method, the average rents are identified for units of like size and type within the same market area. Each defined factor of the items listed above on the unit to be assisted will be compared, using a point adjustment system, to those factors of comparable unassisted units in the database. The average will be adjusted up or down based on the dollar value of all HUD required comparable items in comparison with the total database.

ECC/HANH maintains an automated database, which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than 24 months old.

How Rents Are Determined

ECC/HANH Policy

The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable units in the same market area. ECC/HANH will develop a range of prices for comparable units by bedroom size within defined market areas. Units proposed for HCV assistance will be compared to the units within this rent range. Because units may be similar, but not exactly like the unit proposed for HCV assistance, ECC/HANH may make adjustments to the range of prices to account for these differences.

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

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

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

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

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

EXHIBIT 8-1: OVERVIEW OF HUD HOUSING QUALITY STANDARDS

Note: This document provides an overview of HQS. For more detailed information see the following documents:

- 24 CFR 982.401, Housing Quality Standards (HQS)
- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Sanitary Facilities

The dwelling unit must include sanitary facilities within the unit. The sanitary facilities must be usable in privacy and must be in proper operating condition and adequate for personal cleanliness and disposal of human waste.

Food Preparation and Refuse Disposal

The dwelling unit must have space and equipment suitable for the family to store, prepare, and serve food in a sanitary manner.

Space and Security

The dwelling unit must provide adequate space and security for the family. This includes having at least one bedroom or living/sleeping room for each two persons.

Thermal Environment

The unit must have a safe system for heating the dwelling unit. Air conditioning is not required but if provided must be in proper operating condition. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units located in climatic areas where permanent heat systems are required.

Illumination and Electricity

Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. Minimum standards are set for different types of rooms. Once the minimum standards are met, the number, type and location of electrical sources are a matter of tenant preference.

Structure and Materials

The dwelling unit must be structurally sound. Handrails are required when four or more steps (risers) are present, and protective railings are required when porches, balconies, and stoops are thirty inches or more off the ground. The elevator servicing the unit must be working [if there is one]. Manufactured homes must have proper tie-down devices capable of surviving wind loads common to the area.

Interior Air Quality

The dwelling unit must be free of air pollutant levels that threaten the occupants' health. There must be adequate air circulation in the dwelling unit. Bathroom areas must have one openable window or other adequate ventilation. Any sleeping room must have at least one window. If a window was designed to be opened, it must be in proper working order.

Water Supply

The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.

Lead-Based Paint

Lead-based paint requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero-bedroom dwellings. Owners must:

- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- provide all prospective families with "Protect Your Family from Lead in Your Home",
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities when identified by the ECC/HANH
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance ask each family to report deteriorated paint.

For units occupied by environmental intervention blood lead level (lead poisoned) children under six years of age, a risk assessment must be conducted (paid for by the ECC/HANH). If lead hazards are identified during the risk assessment, the owner must complete hazard reduction activities.

See HCV GB p. 10-15 for a detailed description of these requirements. For additional information on lead-based paint requirements see 24 CFR 35, Subparts A, B, M, and R.

Access

Use and maintenance of the unit must be possible without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire.

Site and Neighborhood

The site and neighborhood must be reasonably free from disturbing noises and reverberations, excessive trash or vermin, or other dangers to the health, safety, and general welfare of the occupants.

Sanitary Condition

The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. The unit must have adequate barriers to prevent infestation.

Smoke Detectors

Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any person with a hearing impairment, smoke detectors must have an appropriate alarm system as specified in NFPA 74 (or successor standards).

Hazards and Heath/Safety

The unit, interior and exterior common areas accessible to the family, the site, and the surrounding neighborhood must be free of hazards to the family's health and safety.

EXHIBIT 8-2: SUMMARY OF TENANT PREFERENCE AREAS RELATED TO HOUSING QUALITY

Note: This document provides an overview of unit and site characteristics and conditions for which the family determines acceptability. For more detailed information see the following documents:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Provided the minimum housing quality standards have been met, HUD permits the family to determine whether the unit is acceptable with regard to the following characteristics.

- *Sanitary Facilities*. The family may determine the adequacy of the cosmetic condition and quality of the sanitary facilities, including the size of the lavatory, tub, or shower; the location of the sanitary facilities within the unit; and the adequacy of the water heater.
- *Food Preparation and Refuse Disposal*. The family selects size and type of equipment it finds acceptable. When the family is responsible for supplying cooking appliances, the family may choose to use a microwave oven in place of a conventional oven, stove, or range. When the owner is responsible for providing cooking appliances, the owner may offer a microwave oven in place of an oven, stove, or range only if other subsidized and unsubsidized units on the premises are furnished with microwave ovens only. The adequacy of the amount and type of storage space, the cosmetic conditions of all equipment, and the size and location of the kitchen are all determined by the family.
- *Space and Security*. The family may determine the adequacy of room sizes and room locations. The family is also responsible for deciding the acceptability of the type of door and window locks.
- *Energy conservation items*. The family may determine whether the amount of insulation, presence of absence of storm doors and windows and other energy conservation items are acceptable.
- *Illumination and Electricity*. The family may determine whether the location and the number of outlets and fixtures (over and above those required to meet HQS standards) are acceptable or if the amount of electrical service is adequate for the use of appliances, computers, or stereo equipment.
- *Structure and Materials*. Families may determine whether minor defects, such as lack of paint, or worn flooring or carpeting will affect the livability of the unit.
- *Indoor Air*. Families may determine whether window and door screens, filters, fans, or other devices for proper ventilation are adequate to meet the family's needs. However, if screens are present, they must be in good condition.
- *Sanitary Conditions*. The family determines whether the sanitary conditions in the unit, including minor infestations, are acceptable.

- *Neighborhood conditions*. Families may determine whether neighborhood conditions such as the presence of drug activity, commercial enterprises, and convenience to shopping will affect the livability of the unit.

Families have no discretion with respect to lead-based paint standards and smoke detectors.

Chapter 9

GENERAL LEASING POLICIES

INTRODUCTION

Chapter 9 covers the lease-up process from the family's submission of a Request for Tenancy Approval to execution of the HAP contract.

In order for ECC/HANH to assist a family in a particular dwelling unit, or execute a Housing Assistance Payments (HAP) contract with the owner of a dwelling unit, ECC/HANH must determine that all the following program requirements are met:

- The unit itself must qualify as an eligible unit [24 CFR 982.305(a)]
- The unit must be inspected by ECC/HANH and meet the Housing Quality Standards (HQS) [24 CFR 982.305(a)]
- The lease offered by the owner must be approvable and must include the required Tenancy Addendum [24 CFR 982.305(a)]
- The rent to be charged by the owner for the unit must be reasonable [24 CFR 982.305(a)]
- The owner must be an eligible owner, approvable by ECC/HANH, with no conflicts of interest [24 CFR 982.306]
- For families initially leasing a unit only: Where the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family cannot exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]

PART I – LEASING POLICIES

9-I.A. TENANT SCREENING

ECC/HANH has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy [24 CFR 982.307(a)(1)].

ECC/HANH may elect to screen applicants for family behavior or suitability for tenancy. See Chapter 3 for a discussion of ECC/HANH'S policies with regard to screening applicant families for program eligibility [24 CFR 982.307(a)(1)].

The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before ECC/HANH approval of the tenancy, ECC/HANH must inform the owner that screening and selection for tenancy is the responsibility of the owner [24 CFR 982.307(a)(2)]. ECC/HANH must also inform the owner or manager or their rights and obligations under the Violence against Women Act of 2013 (VAWA) [24 CFR 5.2005(a)(2)].

ECC/HANH must provide the owner with the family's current and prior address (as shown in the PECC/HANH records) and the name and address (if known to ECC/HANH) of the landlord at the family's current and prior address [24 CFR 982.307(b)(1)].

ECC/HANH is permitted, but not required, to offer the owner other information in ECC/HANH'S possession about the tenancy history or drug trafficking of family members [24 CFR 982.307(b)(2)].

ECC/HANH's policy on providing information to the owner must be included in the family's briefing packet [24 CFR 982.307(b)(3)].

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

ECC/HANH Policy

ECC/HANH will not screen applicants for family behavior or suitability for tenancy.

ECC/HANH will not provide additional screening information to the owner.

9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]

After the family is issued a voucher, the family must locate an eligible unit, with an owner or landlord willing to participate in the voucher program. Once a family finds a suitable unit and the owner is willing to lease the unit under the program, the owner and the family must request ECC/HANH to approve the assisted tenancy in the selected unit.

The owner and the family must submit two documents to ECC/HANH:

- Completed Request for Tenancy Approval (RFTA) – Form HUD-52517
- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A

The RFTA contains important information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the rent, and the requested beginning date of the lease, necessary for ECC/HANH to determine whether to approve the assisted tenancy in this unit.

Owners must certify to the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.

Owners must certify that they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless ECC/HANH has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household.

For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

Both the RFTA and the proposed lease must be submitted no later than the expiration date stated on the voucher. [HCV GB p.8-15].

ECC/HANH Policy

The owner or family must submit the following documents to ECC/HANH:

- Completed Request for Tenancy Approval (RFTA) – Form HUD-52517;

- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A;

The owner must also submit the following documents to ECC/HANH:

- The owner's W-9 form providing his/her taxpayer identification number;
- A completed authorization form for direct deposit of HAP payments;
- Documentation from the Office of the Tax Collector of the applicable municipality reflecting that property taxes are current; and
- A deed to the property.

The RFTA must be signed by both the family and the owner.

The owner may submit the RFTA on behalf of the family.

Completed RFTA (including the proposed dwelling lease) must be submitted as hard copies, in-person, by mail, or email.

The family may not submit, and ECC/HANH will not process, more than one (1) RFTA at a time.

When the family submits the RFTA ECC/HANH will review the RFTA for completeness.

> If the RFTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RFTA, ECC/HANH will notify the family and the owner of the deficiencies.
>
> Missing information and/or missing documents will only be accepted as hard copies, in-person, by mail, or email, owner portal. ECC/HANH will not accept missing information over the phone.

When the family submits the RFTA and proposed lease, ECC/HANH will also review the terms of the RFTA for consistency with the terms of the proposed lease.

> If the terms of the RFTA are not consistent with the terms of the proposed lease, ECC/HANH will notify the family and the owner of the discrepancies.
>
> Corrections to the terms of the RFTA and/or the proposed lease will only be accepted as hard copies, in-person, or by email. ECC/HANH will not accept corrections by phone.

Because of the time sensitive nature of the tenancy approval process, ECC/HANH will attempt to communicate with the owner and family by phone, fax, or email. ECC/HANH will use mail when the parties cannot be reached by phone, fax, or email.

Owners must also submit proof of ownership of the property, which shall include the title deed and the most recent tax bill. In the case of a property owned by a partnership, limited partnership, corporation, limited liability corporation or any other ownership entity, the representative or principal of such ownership entity shall provide a copy of the organizational documents, including but not limited to the certificate of incorporation and

certificate of good standing issued by the Office of the Secretary of State of the State of Connecticut.
In addition, an executed copy of the agreement between the owner and the Management Company or Agent shall be required.

See Chapter 13 for a discussion of the HAP contract and contract provisions.

9-I.C. OWNER PARTICIPATION

ECC/HANH does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where ECC/HANH may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. There are also criteria for which ECC/HANH must disapprove an owner. No owner has a right to participate in the HCV program [24 CFR 982.306(e)]

See Chapter 13 for a full discussion of owner qualification to participate in the HCV program.

9-I.D. ELIGIBLE UNITS

There are a number of criteria that a dwelling unit must meet in order to be eligible for assistance under the voucher program. Generally, a voucher-holder family may choose any available rental dwelling unit on the market in ECC/HANH's jurisdiction. This includes the dwelling unit they are currently occupying.

Ineligible Units [24 CFR 982.352(a)]

ECC/HANH may <u>not</u> assist a unit under the voucher program if the unit is a public housing or Indian housing unit; a unit receiving project-based assistance under section 8 of the 1937 Act (42 U.S.C. 1437f); 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; a unit occupied by its owner or by a person with any interest in the unit.

ECC/HANH-Owned Units [24 CFR 982.352(b)]

Otherwise, eligible units that are owned or substantially controlled by ECC/HANH issuing the voucher may also be leased in the voucher program. In order for an ECC/HANH owned unit to be leased under the voucher program, the unit must not be ineligible housing and ECC/HANH must inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease and that the family is free to select an ECC/HANH-owned unit without any pressure or steering by ECC/HANH.

<u>ECC/HANH Policy</u>

ECC/HANH does not have any eligible ECC/HANH-owned units available for leasing under the voucher program.

Special Housing Types [24 CFR 982 Subpart M]

HUD regulations permit, but do not generally require, ECC/HANH to permit families to use voucher assistance in a number of special housing types in accordance with the specific requirements applicable to those programs. These special housing types include single room occupancy (SRO) housing, congregate housing, group home, shared housing, manufactured

home space (where the family owns the manufactured home and leases only the space), cooperative housing and homeownership option. See Chapter 15 for specific information and policies on any of these housing types that ECC/HANH has chosen to allow.

The regulations do require ECC/HANH to permit use of any special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

Duplicative Assistance [24 CFR 982.352(c)]

A family may not receive the benefit of HCV 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; (11) 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.

Housing Quality Standards (HQS) [24 CFR 982.305 and 24 CFR 982.401]

In order to be eligible, the dwelling unit must be in decent, safe and sanitary condition. This determination is made using HUD's Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD. See Chapter 8 for a full discussion of the HQS standards, as well as the process for HQS inspection at initial lease-up.

Unit Size

In order to be eligible, the dwelling unit must be appropriate for the number of persons in the household. A family must be allowed to lease an otherwise acceptable dwelling unit with fewer bedrooms than the number of bedrooms stated on the voucher issued to the family, provided the unit meets the applicable HQS space requirements [24 CFR 982.402(d)]. The family must be allowed to lease an otherwise acceptable dwelling unit with more bedrooms than the number of

bedrooms stated on the voucher issued to the family. See Chapter 5 for a full discussion of subsidy standards.

Rent Reasonableness [24 CFR 982.305 and 24 CFR 982.507]

In order to be eligible, the dwelling unit must have a reasonable rent. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises.

See Chapter 8 for a full discussion of rent reasonableness and the rent reasonableness determination process.

Rent Burden [24 CFR 982.508]

Where a family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the family share cannot exceed 40 percent of the family's adjusted monthly income. The term "family share" refers to the amount the family pays toward rent and utilities. The gross rent for the unit minus the total housing assistance payment (HAP) for the unit equals the family share. See Chapter 6 for a discussion of calculation of gross rent, the use of payment standards, and calculation of family income, family share of rent and HAP.

9-I.E. LEASE AND TENANCY ADDENDUM

The family and the owner must execute a written dwelling lease agreement for the assisted unit. This written lease is a contract between the tenant family and the owner; ECC/HANH is not a party to this contract.

Upon or after the entry into a rental agreement but prior to the tenant's occupancy of a dwelling unit, the landlord and tenant or their designee will conduct a walk-through of the dwelling unit. The preoccupancy walk-through checklist prepared by the Commissioner of Housing shall be used. A copy of the signed checklist is to be submitted to ECC/HANH before the HAP contract is executed.

The tenant must have legal capacity to enter a lease under State and local law. 'Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner [24 CFR 982.308(a)]

Lease Form and Tenancy Addendum [24 CFR 982.308]

If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease for the assisted tenants is in such standard form.

All provisions in the HUD-required Tenancy Addendum must be added word-for-word to the owner's standard lease form. The Tenancy Addendum includes the HUD requirements for the tenancy. Because it is a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner. If there is a conflict between the owner's lease and the Tenancy Addendum, the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

ECC/HANH Policy

ECC/HANH does not provide a model or standard dwelling lease for owners to use in the HCV program.

Lease Information [24 CFR 982.308(d)]

The assisted dwelling lease must contain all of the required information as listed below:

- The names of the owner and the tenant:
- The unit rented (address, apartment number, and any other information needed to identify the contract unit)
- The term of the lease (initial term and any provisions for renewal)
- The amount of the monthly rent to owner
- A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family

Term of Assisted Tenancy

The initial term of the assisted dwelling lease must be for at least one year [24 CFR 982.309]. The initial lease term is also stated in the HAP contract.

The HUD program regulations permit ECC/HANH to approve a shorter initial lease term if certain conditions are met.

ECC/HANH Policy

ECC/HANH will not approve an initial lease term of less than one (1) year.

During the initial term of the lease, the owner may not raise the rent to owner [24 CFR 982.309].

Any provisions for renewal of the dwelling lease will be stated in the dwelling lease [HCV Guidebook, pg. 8-22]. There are no HUD requirements regarding any renewal extension terms, except that they must be stated in the dwelling lease if they exist.

ECC/HANH may execute the HAP contract even if there is less than one year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC. [24 CFR 982.309(b)].

Security Deposit [24 CFR 982.313 (a) and (b)]

The owner may collect a security deposit from the tenant. ECC/HANH may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. However, if ECC/HANH chooses to do so, language to this effect must be added to Part A of the HAP contract [Form HUD-52641].

ECC/HANH Policy

ECC/HANH will allow the owner to collect any security deposit amount permissible under state law.

Separate Non-Lease Agreements between Owner and Tenant

Owners may not demand or accept any rent payment from the family in excess of the rent to the owner as approved by ECC/HANH minus ECC/HANH's housing assistance payments to the owner [24 CFR 982.451(b)(4)].

The owner may not charge the tenant extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)].

ECC/HANH Policy

ECC/HANH permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

Any items, appliances, dishwasher, garage, or other services that are customarily provided to unassisted families as part of the dwelling lease with those families or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

The Owner shall not require a separate agreement or payment for any appliances or appurtenances which have been included in the rent reasonableness calculation by ECC/HANH.

The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

ECC/HANH Review of Lease

ECC/HANH will review the dwelling lease for compliance with all applicable requirements.

ECC/HANH Policy

If the dwelling lease is incomplete or incorrect, ECC/HANH will notify the family and the owner of the deficiencies. Missing and corrected lease information will only be

accepted as hard copies, in-person, by mail, or by email. ECC/HANH will not accept missing and corrected information over the phone

Because the initial leasing process is time-sensitive, ECC/HANH will attempt to communicate with the owner and family by phone, or email. ECC/HANH will use mail when the parties can't be reached by phone, or email.

ECC/HANH is permitted, but is not required, to review the lease to determine if the lease complies with State and local law and is permitted to decline to approve the tenancy if ECC/HANH determines that the lease does not comply with State or local law [24 CFR 982.308(c)]

ECC/HANH Policy

ECC/HANH will not review the owner's lease for compliance with state/local law.

9-I.F. TENANCY APPROVAL [24 CFR 982.305]

After receiving the family's Request for Tenancy Approval, with proposed dwelling lease, ECC/HANH must promptly notify the family and owner whether the assisted tenancy is approved.

Prior to approving the assisted tenancy and execution of a HAP contract, ECC/HANH must ensure that all required actions and determinations, discussed in Part I of this chapter have been completed.

These actions include ensuring that the unit is eligible; the unit has been inspected by ECC/HANH and meets the Housing Quality Standards (HQS); the lease offered by the owner is approvable and includes the required Tenancy Addendum; the rent to be charged by the owner for the unit must is reasonable; where the family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family does not exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]; the owner is an eligible owner, not disapproved by ECC/HANH, with no conflicts of interest [24 CFR 982.306]; the family and the owner have executed the lease, including the Tenancy Addendum, and the lead-based paint disclosure information [24 CFR 982.305(b)].

ECC/HANH Policy

ECC/HANH will complete its determination within 10 business days of receiving all required information.

If the terms of the RTA/proposed lease are changed for any reason, including but not limited to negotiation with ECC/HANH, ECC/HANH will obtain corrected copies of the RTA and proposed lease, signed by the family and the owner.

Corrections to the RTA/proposed lease will only be accepted as hard copies, owner portal, in-person, by mail, or by email. ECC/HANH will not accept corrections over the phone.

If ECC/HANH determines that the tenancy cannot be approved for any reason, the owner and the family will be notified in writing and given the opportunity to address any

reasons for disapproval. ECC/HANH will instruct the owner and family of the steps that are necessary to obtain approval of the tenancy.

Where the tenancy is not approvable because the unit is not approvable, the family must continue to search for eligible housing within the timeframe of the issued voucher.

If the tenancy is not approvable due to rent affordability or rent reasonableness, ECC/HANH will attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy will be approved. If the owner is not willing to negotiate an approvable rent, the family must continue to search for eligible housing within the timeframe of the issued voucher.

When family reports changes in factors that will affect the total family share prior to the effective date of the HAP contract at admission, the information will be verified and the total family share will be recalculated.

9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305]

The HAP contract is a written agreement between ECC/HANH and the owner of the dwelling unit. Under the HAP contract, ECC/HANH agrees to make housing assistance payments to the owner on behalf of the family, and the owner agrees to comply with all program requirements as stated in the HAP contract.

The HAP contract form is prescribed by HUD.

If ECC/HANH has given approval for the family of the assisted tenancy, the owner and ECC/HANH must execute the HAP contract.

The term of the HAP contract must be the same as the term of the lease [24 CFR 982.451(a)(2)].

ECC/HANH is permitted to execute a HAP contract even if the funding currently available does not extend for the full term of the HAP contract.

ECC/HANH must make a best effort to ensure that the HAP contract is executed before the beginning of the lease term. Regardless, the HAP contract must be executed no later than 60 calendar days from the beginning of the lease term.

ECC/HANH may not pay any housing assistance payment to the owner until the HAP contract has been executed. If the HAP contract is executed during the period of 60 calendar days from the beginning of the lease term, ECC/HANH will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of 60 days).

Any HAP contract executed after the 60-day period is void, and ECC/HANH may not pay any housing assistance payment to the owner.

ECC/HANH Policy
The owner and the assisted family will execute the dwelling lease and the owner must provide a copy to ECC/HANH. ECC/HANH will ensure that both the owner and the assisted family receive copies of the dwelling lease.

The owner must submit a copy of the executed CT Department of Housing Pre occupancy walk-Through checklist.
The owner and ECC/HANH will execute the HAP contract. ECC/HANH will not execute the HAP contract until the owner has submitted the IRS form W-9. ECC/HANH will ensure that the owner receives a copy of the executed HAP contract.

As required under VAWA, once the HAP contract and lease have been executed and the family has been admitted to the program, ECC/HANH will notify families of their rights under VAWA by providing all families with a copy of the domestic violence certification form (HUD-5382) as well as the VAWA notice of occupancy rights (form HUD-5380).

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

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

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

- Changes in lease requirements governing tenant or owner responsibilities for utilities or appliances
- Changes in lease provisions governing the term of the lease
- The family moves to a new unit, even if the unit is in the same building or complex

In these cases, if the HCV assistance is to continue, the family must submit a new Request for Tenancy Approval (RTA) along with a new dwelling lease containing the proposed changes. A new tenancy must then be approved in accordance with this chapter.

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

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

<u>ECC/HANH Policy</u>

Refer to Chapter 8: Rent reasonableness when the owner is requesting a rent increase.

Chapter 10

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

INTRODUCTION

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

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

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

PART I: MOVING WITH CONTINUED ASSISTANCE

10-I.A. ALLOWABLE MOVES

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

- The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.354(b)(3)]. If the family terminates the lease on notice to the owner, the family must give the ECC/HANH a copy of the notice at the same time [24 CFR 982.354(d)(1)].
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.354(b)(1)(ii)].

  ECC/HANH Policy

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

- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.354(b)(2)]. The family must give ECC/HANH a copy of any owner eviction notice [24 CFR 982.551(g)].
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.354(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to

ECC/HANH, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4), 24 CFR 982.353(b)].

ECC/HANH Policy

If a family requests permission to move with continued assistance based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, human trafficking or stalking, ECC/HANH will request that the resident request the emergency transfer using form HUD-5383. ECC/HANH will request documentation in accordance with section 16-IX.D of this plan.

ECC/HANH reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases ECC/HANH will document the waiver in the family's file.

ECC/HANH may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator.

Before granting an emergency transfer, ECC/HANH will ensure the victim is eligible to receive continued assistance based on the citizenship or immigration status of the victim.

ECC/HANH has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan and discusses external transfers to other covered housing programs.

ECC/HANH has terminated the HAP Contract for the family's unit for the owner's breach [24 CFR 982.354(b)(1)(i)].

ECC/HANH determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, ECC/HANH must issue the family a new voucher, and the family and ECC/HANH must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family ECC/HANH must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which ECC/HANH gives notice to the owner. [24 CFR 982.403(a) and (c)]

10-I.B. RESTRICTIONS ON MOVES

A family's right to move is generally contingent upon the family's compliance with program requirements [24 CFR 982.1(b)(2)]. HUD specifies two conditions under which ECC/HANH may deny a family permission to move and two ways in which ECC/HANH may restrict moves by a family.

Denial of Moves

HUD regulations permit ECC/HANH to deny a family permission to move under the following conditions:

Insufficient Funding

ECC/HANH may deny a family permission to move either within or outside ECC/HANH'S jurisdiction if ECC/HANH does not have sufficient funding for continued assistance [24 CFR 982.354(e)(1)]. However, Notice PIH 2012-42 significantly restricts the ability of ECC/HANH to deny permission to move due to insufficient funding and places further requirements on ECC/HANH regarding moves denied due to lack of funding. The requirements found in this notice are mandatory.

ECC/HANH Policy

ECC/HANH will deny a family permission to move on grounds that ECC/HANH does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or ECC/HANH; (b) ECC/HANH can demonstrate that the move will, in fact, result in higher subsidy costs; and (c) ECC/HANH can demonstrate, in accordance with the policies in Part VIII of Chapter 16, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs.

ECC/HANH will create a list of families whose moves have been denied due to insufficient funding. When funds become available, the families on this list will take precedence over families on the waiting list. ECC/HANH will use the same procedures for notifying families with open requests to move when funds become available as it uses for notifying families on the waiting list (see section 4-III.D).

ECC/HANH will inform the family of its policy regarding moves denied due to insufficient funding in a letter to the family at the time the move is denied.

Grounds for Denial or Termination of Assistance

ECC/HANH may deny a family permission to move if it has grounds for denying or terminating the family's assistance [24 CFR 982.354(e)(2)].

ECC/HANH Policy

If ECC/HANH has grounds for denying or terminating a family's assistance, ECC/HANH will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively. In general, it will not deny a family permission to move for this reason; however, the Housing Choice Voucher Director may make exceptions to these restrictions under special circumstances over which the family has no control.

Restrictions on Elective Moves [24 CFR 982.354(c)]

HUD regulations permit ECC/HANH to prohibit any elective move by a participant family during the family's initial lease term. They also permit ECC/HANH to prohibit more than one elective move by a participant family during any 12-month period. However, such prohibitions, if adopted, do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. (For the policy on documentation of abuse,

see section 10-I.A.) In addition, ECC/HANH may not establish a policy permitting moves only at reexamination [Notice PIH 2012-42].

ECC/HANH Policy

ECC/HANH will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within ECC/HANH's jurisdiction or outside it under portability.

ECC/HANH will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in ECC/HANH's jurisdiction.

ECC/HANH will consider exceptions to these policies for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, ECC/HANH will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

10-I.C. MOVING PROCESS

Notification

If a family wishes to move to a new unit, the family must notify ECC/HANH and the owner before moving out of the old unit or terminating the lease on notice to the owner [24 CFR 982.354(d)(2)]. If the family wishes to move to a unit outside ECC/HANH'S jurisdiction under portability, the notice to ECC/HANH must specify the area where the family wishes to move [24 CFR 982.354(d)(2), Notice PIH 2012-42]. The notices must be in writing [24 CFR 982.5].

Approval

ECC/HANH Policy

For administrative purposes, ECC/HANH will require at least a thirty (30) day notice prior to the move. The family must give the owner the required number of days written notice of intent to vacate as specified in the lease (usually thirty (30) days) and must give a copy to ECC/HANH simultaneously. Participants will complete this request in the tenant portal. As a reasonable accommodation ECC/HANH has a form for the participant to complete and sign before the move.

Upon receipt of a family's notification that it wishes to move, ECC/HANH will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. ECC/HANH will notify the family in writing of its determination within 10 business days following receipt of the family's notification.

Reexamination of Family Income and Composition

ECC/HANH Policy

For families approved to move to a new unit within ECC/HANH's jurisdiction, ECC/HANH will perform a change of unit in accordance with the policies set forth in Chapter 11 of this plan.

For families moving into or families approved to move out of ECC/HANH's jurisdiction under portability, ECC/HANH will follow the policies set forth in Part II of this chapter.

Voucher Issuance and Briefing

ECC/HANH Policy

For families approved to move to a new unit within ECC/HANH's jurisdiction, ECC/HANH will issue a new voucher within 10 business days of ECC/HANH's written approval to move. No briefing is required for these families. ECC/HANH will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees and ECC/HANH approves. Otherwise, the family will lose its assistance.

For families moving into or families approved to move out of ECC/HANH's jurisdiction under portability, ECC/HANH will follow the policies set forth in Part II of this chapter.

Housing Assistance Payments [24 CFR 982.311(d)]

When a family moves out of an assisted unit, ECC/HANH may not make any housing assistance payment to the owner for any month **after** the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

ECC/HANH Policy

If a participant family moves within the same building or project, or between buildings owned by the same owner, the move will be processed like any other move except there will be no overlapping assistance.

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

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

ECC/HANH Policy

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

PART II: PORTABILITY

10-II.A. OVERVIEW

Within the limitations of the regulations and this plan, a participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program [24 CFR 982.353(b)]. The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another PHA is known as portability. The PHA that issues the voucher is called the **initial PHA.** The PHA that has jurisdiction in the area to which the family wants to move is called the **receiving PHA.**

The receiving PHA has the option of administering the family's voucher for the initial PHA or absorbing the family into its own program. Under the first option, the receiving PHA provides all housing services for the family and bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher. Under the second option, the receiving PHA pays for the family's assistance with its own program funds, and the initial PHA has no further relationship with the family. The initial PHA must contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the initial PHA's voucher. Based on the receiving PHA's response, the initial PHA must determine whether they will approve or deny the portability request [Notice PIH 2016-09].

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

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

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

10-II.B. INITIAL PHA ROLE

Allowable Moves under Portability

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

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

Applicant Families

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

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

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

> ECC/HANH Policy
>
> If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in ECC/HANH's jurisdiction at the time that the family's initial application for assistance was submitted, the family must lease a unit within ECC/HANH's jurisdiction for at least 12 months before requesting portability.
>
> ECC/HANH will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, or stalking.

Participant Families

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

> ECC/HANH Policy
>
> ECC/HANH will determine whether a participant family may move out of ECC/HANH's jurisdiction with continued assistance in accordance with the regulations and policies set

forth here and in sections 10-I.A and 10-I.B of this chapter. ECC/HANH will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

Determining Income Eligibility

Applicant Families

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

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.353(d)(1), 24 CFR 982.355(9)]. If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2016-09].

Participant Families

The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2)].

Reexamination of Family Income and Composition

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

ECC/HANH Policy

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

ECC/HANH will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

Briefing

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

ECC/HANH Policy

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

ECC/HANH will provide the name, address, and phone of the contact for the PHAs in the jurisdiction to which they wish to move. If there is more than one PHA with jurisdiction over the area to which the family wishes to move, ECC/HANH will advise the family that the family must select the receiving PHA and notify ECC/HANH of which receiving PHA was selected. ECC/HANH will further inform the family that, if the family prefers

not to select the receiving PHA, ECC/HANH will select the receiving PHA (RHA) on behalf of the family.

ECC/HANH will advise the family that they will be under the RHA's policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

Voucher Issuance and Term

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

ECC/HANH Policy

For participating families approved to move under portability, ECC/HANH will issue a new voucher within 10 business days of ECC/HANH's written approval to move. The initial term of the voucher will be 90 days.

Voucher Extensions and Expiration

ECC/HANH Policy

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

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

Preapproval Contact with the Receiving PHA

Prior to approving a family's request to move under portability, the initial PHA (ECC/HANH) must contact the receiving PHA via e-mail or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the family's voucher. Based on the receiving PHA's response, the initial PHA (ECC/HANH) must determine whether it will approve or deny the move [24 CFR 982.355(c)(3)].

ECC/HANH Policy

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

Initial Notification to the Receiving PHA

After approving a family's request to move under portability, the initial PHA (ECC/HANH) must promptly notify the receiving PHA via email or other confirmed delivery method to expect the family [24 CFR 982.355(c)(3); 24 CFR 982.355(c)(7)]. The initial PHA must also advise the family how to contact and request assistance from the receiving PHA [24 CFR 982.355(c)(6)].

ECC/HANH Policy

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

Sending Documentation to the Receiving PHA

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

- Form HUD-52665, Family Portability Information, with Part I filled out [Notice PIH 2016-09]
- A copy of the family's voucher [Notice PIH 2016-09]
- A copy of the family's most recent form HUD-50058, Family Report, or, if necessary in the case of an applicant family, family and income information in a format similar to that of form HUD-50058 [24 CFR 982.355(c)(7), Notice PIH 2016-09]
- Copies of the income verifications backing up the form HUD-50058, including a copy of the family's current EIV data [24 CFR 982.355(c)(7), Notice PIH 2016-09]

ECC/HANH Policy

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

Social security numbers (SSNs)

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

Documentation of legal identity

Documentation of citizenship or eligible immigration status

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

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

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

Initial Billing Deadline [Notice PIH 2016-09]

The deadline for submission of initial billing is 90 days following the expiration date of the voucher issued to the family by the initial PHA. In cases where suspension of the voucher delays the initial billing submission, the receiving PHA must notify the initial PHA of delayed billing before the billing deadline and document that the delay is due to the suspension. In this case, the initial PHA must extend the billing deadline by 30 days

If the initial PHA does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must contact the receiving PHA to determine the status of the family. If the receiving PHA reports that the family is not yet under HAP contract, the initial PHA may refuse to accept a late billing submission. If the receiving PHA reports that the family is under HAP contract and the receiving PHA cannot absorb the family, the initial PHA must accept a late billing submission; however, it may report to HUD the receiving PHA's failure to comply with the deadline.

If the initial PHA will honor the late billing, no action is required.

ECC/HANH Policy

ECC/HANH's decision as to whether to accept late billing will be based on ECC/HANH's internal factors, including ECC/HANH's initial leasing or funding status. If ECC/HANH has not received an initial billing notice from the receiving PHA within the billing deadline and does not intend to honor the late billing, ECC/HANH will contact the receiving PHA to inform them that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family. In this case, ECC/HANH will send the receiving PHA a written confirmation of its decision by e-mail or mail.

Among other considerations as to whether to accept late billing will be if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving.

Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2016-09]

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

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

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

ECC/HANH Policy

ECC/HANH will utilize direct deposit to ensure that the payment is received by the deadline unless the receiving PHA notifies ECC/HANH that direct deposit is not acceptable to them. If ECC/HANH extends the term of the voucher, the receiving PHA's voucher will expire 30 calendar days from the new expiration date of the ECC/HANH's voucher.

Annual Updates of Form HUD-50058

If the initial PHA is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving PHA. If the initial PHA fails to receive an updated 50058 by the family's annual reexamination date, the initial PHA should contact the receiving PHA to verify the status of the family. The initial PHA must continue paying the receiving PHA based on the last form HUD-50058 received, unless instructed otherwise by HUD. The initial PHA may seek absorption of the vouchers by following steps outlined in Notice PIH 2016-09

Denial or Termination of Assistance [24 CFR 982.355(c)(17)]

At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance with the family in accordance with 24 CFR 982.552 and 24 CFR 982.553. (For PHA policies on denial and termination, see Chapters 3 and 12, respectively.)

10-II.C. RECEIVING PHA ROLE

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

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

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

The receiving PHA must respond via e-mail or other confirmed delivery method to the initial PHA's inquiry to determine whether the family's voucher will be billed or absorbed [24 CFR 982.355(c)(3)]. If the receiving PHA informs the initial PHA that it will be absorbing the

voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA [24 CFR 982.355(c)(4)].

ECC/HANH Policy

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

Initial Contact with Family

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

If the voucher issued to the family by the initial PHA has expired, the receiving PHA must contact the initial PHA to determine if it will extend the voucher [24 CFR 982.355(c)(13)].

If for any reason the receiving PHA refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an informal review or hearing [Notice PIH 2016-09]. (For more on this topic, see later under "Denial or Termination of Assistance.")

Briefing

HUD allows the receiving PHA to require a briefing for an incoming portable family as long as the requirement does not unduly delay the family's search [Notice PIH 2012-42].

ECC/HANH Policy

ECC/HANH will not require the family to attend a briefing. ECC/HANH will provide the family with a briefing packet (as described in Chapter 5) and, in an individual briefing, will orally inform the family about ECC/HANH's payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process.

Income Eligibility and Reexamination

The receiving PHA does not redetermine eligibility for a portable family that was already receiving assistance in the initial PHA's voucher program [24 CFR 982.355(c)(9)]. If the receiving PHA opts to conduct a new reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit [24 CFR 982.355(c)(11).

ECC/HANH Policy

For any family moving into its jurisdiction under portability, ECC/HANH will conduct a new reexamination of family income and composition. However, ECC/HANH will not delay issuing the family a voucher for this reason. Nor will ECC/HANH delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and ECC/HANH cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

In conducting its own reexamination, ECC/HANH will rely upon any verifications provided by the initial PHA to the extent that they (a) accurately reflect the family's current circumstances. Any new information may be verified by documents provided by the family and adjusted, if necessary, when third party verification is received.

Voucher Issuance

When a family moves into its jurisdiction under portability, the receiving PHA is required to issue the family a voucher [24 CFR 982.355(c)(13)]. The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA's voucher [24 CFR 982.355(c)(15)].

Timing of Voucher Issuance

HUD expects the receiving PHA to issue the voucher within two weeks after receiving the family's paperwork from the initial PHA if the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA's procedures [Notice PIH 2016-09].

ECC/HANH Policy

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

Voucher Term

The term of the receiving PHA's voucher may not expire before 30 calendar days from the expiration of the initial PHA's voucher [24 CFR 982.355(c)(13)].

ECC/HANH Policy

ECC/HANH's voucher will expire 30 calendars days from the expiration date of the initial PHA's voucher.

Voucher Extensions [24 CFR 982.355(c)(14), Notice 2016-09]

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

ECC/HANH Policy

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

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

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

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

ECC/HANH Policy

ECC/HANH will follow its policies on voucher suspensions as set forth in section 5-II.E.

Notifying the Initial PHA

The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the receiving PHA's voucher [24 CFR 982.355(c)(16)]. The receiving PHA is required to use Part II of form HUD-52665, Family Portability Information, for this purpose [Notice PIH 2016-09]. (For more on this topic and the deadline for notification, see below under "Administering a Portable Family's Voucher.")

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

Administering a Portable Family's Voucher

Portability Billing [24 CFR 982.355(e)]

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

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

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

ECC/HANH Policy

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

Initial Billing Deadline

If a portable family's search for a unit is successful and the receiving PHA intends to administer the family's voucher, the receiving PHA must submit its initial billing notice (Part II of form HUD-52665) (a) no later than 10 business days following the date the receiving PHA **executes** a HAP contract on behalf of the family **and** (b) in time that the notice will be **received** no later than 90 days following the expiration date of the family's voucher issued by the initial PHA [Notice PIH 2016-09]. A copy of the family's form HUD-50058, Family Report, completed by the receiving PHA must be attached to the initial billing notice. The receiving PHA may send these documents by mail, fax, or e-mail.

ECC/HANH Policy

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

If the receiving PHA fails to send the initial billing within 10 business days following the date the HAP contract is executed, it is required to absorb the family into its own program unless (a) the initial PHA is willing to accept the late submission or (b) HUD requires the initial PHA to honor the late submission (e.g., because the receiving PHA is over leased) [Notice PIH 2012-42].

Ongoing Notification Responsibilities [Notice PIH 2016-09, HUD-52665]

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

ECC/HANH Policy

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

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

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

The timing of the notice of the change in the billing amount should correspond with the notification to the owner and the family in order to provide the initial PHA with advance notice

of the change. Under no circumstances should the notification be later than 10 business days following the effective date of the change in the billing amount. If the receiving PHA fails to send Form HUD-52665 within 10 days of effective date of billing changes, the initial PHA is not responsible for any increase prior to notification.

Late Payments [Notice PIH 2016-09]

If the initial PHA fails to make a monthly payment for a portable family by the fifth business day of the month, the receiving PHA must promptly notify the initial PHA in writing of the deficiency. The notice must identify the family, the amount of the billing payment, the date the billing payment was due, and the date the billing payment was received (if it arrived late). The receiving PHA must send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over the receiving PHA. If the initial PHA fails to correct the problem by the second month following the notification, the receiving PHA may request by memorandum to the director of the OPH with jurisdiction over the receiving PHA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between the PHAs on the matter must be attached. The receiving PHA must send a copy of the memorandum to the initial PHA. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial PHA is still responsible for any outstanding payments due to the receiving PHA.

Overpayments [Notice PIH 2016-09]

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

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

- Return the full amount of the overpayment, including the portion provided for administrative fees, to the initial PHA.
- Once full payment has been returned, notify the Office of Public Housing in the HUD area office with jurisdiction over the receiving PHA of the date and the amount of reimbursement to the initial PHA.

At HUD's discretion, the receiving PHA will be subject to the sanctions spelled out in Notice PIH ***2016-09.***

Denial or Termination of Assistance

At any time, the receiving PHA may make a determination to deny or terminate assistance to a portable family for family action or inaction [24 CFR 982.355(c)(17)].

In the case of a termination, the PHA should provide adequate notice of the effective date to the initial PHA to avoid having to return a payment. In no event should the receiving PHA fail to notify the initial PHA later than 10 business days following the effective date of the termination of the billing arrangement [*HUD-52665;* Notice PIH 2016-09].

ECC/HANH Policy

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

Absorbing a Portable Family

The receiving PHA may absorb an incoming portable family into its own program when the PHA executes a HAP contract on behalf of the family or at any time thereafter providing that (a) the PHA has funding available under its annual contributions contract (ACC) [24 CFR 982.355(d)(1), Notice PIH 2016-09].

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

If the receiving PHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, HUD encourages the receiving PHA to provide adequate advance notice to the initial PHA to avoid having to return an overpayment. The receiving PHA must specify the effective date of the absorption of the family [Notice PIH 2016-09].

ECC/HANH Policy

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

If ECC/HANH decides to absorb a family after that, it will provide the initial PHA with 30 days' advance notice but no later than 10 business days following the effective date of the termination of the billing arrangement.

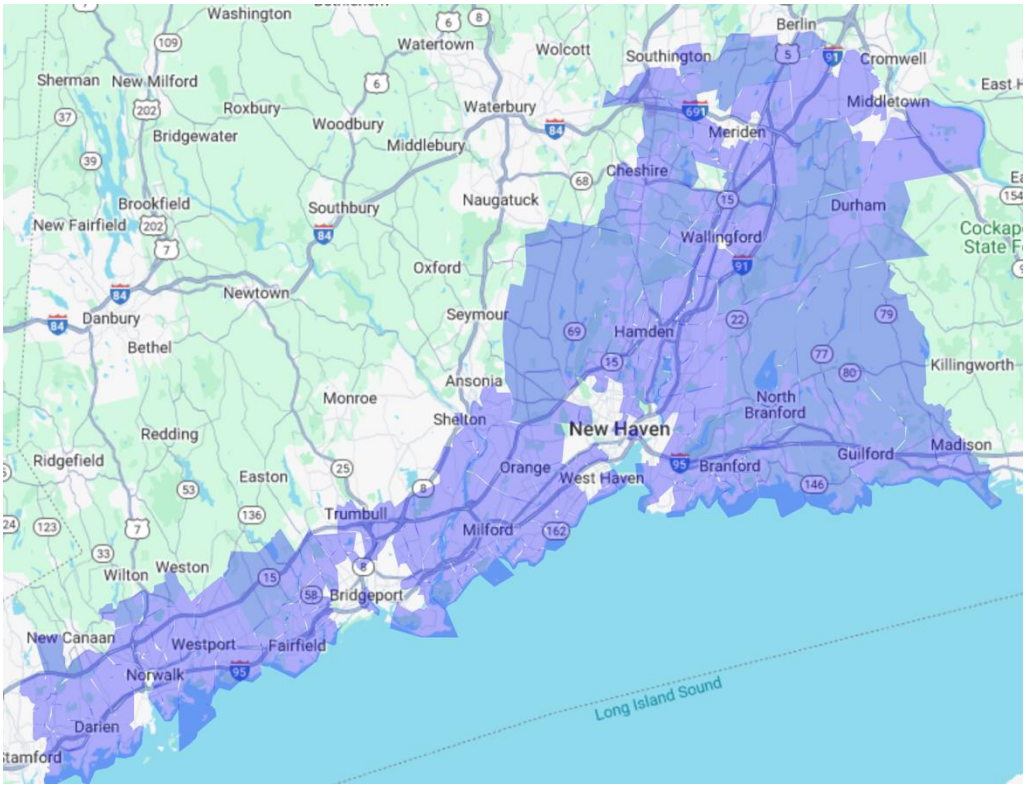
Following the absorption of an incoming portable family, the family is assisted with funds available under the consolidated ACC for the receiving PHA's voucher program [24 CFR 982.355(d)], and the receiving PHA becomes the initial PHA in any subsequent moves by the family under portability [24 CFR 982.355(e)(4)].

PART III: EXPANDED CHOICE PROGRAM

10-III.A. OVERVIEW

Elm City Communities recognizes the urgency of this issue and, using new policy tools and HUD grant funding, is launching a new housing mobility program for the city and region, The Expanded Choice Program. The importance of providing families with expanded choice is backed up by recent social science research, which has shown powerful health, educational, and long-term economic impacts for young children who move from high-poverty to low-poverty neighborhoods at a young age. Not all families will choose to make such a move, but the mobility program will ensure that many more families have the information, resources, and programmatic support to make choice possible.

Using a variety of data such as on educational outcomes, poverty rate, household income, commute time, and rental unit availability, Elm City Communities has designated areas within New Haven and the surrounding region to which voucher families can get additional supports to relocate. On the map below, these areas are represented in purple.



10-III.B. Partnering Organizations

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside ECC/HANH jurisdiction. ECC may enter into a contract to partner on providing Mobility services to HCV participants to relocate to high opportunity areas.

ECC/HANH Policy

ECC/HANH has entered into a contract with the State of Connecticut Department of Housing (DOH).

Over a five-year period of performance, ECC/HANH must provide housing mobility-related services to a minimum of 600 families with at least one child aged 17 or younger living in the household. ECC/HANH identified 450 families that will receive mobility counseling services for general lese ups with at least 180 families leasing up and moving into areas of higher opportunity specifically. This requirement correlates to servicing 120 families per year, with 36 of those identifying housing in a higher opportunity area annually for the five-year term.

The following policies apply to families participating in the Expanded Choice Program.

10-III.C. INITIAL VOUCHER TERM

Unlike the standard HCV program, families that opt into the Expanded Choice Program (ECP) will require an initial voucher term of at least 90 days. ECC/HANH policies on extensions as outlined in Section 5-II.E. will apply.

ECC/HANH Policy

All ECP participants will have an initial voucher term of 90 calendar days.

One automatic 30-day extension will be granted upon request.

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

10-III.D HOUSING SEARCH ASSISTANCE - PORTABILITY

The HCV portability procedures and requirements outlined in Chapter 10 generally apply to ECP participants. Exceptions are addressed below.

As an ECP participant, applicant families may move under portability even if the family did not have legal residency in the ECC/HANH jurisdiction when they applied, regardless of ECC/HANH's policy.

For a portable family that was not already receiving assistance in ECC/HANH's tenant-based programs, ECC/HANH must determine whether the family is eligible for admission under the receiving PHA's program. DOH will accept ECC income eligibility determination.

Billing and Absorption

DOH or their designee will operate as the receiving PHA. Under the agreement. DOH will not absorb vouchers porting from ECC under ECP. Additionally, any port-in from DOH to ECC as the receiving PHA will not be absorbed. DOH or the receiving PHA will bill ECC/HANH for the portable voucher.

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

ECC/HANH administers vouchers in a metropolitan area where the adoption of SAFMRs is not required and may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

> ECC/HANH Policy
> ECC/HANH is not one of the PHAs mandated to use SAFMR. However, ECC/HANH is an "Opt-in SAFMR PHA" which refers to PHAs that are not required to use SAFMRs in a particular area within their jurisdiction but choose voluntarily to do so.
>
> ECC HANH will apply SAFMR's only to zip codes in High Opportunity areas. payment standard for a zip codes, within its' metropolitan area, up to and including 120% of the SAFMR using MTW flexibilities.

Reasonable Accommodation

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the HCV program. For example, reasonable accommodations may include making home visits, extending the voucher term, or approving an exception payment standard in order for a participant to lease an accessible dwelling unit.

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for ECC/HANH or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

> ECC/HANH Policy
> If a reasonable accommodation (RA) was approved by ECC/HANH within 6 months of the date of the request to port. DOH will accept ECC/HANH's RA documentation and Approval. Family will have to complete an authorization to release for ECC/HANH to share information with DOH.

Subsidy Standards

ECC/HANH must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. ECC/HANH must also establish policies related to the issuance of the voucher, to the voucher term, and to any extensions of the voucher term as outline in Chapter 5.

> ECC/HANH Policy
> DOH will accept a family with a valid voucher from ECC/HANH and will administer the voucher. DOH will issue a voucher according to its own subsidy standards. If the family experiences a change in family composition that would change the voucher size, DOH will issue a voucher of the proper size based on its own subsidy standards.

Chapter 11

REEXAMINATIONS

INTRODUCTION

ECC/HANH is required to reexamine each family's income and composition at least annually, and to adjust the family's level of assistance accordingly.

> ECC/HANH Policy
>
> ECC/HANH has added the terms Work-Able and Non-Work-Able families for purposes of biennial and triennial reexaminations. Non-Work-Able families are families where all adult family members are elderly (age 62 or more) and/or disabled. MTW families that do not meet the definition of a Non-Work-Able family will be considered Work-Able families.

Interim reexaminations are also needed in certain situations. This chapter discusses both bi/triennial and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. HUD regulations and ECC/HANH policies concerning reexaminations are presented in three parts:

> Part I: Bi/Triennial Reexaminations. This part discusses the process for conducting bi/triennial reexaminations.
>
> Part II: Interim Reexaminations. This part details the requirements for families to report changes in family income and composition between bi/triennial reexaminations.
>
> Part III: Recalculating Family Share and Subsidy Amount. This part discusses the recalculation of family share and subsidy amounts based on the results of bi/triennial and interim reexaminations.

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

PART I: BI/TRIENNIAL REEXAMINATIONS [24 CFR 982.516]

11-I.A. OVERVIEW

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

11-I.B. SCHEDULING BI/TRIENNIAL REEXAMINATIONS

ECC/HANH must establish a policy to ensure that the bi/triennial reexamination for each family is completed *within* the required 24 or 36-month period and may require reexaminations more frequently [HCV GB p. 12-1].

ECC/HANH Policy

ECC/HANH will conduct biennial reexaminations for Work-Able families. ECC/HANH will conduct triennial reexaminations for Non-Work-Able families.

ECC/HANH will begin the bi/triennial reexamination process 120 days in advance of its scheduled effective date. Generally, ECC/HANH will schedule bi/triennial reexamination effective dates to coincide with the family's anniversary date.

ECC/HANH defines the *anniversary date* as 24 or 36 months from the effective date of the family's last bi/triennial reexamination or from the effective date of the family's initial examination (admission).

For families approved to move to a new unit within ECC/HANH's jurisdiction, ECC/HANH will not perform a new (bi/tri) annual unless due within 120 days of the effective date of the move.

ECC/HANH may schedule a bi/triennial reexamination for completion prior to the anniversary date or scheduled bi/triennial reexamination for administrative purposes.

Notification of and Participation in the Bi/Triennial Reexamination Process

ECC/HANH is required to obtain the information ECC/HANH. However, ECC/HANH should give tenants who were not provided the opportunity the option to complete Form HUD-92006 at this time [Notice PIH 2009-36].

ECC/HANH Policy

Biennial Reexaminations

Families undergoing a biennial reexamination will be required to participate in a face-to-face reexamination interview, which must be attended by all adult household members. If the head of household, spouse, or cohead are unable to attend, the appointment will be rescheduled. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact ECC/HANH to request a reasonable accommodation (see Chapter 2).

Notification of bi/triennial reexamination interviews will be sent by first-class mail and will contain the date, time, and location of the interview. In addition, it will inform the family of the information and documentation that must be brought to the interview.

If the family is unable to attend a scheduled interview, the family should contact ECC/HANH in advance of the interview to schedule a new appointment. This will count as one missed appointment. If a family does not attend the scheduled interview, ECC/HANH will send a second notification with a new interview date and appointment time.

If a family fails to attend two scheduled interviews without ECC/HANH approval, or if the notice is returned by the post office with no forwarding address, a notice of termination (see Chapter 12) will be sent to the family's address of record, and to any alternate address provided in the family's file.

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

Triennial Reexaminations

For families undergoing a triennial reexamination, the reexaminations will be conducted by mail. Notification of the reexamination will be sent by first-class mail and will inform the family of the information and documentation that must be provided to ECC/HANH, and the deadline for providing it. Documents will be accepted by mail, email, or in-person.

If the family fails to return the documentation in a timely manner, a second notification will be sent. If the family fails to respond to the second notification, a notice of termination (see Chapter 12) will be sent to the family's address of record, and to any alternate address provided in the family's file.

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

An interview will be scheduled if the family requests assistance in providing information or documentation requested by ECC/HANH. ECC/HANH may also, at its discretion, schedule an interview with the family.

- If the family is unable to attend a scheduled interview, the family should contact ECC/HANH in advance of the interview to schedule a new appointment. This will count as one missed appointment. If a family does not attend the scheduled interview, ECC/HANH will send a second notification with a new interview appointment time.
- Families that fail to attend two scheduled interviews without ECC/HANH approval will be a sent a notice of termination in accordance with policies contained in Chapter 12.

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

11-I.C. CONDUCTING BI/TRIENNIAL REEXAMINATIONS

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

ECC/HANH Policy

Reexaminations Conducted through Face-to-Face Interviews

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

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. ECC/HANH will grant one 10 business day extension upon request. Exceptions may be made for granting an additional extension on a case-by-case basis.

If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a notice of termination (See Chapter 12).

Reexaminations Conducted by Mail

Families will be asked to supply all required information (as described in the reexamination notice) before the deadline specified in the notice. The required information will include an ECC/HANH-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documents or forms related to the family's income, expenses, and family composition.

ECC/HANH will notify the family in writing if any required documentation or information is missing. The missing information or documentation must be provided within 10 business days of the date ECC/HANH notifies the family. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. ECC/HANH will grant one 10 business day extension upon request. Exceptions may be made for granting an additional extension on a case-by-case basis.

If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a notice of termination (see Chapter 12).

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

ECC/HANH Policy

At the bi/triennial reexamination, ECC/HANH will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. ECC/HANH will use a database available to the public to verify the information provided by the tenant.

If ECC/HANH proposes to terminate assistance based on lifetime sex offender registration information, ECC/HANH must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)]. (See Chapter 12.)

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

- Legal identity
- Age
- Social security numbers
- A person's disability status
- Citizenship or immigration status

If adding a new family member to the unit causes overcrowding according to the housing quality standards (HQS) (see Chapter 8), ECC/HANH must issue the family a new voucher, and the family and ECC/HANH must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, ECC/HANH must terminate the HAP contract in accordance with its terms [24 CFR 982.403].

11-I.D. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]

Section 327 of Public Law 109-115 established new restrictions on the ongoing eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled in an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be reexamined along with the income eligibility of the student's parents on a bi/triennial basis. In these cases, both the student and the student's parents must be income eligible for the student to continue to receive HCV assistance. If, however, a student in these circumstances is determined independent from his or her parents in accordance with ECC/HANH policy, the income of the student's parents will not be considered in determining the student's ongoing eligibility.

Students who reside with parents in an HCV assisted unit are not subject to this provision. It is limited to students who are receiving assistance on their own, separately from their parents.

ECC/HANH Policy

During the bi/triennial reexamination process, ECC/HANH will determine the ongoing eligibility of each student who is subject to the eligibility restrictions in 24 CFR 5.612 by reviewing the student's individual income as well as the income of the student's parents. If the student has been determined "independent" from his/her parents based on the policies in Sections 3-II.E and 7-II.E, the parents' income will not be reviewed.

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

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

11-I.E. EFFECTIVE DATES

ECC/HANH must establish policies concerning the effective date of changes that result from a bi/triennial reexamination [24 CFR 982.516].

ECC/HANH Policy

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

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

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

If ECC/HANH chooses to schedule a bi/triennial reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by ECC/HANH but will always allow for the 30-day notice period.

If the family causes a delay in processing the bi/triennial reexamination, *increases* in the family share of the rent will be applied retroactively to the scheduled effective date of the bi/triennial reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 16.

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

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

If ECC/HANH chooses to schedule a bi/triennial reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by ECC/HANH.

If the family causes a delay in processing the bi/triennial reexamination, *decreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by ECC/HANH by the date specified, and this delay prevents ECC/HANH from completing the reexamination as scheduled.

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

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

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

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

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

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

ECC/HANH Policy

All families must notify ECC/HANH if the following changes in family and household composition that occur between annual or bi/triennial reexaminations within 10 business days.

-Change in family composition that affects the voucher size or bedroom size.

-The addition of a family member 18 years of age or older.

-Increase in family income of at least $200.00 per month that is expected to last 30 days or more

-Addition of a live-in aid

Decrease in exceptional expenses. If ECC/HANH grants an exceptional deduction for any family and there is a subsequent change then the family must report that change

New Family Members Not Requiring ECC/HANH Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require ECC/HANH approval. However, the family is required to promptly notify ECC/HANH of the addition [24 CFR 982.551(h)(2)].

ECC/HANH Policy

The family must inform ECC/HANH of the birth, adoption, or court-awarded custody of a child within 10 business days.

New Family and Household Members Requiring Approval

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

When any new family member is added, ECC/HANH must conduct a reexamination to determine any new income or deductions associated with the additional family member and to make appropriate adjustments in the family share of the rent and the HAP payment [24 CFR 982.516(e)].

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

ECC/HANH Policy

Families must request ECC/HANH approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 30 consecutive days or 90 cumulative days within a 12-month period and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by ECC/HANH prior to the individual moving into the unit. A written letter of approval from the current landlord to add this new family member to the lease must accompany the request.

ECC/HANH will deny requests to add persons to a household (other than a child by birth, adoption, or court-awarded custody) if it will require ECC/HANH to increase the family's voucher size by more than one bedroom. However, ECC/HANH may approve the addition if the family can demonstrate that there are medical needs or other extenuating circumstances, including reasonable accommodation, that should be considered by ECC/HANH. Exceptions will be made on a case-by-case basis.

Foster children may be added to the household provided that the foster parent(s) has been granted a license through the appropriate Child and Family Services agency and the addition does not violate HQS space standards for the current leased unit.

New family or household members must meet ECC/HANH's eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II).

If ECC/HANH determines an individual may be added to the family/household, ECC/HANH will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued a voucher and will be required to move.

If ECC/HANH determines that an individual does not meet ECC/HANH's eligibility criteria or documentation requirements, ECC/HANH will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

ECC/HANH will make its determination within 10 business days of receiving all information required to verify the individual's eligibility.

Departure of a Family or Household Member

Families must promptly notify ECC/HANH if any family member no longer lives in the unit

[24 CFR 982.551(h)(3)]. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], ECC/HANH also needs to know when any live-in aide, foster child, or foster adult ceases to reside in the unit.

ECC/HANH Policy

If a household member ceases to reside in the unit, the family must inform ECC/HANH within 10 business days. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent.

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform ECC/HANH within 10 business days.

11-II.C. CHANGES AFFECTING INCOME OR EXPENSES

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

ECC/HANH-Initiated Interim Reexaminations

ECC/HANH initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by ECC/HANH. They are not scheduled because of changes reported by the family.

ECC/HANH Policy

ECC/HANH will conduct interim reexaminations in each of the following instances:

If at the time of the bi/triennial reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), ECC/HANH will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.

If at the time of the bi/triennial reexamination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, ECC/HANH will conduct an interim reexamination.

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

ECC/HANH will *not* conduct an interim when ECC/HANH averaged income across 12 months when annualizing income for a seasonal employee (see section 6-I.C).

Example 1: Mr. Quinn works in construction 8 months of the year, earning $1,500 a month. He is paid cash. The remaining months he receives no income.

At Mr. Quinn's biennial reexamination, HANH annualized his income as follows: $1,500 x 8 = $12,000.

No interim will be conducted if Mr. Quinn was working at the time of his biennial reexamination and then reports that income stopped due to this regular layoff. Nor will an interim be conducted when Mr. Quinn resumes work at this regular job.

Example 2: Ms. Marie works as a school bus driver 10 months out of the year earning $15,000 from this employment. The remaining 2 months, she draws $1,500 a month in unemployment benefits. At her triennial reexamination, ECC/HANH calculated Ms. Marie's annual income to be $18,000 ($15,000 + $3,000 ($1,500 x 2)).

No interim will be conducted when Ms. Marie starts or stops working.

Income from the previous year may be analyzed to determine the amount to anticipate when third party verification is not available or reliable.

Family-Initiated Interim Reexaminations

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

Required Reporting

HUD regulations give ECC/HANH the freedom to determine the circumstances under which families will be required to report changes affecting income.

ECC/HANH Policy

Interim rents remain in place until the next scheduled reexamination or until the household experiences an increase in income equal to or greater than $200.00 per month, whichever comes first.

Households receiving an interim rent reduction must report any subsequent income increase to ECC/HANH within ten (10) days of occurrence. Failure to report the change within ten (10) days results in retroactive rent changes, and depending on the severity of the circumstances, lease termination. This increase in rent does not count as an interim reexamination.

Permanent loss of income (i.e., death of an income earner) results in a permanent, rather than interim, rent reduction. This decrease in rent does not count as an interim reexamination.

Families are not required to report any other income changes.

Example 1: Ms. Austin was receiving child support. When her son went to live with his father, child support payments ended. Now her son has decided to live with her again. Her $150 month child support payment resumed. HANH's policy requires Ms. Austin to report this income and an interim will be conducted.

Example 2: Bob Leonard, 18, started working for the first time. He is earning $175 a month in his part-time job at a fast-food restaurant. As this is new employment, Mr. Leonard is required to report the change and an interim will be conducted.

Example 3: Maxine Mills just received a $250 a month raise from her employer. Ms. Mills is not required to report this change. If she does report it, HANH will not conduct an interim.

Optional Reporting

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)]. The ECC/HANH must process the request if the family reports a change that will result in a reduced family income [HCV GB, p. 12-9].

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

ECC/HANH Policy

If a family reports a change that it was not required to report and that would result in an increase in the family share of the rent, ECC/HANH will note the information in the tenant file, but will not conduct an interim reexamination.

If a family reports a change that it was not required to report and that would result in a decrease in the monthly tiered rent (TTP), ECC/HANH will conduct an interim reexamination. See Section 11-II.D. for effective dates.

11-II.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

ECC/HANH Policy

Families may notify ECC/HANH of changes orally or in writing. The family will be required to submit the changes in writing by completing an interim packet supplied by ECC/HANH.

Generally, the family is not required to attend an interview for an interim reexamination. If ECC/HANH determines an interview is warranted, the family may be required to attend.

Based on the type of change reported, ECC/HANH will determine the documentation the family will be required to submit. The family must submit any required information or

documents within 10 business days of receiving a request from ECC/HANH. This time frame may be extended for good cause with ECC/HANH approval. ECC/HANH will accept required documentation by mail, email, by fax, or in person.

Effective Dates

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

ECC/HANH Policy

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

The increase generally will be effective on the first of the month following 30 days' notice to the family.

If a family fails to report a change or provide all required information within the required time frames, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 16.

If ECC/HANH fails to process a change within the require time frames, the increase will be effective the first of the month after the required 30 day notice prior.

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

The decrease will be effective on the first day of the month following the month in which the change was reported and all required documentation was submitted. If the change cannot be verified until after the date the change would have been effective, the change will be made retroactively. No rent reduction will be processed until all facts are verified even if a retroactive adjustment is the end result.

If ECC/HANH fails to process a change timely, the change will be calculated retroactively to the date it should have been effective, and the family will be credited the amount.

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

11-III.A. OVERVIEW

After gathering and verifying required information for a bi/triennial or interim reexamination, ECC/HANH must recalculate the family share of the rent and the subsidy amount and notify the family and owner of the changes [24 CFR 982.516(d)(2), HCV 12-6 and 12-10]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

In order to calculate the family share of the rent and HAP amount correctly, changes in payment standards, subsidy standards, or utility allowances may need to be updated and included in ECC/HANH's calculations.

Specific policies governing how subsidy standards, payment standards, and utility allowances are applied are discussed below.

Payment Standards [24 CFR 982.505]

The family share of the rent and HAP calculations must use the correct payment standard for the family, taking into consideration the family unit size, the size of unit, and the area in which the unit is located [HCV GB, p. 12-5]. See Chapter 6 for information on how to select the appropriate payment standard.

When ECC/HANH's changes its payment standards or the family's situation changes, new payment standards are applied at the following times:

- If ECC/HANH's payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:
  - If the payment standard amount has *increased*, the increased payment standard will be applied at the *first bi/triennial* reexamination following the effective date of the increase in the payment standard.
  - If the payment standard amount has *decreased*, the decreased payment standard will be applied at the *second bi/triennial* reexamination following the effective date of the decrease in the payment standard.
- If the family moves to a new unit, or a new HAP contract is executed due to changes in the lease (even if the family remains in place) the current payment standard applicable to the family will be used when the new HAP contract is processed.

Subsidy Standards [24 CFR 982.505(c)(4)]

If there is a change in the family unit size that would apply to a family during the HAP contract term, either due to a change in family composition, or a change in ECC/HANH's subsidy standards (see Chapter 5), the new family unit size must be used to determine the payment standard amount for the family at the family's *first bi/triennial* reexamination following the change in family unit size.

Utility Allowances [24 CFR 982.517(d)]

The family share of the rent and HAP calculations must reflect any changes in the family's utility arrangement with the owner, or in ECC/HANH's utility allowance schedule [HCV GB, p. 12-5]. Chapter 16 discusses how utility allowance schedules are established.

When there are changes in the utility arrangement with the owner, ECC/HANH must use the utility allowances in effect at the time the new lease and HAP contract are executed.

At reexamination, ECC/HANH must use the ECC/HANH current utility allowance schedule [24 CFR 982.517(d)(2)].

> ECC/HANH Policy
>
> Revised utility allowances will be applied to a family's rent and subsidy calculations at the first bi/triennial reexamination after the allowance is adopted.

11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

ECC/HANH must notify the owner and family of any changes in the amount of the HAP payment [HUD-52641, HAP Contract]. The notice must include the following information [HCV GB, p. 12-6]:

- The amount and effective date of the new HAP payment
- The amount and effective date of the new family share of the rent
- The amount and effective date of the new tenant rent to owner

The family must be given an opportunity for an informal hearing regarding ECC/HANH's determination of their bi/triennial or adjusted income, and the use of such income to compute the housing assistance payment [24 CFR 982.555(a)(1)(i)] (see Chapter 16).

> ECC/HANH Policy
>
> The notice to the family will include the annual income amounts that were used to calculate the family share of the rent and the housing assistance payment. The notice also will state the procedures for requesting an informal hearing.

11-III.D. DISCREPANCIES

During a bi/triennial or interim reexamination, ECC/HANH may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, ECC/HANH may discover errors made by ECC/HANH. When errors resulting in the overpayment or underpayment of subsidy are discovered, corrections will be made in accordance with the policies in Chapter 13.

Chapter 12

TERMINATION OF ASSISTANCE AND TENANCY

INTRODUCTION

HUD regulations specify mandatory and optional grounds for which ECC/HANH can terminate a family's assistance. They also specify the circumstances under which an owner may terminate the tenancy of an assisted family. This chapter describes the policies that govern mandatory and optional terminations of assistance, and termination of tenancy by the owner. It is presented in three parts:

Part I: Grounds for Termination of Assistance. This part describes the various circumstances under which assistance under the program can be terminated by the family or by ECC/HANH.

Part II: Approach to Termination of Assistance. This part describes the policies and the process that ECC/HANH will use in evaluating decisions on whether to terminate assistance due to actions or inactions of the family where termination is an option. It specifies the alternatives that ECC/HANH may consider in lieu of termination, the criteria ECC/HANH will use when deciding what action to take, and the steps ECC/HANH must take when terminating a family's assistance.

Part III: Termination of Tenancy by the Owner. This part describes the HUD policies that govern the owner's right to terminate an assisted tenancy.

PART I: GROUNDS FOR TERMINATION OF ASSISTANCE

12-I.A. OVERVIEW

HUD requires ECC/HANH to terminate assistance for certain actions and inactions of the family and when the family no longer requires assistance due to increases in family income. HUD permits ECC/HANH to terminate assistance for certain other actions or inactions of the family. In addition, a family may decide to withdraw from the program and terminate their HCV assistance at any time by notifying ECC/HANH.

12-I.B. FAMILY NO LONGER REQUIRES ASSISTANCE [24 CFR 982.455]

As a family's income increases, the amount of the housing assistance payment decreases. If the amount of assistance provided by ECC/HANH is reduced to zero, the family's assistance terminates automatically 180 days after the last HAP payment.

ECC/HANH Policy

If a participating family receiving zero assistance experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify ECC/HANH of the change and request an interim reexamination before the expiration of the 180-day period.

12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE

The family may request that ECC/HANH terminate housing assistance payments on behalf of the family at any time.

ECC/HANH Policy

The request to terminate assistance should be made in writing and signed by the head of household, and spouse or cohead if applicable. Before terminating the family's assistance, ECC/HANH will follow the notice requirements in Section 12-II.F.

12-I.D. MANDATORY TERMINATION OF ASSISTANCE

HUD requires ECC/HANH to terminate assistance in the following circumstances.

Eviction [24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1)]

ECC/HANH must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. As discussed further in section 12-II.E, incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking.

ECC/HANH Policy

A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. In such cases ECC/HANH will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures described in section 12-II.C. In making its decision, ECC/HANH will consider the factors described in sections 12-II.D and 12-II.E. Upon consideration of such factors, ECC/HANH may, on a case-by-case basis, choose not to terminate assistance.

Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests.

Failure to Provide Consent [24 CFR 982.552(b)(3)]

ECC/HANH must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a regular or interim reexamination. See Chapter 7 for a complete discussion of consent requirements.

Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]

ECC/HANH must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely

manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by ECC/HANH, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

For (3) above, such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), Notice PIH 2018-24]

ECC/HANH must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and ECC/HANH determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, ECC/HANH may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date ECC/HANH determined the family to be noncompliant.

> ECC/HANH Policy
>
> ECC/HANH will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]

ECC/HANH must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

Lifetime Registered Sex Offenders [Notice PIH 2012-28]

Should ECC/HANH discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, ECC/HANH must immediately terminate assistance for the household member.

In this situation, ECC/HANH must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, ECC/HANH must terminate assistance for the household.

Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, is not residing with his/her parents in an HCV assisted household, and is not a person with disabilities receiving HCV assistance as of

November 30, 2005, ECC/HANH must the terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in accordance with program regulations and ECC/HANH policies, or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.

Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]

ECC/HANH must immediately terminate program assistance for deceased single member households.

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

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

HUD requires ECC/HANH to establish policies that permit ECC/HANH to terminate assistance if ECC/HANH determines that:

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

Use of Illegal Drugs and Alcohol Abuse

ECC/HANH Policy

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

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

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

ECC/HANH will consider all credible evidence, including but not limited to, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

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

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

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

ECC/HANH Policy

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

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

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

Other Authorized Reasons for Termination of Assistance
[24 CFR 982.552(c), 24 CFR 5.2005(c) 24 CFR 984.101(d)]

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

Additionally, per 24 CFR 984.101(d), ECC/HANH is no longer permitted to terminate assistance to a family due to the family's failure to meet its obligations under the Family Self-Sufficiency (FSS) contract of participation

ECC/HANH Policy

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

ECC/HANH **will** terminate a family's assistance if:

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

Any family member has been evicted from federally-assisted housing in the last five years.

Any PHA has ever terminated assistance under the program for any member of the family for the family's actions or failure to act.

Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

The family currently owes rent or other amounts to any PHA in connection with Section 8 or public housing assistance under the 1937 Housing Act.

The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family has breached the terms of a repayment agreement entered into with ECC/HANH.

A family member has engaged in or threatened violent or abusive behavior toward ECC/HANH personnel.

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

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

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

Family Absence from the Unit [24 CFR 982.312]

The family may be absent from the unit for brief periods. ECC/HANH must establish a policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit.

ECC/HANH Policy

If the family is absent from the unit for more than 180 consecutive calendar days, the family's assistance will be terminated. Notice of termination will be sent in accordance with Section 12-II.F.

In order to determine whether the family is absent from the unit, ECC/HANH may take the following actions:

- Write letters to the family at the unit;
- Telephone the family at the unit;
- Interview neighbors;
- Verify if utilities are in service; and/or
- Check with the post office.

Insufficient Funding [24 CFR 982.454]

ECC/HANH may terminate HAP contracts if ECC/HANH determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

ECC/HANH Policy

ECC/HANH will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If ECC/HANH determines there is a shortage of funding, prior to terminating any HAP contracts, ECC/HANH will determine if any other actions can be taken to reduce program costs.

In the event that ECC/HANH decides to stop issuing vouchers as a result of a funding shortfall, and ECC/HANH is not assisting the required number of special purpose vouchers (NED families, HUD-Veterans Affairs Supportive Housing (VASH) families, and family unification program (FUP) families), when ECC/HANH resumes issuing vouchers, ECC/HANH will issue vouchers first to these special purpose voucher families on its waiting list until it has reached the required number of special purpose vouchers, when applicable.

If after implementing all reasonable cost cutting measures, including amending subsidy standards so as not to provide a bedroom on the voucher for a live-in aide, there is not enough funding available to provide continued assistance for current participants, ECC/HANH will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, ECC/HANH will inform the local HUD field office. ECC/HANH will terminate the minimum number needed in order to reduce HAP costs to a level within ECC/HANH's annual budget authority.

If ECC/HANH must terminate HAP contracts due to insufficient funding, ECC/HANH will do so in accordance with the following criteria and instructions:

Families comprising the required number of special purpose vouchers, including nonelderly disabled (NED), HUD-Veteran's Affairs Supportive Housing (HUD-VASH), and family unification program (FUP) will be the last to be terminated.

The first families to be terminated due to insufficient funding will be those families that have been on the HCV program the longest, excluding near-elderly, elderly, and disabled families, and those families that have purchased a home through the HCV Homeownership program.

PART II: APPROACH TO TERMINATION OF ASSISTANCE

12-II.A. OVERVIEW

ECC/HANH is required by regulation to terminate a family's assistance for certain actions or inactions of the family. For other types of actions or inactions of the family, the regulations give ECC/HANH the authority to either terminate the family's assistance or to take another action. This part discusses the various actions ECC/HANH may choose to take when it has discretion, and outlines the criteria ECC/HANH will use to make its decision about whether or not to terminate assistance. It also specifies the requirements for the notification to the family of ECC/HANH's intent to terminate assistance.

12-II.B. METHOD OF TERMINATION [24 CFR 982.552(a)(3)]

Termination of assistance for a participant may include any or all of the following:

- Terminating housing assistance payments under a current HAP contract,
- Refusing to enter into a new HAP contract or approve a lease, or
- Refusing to process a request for or to provide assistance under portability procedures.

12-II.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE

Change in Household Composition

As a condition of continued assistance, ECC/HANH may require that any household member who participated in or was responsible for an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)].

> ECC/HANH Policy
>
> As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon ECC/HANH request.

Repayment of Family Debts

> ECC/HANH Policy
>
> If a family owes amounts to ECC/HANH, as a condition of continued assistance, ECC/HANH will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from ECC/HANH of the amount owed. See Chapter 16 for policies on repayment agreements.

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

Evidence

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

ECC/HANH Policy

ECC/HANH will use the concept of the preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence

Use of Criminal Conviction Records after Admission [24 CFR 5.903]

The regulation at 24 CFR 5.903 governs ECC/HANH's access to and use of criminal conviction records obtained from a "law enforcement agency" such as the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records. While the regulatory listing of permitted uses for these records includes ECC/HANH's screening of applicants for admission to the HCV program, it specifically excludes the use of records for lease enforcement and eviction of HCV participants and excludes by omission ECC/HANH's use of records to terminate assistance for participants.

While ECC/HANH has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by participants, and therefore, ECC/HANH may not use records for this purpose. The limitations, however, do not apply to criminal conviction information searches from non-federal sources (i.e., sources other than the "law enforcement agencies" defined in 24 CFR 5.902(b)). There is no prohibition that bars ECC/HANH from using non-federal sources to conduct criminal background checks of program participants.

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

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

ECC/HANH Policy

ECC/HANH will consider the following factors when making its decision to terminate assistance:

The seriousness of the case, especially with respect to how it would affect other residents

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

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

The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future

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

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

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

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

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

ECC/HANH Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, ECC/HANH will determine whether the behavior is related to the disability. If so, upon the family's request, ECC/HANH will determine whether alternative measures are appropriate as a reasonable accommodation. ECC/HANH will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance. See Chapter 2 for a discussion of reasonable accommodation.

12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING OR HUMAN TRAFFICKING

This section describes the protections against termination of assistance that the Violence against Women Act of 2013 (VAWA) provides for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking. For general VAWA requirements, key VAWA definitions, and ECC/HANH policies pertaining to notification, documentation, and confidentiality, see section 16-IX of this plan.

VAWA Protections against Termination

VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking. (*Note:* The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program, as do the limitations discussed under the next heading.)

Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began 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, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

First, VAWA provides that ECC/HANH may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to ECC/HANH, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4)].

Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [24 CFR 5.2005(c)(1)].

Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault or stalking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, or stalking [24 CFR 5.2005(c)(2)].

Fourth, it gives ECC/HANH the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

ECC/HANH 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 [FR Notice 1/4/23].

Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]

VAWA does not limit the authority of ECC/HANH to terminate the assistance of a victim of abuse for reasons unrelated to domestic violence, dating violence, sexual assault or stalking so long as ECC/HANH does not subject the victim to a more demanding standard than it applies to other program participants [24 CFR 5.2005(d)(1)].

Likewise, VAWA does not limit the authority of ECC/HANH to terminate the assistance of a victim of domestic violence, dating violence, sexual assault or stalking if ECC/HANH can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property if the victim is not terminated from assistance [24 CFR 5.2005(d)(2)].

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. 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

- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

Even when a victim poses an actual and imminent threat, however, HUD regulations authorize ECC/HANH to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat" [24 CFR 5.2005(d)(3)].

ECC/HANH Policy

In determining whether a program participant who is a victim of domestic violence, dating violence, sexual assault or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, ECC/HANH will consider the following, and any other relevant, factors:

Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault or stalking

Whether the threat is a physical danger beyond a speculative threat

Whether the threat is likely to happen within a short period of time

Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat

If the participant wishes to contest ECC/HANH's determination that he or she is an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing.

Documentation of Abuse [24 CFR 5.2007]

ECC/HANH Policy

When an individual facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault or stalking claims protection under VAWA, ECC/HANH will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-IX.D of this plan.

ECC/HANH reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases ECC/HANH will document the waiver in the individual's file.

Terminating the Assistance of a Domestic Violence Perpetrator

Although VAWA provides protection against termination of assistance for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives ECC/HANH the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others" without terminating assistance to "or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant" [24 CFR 5.2009(a)]. This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state, or other federal law to the contrary. However, if ECC/HANH chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance. This means

that ECC/HANH must follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family [3/16/07 *Federal Register* notice on the applicability of VAWA to HUD programs].

If the perpetrator remains in the unit, ECC/HANH continues to pay the owner until ECC/HANH terminates the perpetrator from the program. ECC/HANH must not stop paying HAP until 30 days after the owner bifurcates the lease to evict the perpetrator. ECC/HANH may pay HAP for the full month if the 30-day period will end mid-month [Notice PIH 2017-08].

If the perpetrator is the only participant eligible to receive assistance, ECC/HANH will provide any remaining participant a chance to establish eligibility for the program. If the remaining participant cannot do so, ECC/HANH will provide them with 30 days to establish eligibility for another housing program prior to termination of the HAP contract.

ECC/HANH Policy

ECC/HANH will terminate assistance to a family member if ECC/HANH determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the assistance of the remaining, nonculpable family members.

In making its decision, ECC/HANH will consider all credible evidence, including, but not limited to, a signed certification (form HUD-50066) or other documentation of abuse submitted to ECC/HANH by the victim in accordance with this section and section 16-IX.D. ECC/HANH will also consider the factors in section 12-II.D. Upon such consideration, ECC/HANH may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If ECC/HANH does terminate the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations, and the policies in this plan.

12-II.F. TERMINATION NOTICE

HUD regulations require ECC/HANH to provide written notice of termination of assistance to a family only when the family is entitled to an informal hearing. However, since the family's HAP contract and lease will also terminate when the family's assistance terminates [form HUD-52641], it is a good business practice to provide written notification to both owner and family anytime assistance will be terminated, whether voluntarily or involuntarily.

ECC/HANH Policy

Whenever a family's assistance will be terminated, ECC/HANH will send a written notice of termination to the family and to the owner. ECC/HANH will also send a form HUD-50066 to the family with the termination notice. The notice will state the date on which the termination will become effective. This date generally will be at least 30 calendar days following the date of the termination notice, but exceptions will be made whenever HUD rules, other ECC/HANH policies, or the circumstances surrounding the termination require.

When ECC/HANH notifies an owner that a family's assistance will be terminated, ECC/HANH will, if appropriate, advise the owner of his/her right to offer the family a separate, unassisted lease.

If a family whose assistance is being terminated is entitled to an informal hearing, the notice of termination that ECC/HANH sends to the family must meet the additional HUD and ECC/HANH notice requirements discussed in section 16-III.C of this plan. VAWA 2013 expands notification requirements to require ECC/HANH to provide notice of VAWA rights and the HUD 50066 form when ECC/HANH terminates a household's housing benefits.

ECC/HANH Policy

Whenever ECC/HANH decides to terminate a family's assistance because of the family's action or failure to act, ECC/HANH will include in its termination notice the VAWA information described in section 16-IX.C of this plan and a form HUD-50066. ECC/HANH will request in writing that a family member wishing to claim protection under VAWA notify ECC/HANH within 10 business days.

Still other notice requirements apply in two situations:

If a criminal record is the basis of a family's termination, ECC/HANH must provide a copy of the record to the subject of the record and the tenant so that they have an opportunity to dispute the accuracy and relevance of the record [24 CFR 982.553(d)(2)].

ECC/HANH Policy

If a family will be terminated on the basis of a criminal record, ECC/HANH will notify the family in writing of the proposed termination and provide the applicant and the subject of the record the opportunity to view the record at ECC/HANH's offices. The family will be given 10 business days to dispute the accuracy and relevance of the information. If the family does not contact ECC/HANH to dispute the information within that 10-day period, ECC/HANH will proceed with the termination. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official termination letter will still be given the opportunity to do so as part of the informal hearing process.

PART III: TERMINATION OF TENANCY BY THE OWNER

12-III.A. OVERVIEW

Termination of an assisted tenancy is a matter between the owner and the family; ECC/HANH is not directly involved. However, the owner is under some constraints when terminating an assisted tenancy. Termination of tenancy for certain reasons will also result in termination of assistance as discussed in this section.

12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310, 24 CFR 5.2005(c), and Form HUD-52641-A, Tenancy Addendum]

During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

Serious or Repeated Lease Violations

The owner is permitted to terminate the family's tenancy for serious or repeated violations of the terms and conditions of the lease, except when the violations are related to incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking and the victim is protected from eviction by the Violence against Women Act of 2013 (see section 12-II.E). A serious lease violation includes failure to pay rent or other amounts due under the lease. However, ECC/HANH's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

Violation of Federal, State, or Local Law

The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

Criminal Activity or Alcohol Abuse

The owner may terminate tenancy during the term of the lease if any *covered person*—meaning any member of the household, a guest, or another person under the tenant's control—commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- 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)
- 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
- Any violent criminal activity on or near the premises
- Any drug-related criminal activity on or near the premises

However, in the case of criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, if the tenant or an affiliated individual is the victim, the criminal activity may not be construed as cause for terminating the victim's tenancy (see section 12-II.E).

The owner may terminate tenancy during the term of the lease if any member of the household is:

- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an 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
- Violating a condition of probation or parole imposed under federal or state law.

The owner may terminate 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.

Evidence of Criminal Activity

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

Other Good Cause

During the initial lease term, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

After the initial lease term, "other good cause" for termination of tenancy by the owner includes:

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

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

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

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. The owner must give ECC/HANH a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give ECC/HANH a copy of any eviction notice (see Chapter 5).

ECC/HANH Policy

If the eviction action is finalized in court, the owner must provide ECC/HANH with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than 5 business days following the court-ordered eviction.

12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h), 24 CFR 982.310(h)(4)]

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The nature of the offending action
- The seriousness of the offending action;
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy;
- The extent of participation by the leaseholder in the offending action;
- The effect of termination of tenancy on household members not involved in the offending activity;
- The demand for assisted housing by families who will adhere to lease responsibilities;
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, sexual assault or stalking is limited by the Violence against Women Act of 2013 (VAWA) and the conforming regulations in 24 CFR Part 5, Subpart L. (See section 12-II.E.)

12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY'S ASSISTANCE

If a termination is not due to a serious or repeated violation of the lease, and if ECC/HANH has no other grounds for termination of assistance, ECC/HANH may issue a new voucher so that the family can move with continued assistance (see Chapter 10).

EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS

Following is a listing of a participant family's obligations under the HCV program:

- The family must supply any information that ECC/HANH or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by ECC/HANH or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

  ECC/HANH Policy

  Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.

- The family must allow ECC/HANH to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.

  ECC/HANH Policy

  ECC/HANH will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner's notice to evict.

  Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].

- The family must notify ECC/HANH and the owner before moving out of the unit or terminating the lease.

  ECC/HANH Policy

  The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to ECC/HANH at the same time the owner is notified.

- The family must promptly give ECC/HANH a copy of any owner eviction notice.
- The family must use the assisted unit for residence by the family. The unit must be the family's only residence. The composition of the assisted family residing in the unit must be approved by ECC/HANH. The family must promptly notify ECC/HANH in writing of the birth, adoption, or court-awarded custody of a child. The family must request ECC/HANH approval to add any other family member as an occupant of the unit.

  ECC/HANH Policy

  The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. ECC/HANH will determine eligibility of the new member in accordance with the policies in Chapter 3.
- The family must promptly notify ECC/HANH in writing if any family member no longer lives in the unit.
- If ECC/HANH has given approval, a foster child or a live-in aide may reside in the unit. ECC/HANH has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when ECC/HANH consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).
- The family must not sublease the unit, assign the lease, or transfer the unit.

  ECC/HANH Policy

  Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
- The family must supply any information requested by ECC/HANH to verify that the family is living in the unit or information related to family absence from the unit.
- The family must promptly notify ECC/HANH when the family is absent from the unit.

  ECC/HANH Policy

  Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to ECC/HANH at the start of the extended absence.
- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).
- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of

other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and ECC/HANH policies related to drug-related and violent criminal activity.

- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and ECC/HANH policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the ECC/HANH has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]

Chapter 13

OWNERS

INTRODUCTION

Owners play a major role in the HCV program by supplying decent, safe, and sanitary housing for participating families.

The term "owner" refers to any person or entity with the legal right to lease or sublease a unit to a participant in the HCV program [24 CFR 982.4(b)]. The term "owner" includes a principal or other interested party [24 CFR 982.453; 24 CFR 982.306(f)], such as a designated agent of the owner.

Owners have numerous responsibilities under the program, including screening and leasing to families, maintaining the dwelling unit, enforcing the lease, and complying with various contractual obligations.

The chapter is organized in two parts:

> Part I: Owners in the HCV Program. This part discusses the role of an owner in ECC/HANH's HCV program and highlights key owner rights and responsibilities.
>
> Part II: HAP Contracts. This part explains provisions of the HAP contract and the relationship between ECC/HANH and the owner as expressed in the HAP contract.

For detailed information about HCV program responsibilities and processes, including ECC/HANH policies in key areas, owners will need to refer to several other chapters in this plan. Where appropriate, Chapter 13 will reference the other chapters.

PART I. OWNERS IN THE HCV PROGRAM

13-I.A. OWNER RECRUITMENT AND RETENTION [HCV GB, pp. 2-4 to 2-6]

Recruitment

ECC/HANH is responsible for ensuring that very low-income families have access to all types and ranges of affordable housing in ECC/HANH's jurisdiction, particularly housing outside areas of poverty or minority concentration. A critical element in fulfilling this responsibility is for ECC/HANH to ensure that a sufficient number of owners, representing all types and ranges of affordable housing in ECC/HANH's jurisdiction, are willing to participate in the HCV program.

To accomplish this objective, ECC/HANH must identify and recruit new owners to participate in the program.

If ECC/HANH will be conducting outreach events, ECC/HANH will ensure that notices and communications during outreach events are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities. ECC/HANH must also take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency.

ECC/HANH Policy

ECC/HANH will conduct owner outreach to ensure that owners are familiar with the program and its advantages. ECC/HANH will actively recruit property owners with property located outside areas of poverty and minority concentration. These outreach strategies will include:

- Distributing printed material about the program to property owners and managers
- Holding owner recruitment/information meetings at least once a year
- Participating in community based organizations comprised of private property and apartment owners and managers
- Developing working relationships with owners and real estate brokers associations
- Contacting property owners and managers by phone or in-person
- To the extent practical, partnering with and attending events hosted by other area agencies to deliver information about the HCV program

Outreach strategies will be monitored for effectiveness, and adapted accordingly.

Retention

In addition to recruiting owners to participate in the HCV program, ECC/HANH must also provide the kind of customer service that will encourage participating owners to remain active in the program.

ECC/HANH Policy

ECC/HANH activities that may affect an owner's ability to lease a unit will be processed as rapidly as possible, in order to minimize vacancy losses for owners.

ECC/HANH will provide owners with a packet that explains the program, including HUD and ECC/HANH policies and procedures, in easy-to-understand language.

ECC/HANH will give special attention to helping new owners succeed through activities such as:

- Providing the owner with a designated ECC/HANH contact person.
- Coordinating inspection and leasing activities between ECC/HANH, the owner, and the family.
- Providing other written information about how the program operates, including answers to frequently asked questions.
- Initiating telephone or virtual contact with the owner to explain the inspection process and providing an inspection booklet and other resource materials about HUD housing quality standards.
- Contacting owners via emails, texts, portals or social media to disseminate information.

Additional services may be undertaken on an as-needed basis, and as resources permit.

13-I.B. BASIC HCV PROGRAM REQUIREMENTS

HUD requires ECC/HANH to assist families in their housing search by providing the family with a list of landlords or other parties known to ECC/HANH who may be willing to lease a unit to the family, or to help the family find a unit. Although ECC/HANH cannot maintain a list of owners that are pre-qualified to participate in the program, owners may indicate to ECC/HANH their willingness to lease a unit to an eligible HCV family, or to help the HCV family find a unit [24 CFR 982.301(b)(11)].

> ECC/HANH Policy
>
> Owners that wish to indicate their willingness to lease a unit to an eligible HCV family or to help the HCV family find a unit must notify ECC/HANH. ECC/HANH will maintain a listing of such owners and provide this listing to the HCV family as part of the informational briefing packet.

When a family approaches an owner to apply for tenancy, the owner is responsible for screening the family and deciding whether to lease to the family, just as the owner would with any potential unassisted tenant. ECC/HANH has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy. See chapters 3 and 9 for more detail on tenant family screening policies and process.

If the owner is willing, the family and the owner must jointly complete a Request for Tenancy Approval (RTA, Form HUD 52517), which constitutes the family's request for assistance in the specified unit, and which documents the owner's willingness to lease to the family and to follow the program's requirements. When submitted to ECC/HANH, this document is the first step in the process of obtaining approval for the family to receive the financial assistance it will need in order to occupy the unit. Also submitted with the RTA is a copy of the owner's proposed dwelling lease, including the HUD-required Tenancy Addendum (Form HUD-52641-A). See Chapter 9 for more detail on request for tenancy approval policies and process.

HUD regulations stipulate requirements for the approval of an assisted tenancy.

The owner must be qualified to participate in the program [24 CFR 982.306]. Some owners are precluded from participating in the program, or from renting to a particular family, either because of their past history with this or another federal housing program, or because of certain conflicts of interest. Owner qualifications are discussed later in this chapter.

The selected unit must be of a type that is eligible for the program [24 CFR 982.305(a)]. Certain types of dwelling units cannot be assisted under the HCV program. Other types may be assisted under certain conditions. See chapter 9 for more detail on unit eligibility policies and process.

The selected unit must meet HUD's Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD [24 CFR 982.305(a)]. ECC/HANH will inspect the owner's dwelling unit at least annually to ensure that the unit continues to meet HQS requirements. See chapter 8 for a discussion of the HQS standards and policies for HQS inspections at initial lease-up and throughout the family's tenancy.

ECC/HANH must determine that the proposed rent for the unit is reasonable [24 CFR 982.305(a)]. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the

premises. See chapter 8 for a discussion of requirements and policies on rent reasonableness, rent comparability and the rent reasonableness determination process.

At initial lease-up of a unit, if the gross rent exceeds the applicable payment standard, ECC/HANH must ensure that the family share does not exceed 40 percent of the family's monthly adjusted income [24 CFR 982.305(a)]. See chapter 6 for a discussion of the calculation of family income, family share of rent and HAP.

The dwelling lease must comply with all program requirements [24 CFR 982.308]. Owners are encouraged to use their standard leases when renting to an assisted family. The HUD Tenancy Addendum includes the HUD requirements governing the tenancy and must be added word-for-word to the owner's lease. See chapter 9 for a discussion of the dwelling lease and tenancy addendum, including lease terms and provisions.

ECC/HANH and the owner must execute a Housing Assistance Payment (HAP) Contract (Form HUD-52641). The HAP contract format is prescribed by HUD. See chapter 9 for a discussion of the HUD requirements for execution of the HAP contract.

13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452]

The basic owner responsibilities in the HCV program are outlined in the regulations as follows:

- Compliance with all of the owner's obligations under the housing assistance payments (HAP) contract and the lease
- Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit
- Maintaining the unit in accordance with the Housing Quality Standards (HQS), including performance of ordinary and extraordinary maintenance
- Complying with equal opportunity requirements
- Preparing and furnishing to ECC/HANH, information required under the HAP contract
- Collecting the security deposit, the tenant rent, and any charges for unit damage by the family.
- Enforcing tenant obligations under the dwelling lease
- Paying for utilities and services that are not the responsibility of the family as specified in the lease
- Allow reasonable modifications to a dwelling unit occupied or to be occupied by a disabled person [24 CFR 100.203]
- Complying with the Violence against Women Reauthorization Act of 2013 (VAWA) when screening prospective HCV tenants or terminating the tenancy of an HCV family (see 24 CFR Part 5, Subpart L; 24 CFR 982.310(h)(4); and 24 CFR 982.452(b)(1))

13-I.D. OWNER QUALIFICATIONS

ECC/HANH does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where ECC/HANH may deny approval of an assisted tenancy

based on past owner behavior, conflict of interest, or other owner-related issues. No owner has a right to participate in the HCV program [24 CFR 982.306(e)].

Owners Barred from Participation [24 CFR 982.306(a) and (b)]

ECC/HANH must not approve the assisted tenancy if ECC/HANH has been informed that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24. HUD may direct ECC/HANH to not to approve a tenancy request if a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements, or if such an action is pending.

Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]

ECC/HANH must not approve a tenancy if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. ECC/HANH may make an exception as a reasonable accommodation for a family member with a disability. The owner is required to certify that no such relationship exists. This restriction applies at the time that the family receives assistance under the HCV program for occupancy of a particular unit. Current contracts on behalf of owners and families that are related may continue, but any new leases or contracts for these families may not be approved.

Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19 Form HUD-52641, Section 13]

ECC/HANH must not approve a tenancy in which any of the following classes of persons (covered individuals) has any interest, direct or indirect, during tenure or for one year thereafter:

- Any present or former member or officer of ECC/HANH (except a participant commissioner)
- Any employee of ECC/HANH, or any contractor, subcontractor or agent of ECC/HANH, who formulates policy or who influences decisions with respect to the programs
- Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs
- Any member of the Congress of the United States

A covered individual may not have any direct or indirect interest in the HAP contract or in any benefits or payments under the contract (including the interest of an immediate family member of such covered individual) while such person is a covered individual or during one year thereafter.

“Immediate family member” means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister or brother (including a stepsister or stepbrother) of any covered individual.

HUD may waive the conflict of interest requirements, except for members of Congress, for good cause. ECC/HANH must submit a waiver request to the appropriate HUD Field Office for determination.

Any waiver request submitted by ECC/HANH must include the following [HCV Guidebook pp.11-2 and 11-3]:

- Complete statement of the facts of the case;

- Analysis of the specific conflict of interest provision of the HAP contract and justification as to why the provision should be waived;
- Analysis of and statement of consistency with state and local laws. The local HUD office, ECC/HANH, or both parties may conduct this analysis. Where appropriate, an opinion by the state's attorney general should be obtained;
- Opinion by the local HUD office as to whether there would be an appearance of impropriety if the waiver were granted;
- Statement regarding alternative existing housing available for lease under the HCV program or other assisted housing if the waiver is denied;
- If the case involves a hardship for a particular family, statement of the circumstances and discussion of possible alternatives;
- If the case involves a public official or member of the governing body, explanation of his/her duties under state or local law, including reference to any responsibilities involving the HCV program;
- If the case involves employment of a family member by ECC/HANH or assistance under the HCV program for an eligible ECC/HANH employee, explanation of the responsibilities and duties of the position, including any related to the HCV program;
- If the case involves an investment on the part of a member, officer, or employee of ECC/HANH, description of the nature of the investment, including disclosure/divestiture plans.

Where ECC/HANH has requested a conflict of interest waiver, ECC/HANH may not execute the HAP contract until HUD has made a decision on the waiver request.

ECC/HANH Policy

In considering whether to request a conflict of interest waiver from HUD, ECC/HANH will consider certain factors such as consistency of the waiver with state and local laws, the existence of alternative housing available to families, the individual circumstances of a particular family, the specific duties of individuals whose positions present a possible conflict of interest, the nature of any financial investment in the property and plans for disclosure/divestiture, and the possible appearance of impropriety.

Owner Actions That May Result in Disapproval of a Tenancy Request [24 CFR 982.306(c)]

HUD regulations permit ECC/HANH to disapprove a request for tenancy for various actions and inactions of the owner.

If ECC/HANH disapproves a request for tenancy because an owner is not qualified, it may not terminate the HAP contract for any assisted families that are already living in the owner's properties unless the owner has violated the HAP contract for those units [HCV GB p. 11-4].

ECC/HANH Policy

ECC/HANH will refuse to approve a request for tenancy if ECC/HANH becomes aware that any of the following are true:

The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);

The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

The owner has engaged in any drug-related criminal activity or any violent criminal activity;

The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;

The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

(i) Threatens the right to peaceful enjoyment of the premises by other residents;

(ii) (ii) Threatens the health or safety of other residents, of employees of ECC/HANH, or of owner employees or other persons engaged in management of the housing;

(iii) (iii) 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; or

(iv) (iv) Is drug-related criminal activity or violent criminal activity;

The owner has a history or practice of renting units that fail to meet state or local housing codes; or

The owner has not paid state or local real estate taxes, fines, or assessment.

In considering whether to disapprove owners for any of the discretionary reasons listed above, ECC/HANH will consider any mitigating factors. Such factors may include, but are not limited to, the seriousness of the violation in relation to program requirements, the impact on the ability of families to lease units under the program, health and safety of participating families, among others. Upon consideration of such circumstances, ECC/HANH may, on a case-by-case basis, choose to approve an owner.

In determining whether to disapprove an owner, ECC/HANH will also check the Federal General Services Administration System for Award Management (SAM) website and screen the owner's name(s). ECC/HANH will not enter into a HAP contract with any owner listed with 'Exclusion' on the SAM website.

Legal Ownership of Unit

The following represents ECC/HANH policy on legal ownership of a dwelling unit to be assisted under the HCV program.

ECC/HANH Policy

ECC/HANH will only enter into a contractual relationship with the legal owner of a qualified unit. No tenancy will be approved without acceptable documentation of legal ownership (e.g., City of New Haven Town Clerk online services verified; deed of trust, proof of taxes for most recent year).

13-I.E. NON-DISCRIMINATION [HAP Contract – Form HUD-52641]

The owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability, in connection with any actions or responsibilities under the HCV program and the HAP contract with ECC/HANH.

The owner must cooperate with ECC/HANH and with HUD in conducting any equal opportunity compliance reviews and complaint investigations in connection with the HCV program and the HAP contract with ECC/HANH.

See Chapter 2 for a more thorough discussion of Fair Housing and Equal Opportunity requirements in the HCV program.

PART II. HAP CONTRACTS

13-II.A. OVERVIEW

The HAP contract represents a written agreement between ECC/HANH and the owner of the dwelling unit occupied by a HCV assisted family. The contract spells out the owner's responsibilities under the program, as well as ECC/HANH'S obligations. Under the HAP contract, ECC/HANH agrees to make housing assistance payments to the owner on behalf of the family approved by ECC/HANH to occupy the unit.

The HAP contract is used for all HCV program tenancies except for assistance under the Section 8 homeownership program, and assistance to families that own a manufactured home and use their assistance to lease the space for the manufactured home. See chapter 15 for a discussion of any special housing types included in ECC/HANH's HCV program.

When ECC/HANH has determined that the unit meets program requirements and the tenancy is approvable, ECC/HANH and owner must execute the HAP contract. See chapter 9 for a discussion of the leasing process, including provisions for execution of the HAP contract.

13-II.B. HAP CONTRACT CONTENTS

The HAP contract format is required by HUD, specifically Housing Assistance Payment (HAP) Contract, Form HUD-52641.

The HAP contract contains three parts.

Part A of the contract includes basic contract information: the names of the tenant and all household members, the address of the contract unit, start and end dates of initial lease term, the amount of initial monthly rent to owner, the amount of initial housing assistance payment, the utilities and appliances to be supplied by owner and tenant, and the signatures of the ECC/HANH representative and owner [HCV Guidebook, pp. 11-10 and 11-11].

In general, the HAP contract cannot be modified. However, ECC/HANH does have the discretion to add language to Part A of the HAP contract which prohibits the owner from collecting a security deposit in excess of private market practices or in excess of amounts charged to unassisted tenants. ECC/HANH policy on the amount of security deposit an owner may collect is found in Chapter 9.

ECC/HANH also have the discretion to add language to Part A of the HAP contract that defines when the housing assistance payment by ECC/HANH is deemed received by the owner (e.g., upon mailing by ECC/HANH or actual receipt by the owner).

> <u>ECC/HANH Policy</u>
>
> ECC/HANH has not adopted a policy that defines when the housing assistance payment by ECC/HANH is deemed received by the owner. Therefore, no modifications to the HAP contract will be necessary.

Part B is the body of the contract. It describes in detail program requirements affecting the owner and owner roles and responsibilities under the HCV program. Most of the requirements contained in Part B of the HAP contract are outlined elsewhere in this plan. Topics addressed in Part B include:

- Lease of Contract Unit
- Maintenance, Utilities, and Other Services
- Term of HAP Contract
- Provision and Payment of Utilities and Appliances
- Rent to Owner: Reasonable Rent
- ECC/HANH Payment to Owner
- Prohibition of Discrimination
- Owner's Breach of HAP Contract
- ECC/HANH and HUD Access to Premises and Owner's Records
- Exclusion of Third-Party Rights
- Conflict of Interest
- Assignment of the HAP Contract
- Written Notices
- Entire Agreement Interpretation

Part C of the contract includes the Tenancy Addendum (Form HUD-52641-A). The addendum sets forth the tenancy requirements for the program and the composition of the household, as approved by ECC/HANH. The tenant has the right to enforce the Tenancy Addendum against the owner. The terms of the Tenancy Addendum prevail over any other provisions of the lease.

13-II.C. HAP CONTRACT PAYMENTS

General

During the term of the HAP contract, and subject to the provisions of the HAP contract, ECC/HANH must make monthly HAP payments to the owner on behalf of the family, at the beginning of each month. If a lease term begins after the first of the month, the HAP payment for the first month is prorated for a partial month.

The amount of the HAP payment is determined according to the policies described in Chapter 6 and is subject to change during the term of the HAP contract. ECC/HANH must notify the owner and the family in writing of any changes in the HAP payment.

HAP payments can be made only during the lease term, and only while the family is residing in the unit.

The monthly HAP payment by ECC/HANH is credited toward the monthly rent to owner under the family's lease. The total of the rent paid by the tenant and the HAP payment is equal to the rent to owner as specified in the lease.

The family is not responsible for payment of the HAP payment, and ECC/HANH is not responsible for payment of the family share of rent.

The family's share of the rent cannot be more than the difference between the rent to owner and the HAP payment. The owner may not demand or accept any rent payment from the tenant in excess of this maximum [24 CFR 982.451(b)(4)]. The owner may not charge the tenant extra

amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises [24 CFR 982.510(c)]. See chapter 9 for a discussion of separate, non-lease agreements for services, appliances and other items that are not included in the lease.

If the owner receives any excess HAP from ECC/HANH, the excess amount must be returned immediately. If ECC/HANH determines that the owner is not entitled to all or a portion of the HAP, ECC/HANH may deduct the amount of overpayment from any amounts due to the owner, including amounts due under any other Section 8 HCV contract. See Chapter 16 for additional detail on owner reimbursement of HAP overpayments.

Owner Certification of Compliance

Unless the owner complies with all provisions of the HAP contract, the owner is not entitled to receive housing assistance payments under the HAP contract [HAP Contract – Form HUD-52641].

By endorsing the monthly check from ECC/HANH, the owner certifies to compliance with the terms of the HAP contract. This includes certification that the owner is maintaining the unit and premises in accordance with HQS; that the contract unit is leased to the tenant family and, to the best of the owner's knowledge, the family resides in the unit as the family's only residence; the rent to owner does not exceed rents charged by the owner for comparable unassisted units on the premises; and that the owner does not receive (other than rent to owner) any additional payments or other consideration for rent of the contract unit during the HAP term.

Late HAP Payments [24 CFR 982.451(a)(5)]

ECC/HANH is responsible for making HAP payments promptly when due to the owner, in accordance with the terms of the HAP contract. After the first two calendar months of the HAP contract term, the HAP contract provides for late penalties if ECC/HANH fails to make the HAP payment on time.

Penalties for late HAP payments can only be imposed if 1) the penalties are in accordance with generally accepted local rental market practices and law governing penalties for late payment by tenants; 2) it is the owner's normal business practice to charge late payment penalties for both assisted and unassisted families; and 3) the owner charges the assisted family for late payment of the family's share of the rent.

ECC/HANH is not required to pay a late payment penalty if HUD determines that the payment is late for reasons beyond ECC/HANH'S control. In addition, late payment penalties are not required if ECC/HANH intentionally delays or denies payment as a remedy to an owner breach of the HAP contract [HCV Guidebook p. 11-7].

Termination of HAP Payments [24 CFR 982.311(b)]

ECC/HANH must continue making housing assistance payments to the owner in accordance with the HAP contract as long as the tenant continues to occupy the unit and the HAP contract is not violated.

HAP payments terminate when the HAP contract terminates or when the tenancy is terminated in accordance with the terms of the lease.

If the owner has initiated eviction proceedings against the family and the family continues to reside in the unit, ECC/HANH must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

ECC/HANH Policy

The owner must inform ECC/HANH when the owner has initiated eviction proceedings against the family and the family continues to reside in the unit.

The owner must inform ECC/HANH when the owner has obtained a court judgment or other process allowing the owner to evict the tenant, and provide ECC/HANH with a copy of such judgment or determination.

After the owner has obtained a court judgment or other process allowing the owner to evict the tenant, ECC/HANH will continue to make HAP payments to the owner until the family actually moves from the unit or until the family is physically evicted from the unit, whichever is earlier. The owner must inform ECC/HANH of the date when the family actually moves from the unit or the family is physically evicted from the unit.

13-II.D. BREACH OF HAP CONTRACT [24 CFR 982.453]

Any of the following actions by the owner constitutes a breach of the HAP contract:

- If the owner violates any obligations under the HAP contract including failure to maintain the unit in accordance with HQS
- If the owner has violated any obligation under any other HAP contract under Section 8
- If the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulation for the applicable program; or if the owner has committed fraud, bribery or any other corrupt or criminal act in connection with the mortgage or loan
- If the owner has engaged in drug-related criminal activity
- If the owner has committed any violent criminal activity

If ECC/HANH determines that a breach of the HAP contract has occurred, it may exercise any of its rights and remedies under the HAP contract.

ECC/HANH's rights and remedies against the owner under the HAP contract include recovery of any HAP overpayment, suspension of housing assistance payments, abatement or reduction of the housing assistance payment, termination of the payment or termination of the HAP contract. ECC/HANH may also obtain additional relief by judicial order or action.

ECC/HANH must notify the owner of its determination and provide in writing the reasons for the determination. The notice may require the owner to take corrective action by an established deadline. ECC/HANH must provide the owner with written notice of any reduction in housing assistance payments or the termination of the HAP contract.

ECC/HANH Policy

Before ECC/HANH invokes a remedy against an owner, ECC/HANH will evaluate all information and documents available to determine if the contract has been breached.

If relevant, ECC/HANH will conduct an audit of the owner's records pertaining to the tenancy or unit.

If it is determined that the owner has breached the contract, ECC/HANH will consider all of the relevant factors including the seriousness of the breach, the effect on the family, the owner's record of compliance and the number and seriousness of any prior HAP contract violations.

13-II.E. HAP CONTRACT TERM AND TERMINATIONS

The term of the HAP contract runs concurrently with the term of the dwelling lease [24 CFR 982.451(a)(2)], beginning on the first day of the initial term of the lease and terminating on the last day of the term of the lease, including any lease term extensions.

The HAP contract and the housing assistance payments made under the HAP contract terminate if [HCV Guidebook pp.11-4 and 11-5, pg. 15-3]:

- The owner or the family terminates the lease;
- The lease expires;
- ECC/HANH terminates the HAP contract;
- ECC/HANH terminates assistance for the family;
- The family moves from the assisted unit. In this situation, the owner is entitled to keep the housing assistance payment for the month when the family moves out of the unit.
- 180 calendar days have elapsed since ECC/HANH made the last housing assistance payment to the owner;
- The family is absent from the unit for longer than the maximum period permitted by ECC/HANH;
- The Annual Contributions Contract (ACC) between ECC/HANH and HUD expires
- ECC/HANH elects to terminate the HAP contract.

ECC/HANH Policy

ECC/HANH may elect to terminate the HAP contract in each of the following situations:

Available program funding is not sufficient to support continued assistance for families in the program [24 CFR 982.454];

The unit does not meet HQS size requirements due to change in family composition [24 CFR 982.403] – see chapter 8;

The unit does not meet HQS [24 CFR 982.404] – see chapter 8;

The family breaks up [HUD Form 52641] – see chapter 3;

The owner breaches the HAP contract [24 CFR 982.453(b)] – see Section 13-II.D.

If ECC/HANH terminates the HAP contract, ECC/HANH must give the owner and the family written notice. The notice must specify the reasons for the termination and the effective date of the termination. Once a HAP contract is terminated, no further HAP payments may be made under that contract [HCV Guidebook pg.15-4].

ECC/HANH Policy

In all cases, the HAP contract terminates at the end of the calendar month that follows the calendar month in which ECC/HANH gives written notice to the owner. The owner is not entitled to any housing assistance payment after this period, and must return to ECC/HANH any housing assistance payment received after this period.

If the family moves from the assisted unit into a new unit, even if the new unit is in the same building or complex as the assisted unit, the HAP contract for the assisted unit terminates. A new HAP contract would be required [HCV GB, p. 11-17].

When the family moves from an assisted unit into a new unit, the term of the HAP contract for the new unit may begin in the same month in which the family moves out of its old unit. This is not considered a duplicative subsidy [HCV GB, p. 8-22].

13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]

The HAP contract cannot be assigned to a new owner without the prior written consent of ECC/HANH.

An owner under a HAP contract must notify ECC/HANH in writing prior to a change in the legal ownership of the unit. The owner must supply all information as requested by ECC/HANH.

Prior to approval of assignment to a new owner, the new owner must agree to be bound by and comply with the HAP contract. The agreement between the new owner and the former owner must be in writing and in a form that ECC/HANH finds acceptable. The new owner must provide ECC/HANH with a copy of the executed agreement.

ECC/HANH Policy

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

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

Within 10 business days of receiving the owner's request, ECC/HANH will inform the current owner in writing whether the assignment may take place.

The new owner must provide a written certification to ECC/HANH that includes:

A copy of the escrow statement or other document showing the transfer of title and recorded deed;

A copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;

The effective date of the HAP contract assignment;

A written agreement to comply with the terms of the HAP contract; and

A certification that the new owner is not a prohibited relative.

If the above documentation is received, it must be retained in the file, and no new lease or HAP Contract is required. The new owner is bound by the HAP Contract that was executed with the previous owner.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, ECC/HANH will terminate the HAP contract with the old owner. If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, ECC/HANH will process the leasing in accordance with the policies in Chapter 9.

Chapter 14

PROGRAM INTEGRITY

INTRODUCTION

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

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

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

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

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

14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

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

- Provide applicants and participants with form HUD-52675, "Debts Owed to PHAs and Terminations"
- Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file

ECC/HANH Policy

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

ECC/HANH will discuss program compliance and integrity issues during the voucher briefing sessions described in Chapter 5.

ECC/HANH will provide each applicant and participant with a copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.

ECC/HANH will provide each applicant and participant with a copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19.

ECC/HANH will place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key ECC/HANH forms and form letters that request information from a family or owner.

ECC/HANH staff will be required to review and explain the contents of all HUD- and ECC/HANH -required forms prior to requesting family member signatures.

At every regular reexamination, ECC/HANH staff will explain any changes in HUD regulations or ECC/HANH policy that affect program participants.

ECC/HANH will provide owners with ongoing information about the program, with an emphasis on actions and situations to avoid.

The ECC/HANH will provide each ECC/HANH employee with the necessary training on program rules and the organization's standards of conduct and ethics.

For purposes of this chapter the term *error* refers to an unintentional error or omission. *Program abuse or fraud* refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

14-I.B. DETECTING ERRORS AND PROGRAM ABUSE

In addition to taking steps to prevent errors and program abuse, ECC/HANH will use a variety of activities to detect errors and program abuse.

Quality Control and Analysis of Data

Under the Section 8 Management Assessment Program (SEMAP), HUD requires ECC/HANH to review a random sample of tenant records annually to determine if the records conform to program requirements and to conduct quality control inspections of a sample of units to ensure HQS compliance [24 CFR, Part 985]. (See Chapter 16 for additional information about SEMAP requirements).

ECC/HANH Policy

Although, as an MTW agency, ECC/HANH is not required to certify under SEMAP, the ECC/HANH's quality control systems incorporate all relevant SEMAP indicators.

In addition to the SEMAP quality control actions, ECC/HANH will employ a variety of methods to detect errors and program abuse.

ECC/HANH routinely will use HUD and other non-HUD sources of up-front income verification. This includes The Work Number and any other private or public databases available to ECC/HANH.

At each bi/triennial reexamination, current information provided by the family will be compared to information provided at admission or the last reexamination to identify inconsistencies and incomplete information.

ECC/HANH will compare family-reported income and expenditures to detect possible unreported income.

Independent Audits and HUD Monitoring

OMB Circular A-133 requires all PHAs that expend $500,000 or more in federal awards annually to have an independent audit (IPA). In addition, HUD conducts periodic on-site and automated monitoring of PHA activities and notifies the PHA of errors and potential cases of program abuse.

ECC/HANH Policy

ECC/HANH will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of the ECC/HANH's error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

ECC/HANH Policy

ECC/HANH will encourage staff, program participants, and the public to report possible program abuse.

14-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When ECC/HANH Will Investigate

ECC/HANH Policy

ECC/HANH will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for ECC/HANH to investigate, the allegation must contain at least one independently verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

ECC/HANH will investigate when inconsistent or contradictory information is detected through file reviews and the verification process.

Consent to Release of Information [24 CFR 982.516]

ECC/HANH may investigate possible instances of error or abuse using all available ECC/HANH and public records. If necessary, ECC/HANH will require HCV families to sign consent forms for the release of additional information.

Analysis and Findings

ECC/HANH Policy

ECC/HANH will base its evaluation on a preponderance of the evidence collected during its investigation.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

For each investigation ECC/HANH will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed ECC/HANH, and (3) what corrective measures or penalties will be assessed.

Consideration of Remedies

All errors and instances of program abuse must be corrected prospectively. Whether ECC/HANH will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

ECC/HANH Policy

In the case of family-caused errors or program abuse, ECC/HANH will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

In the case of owner-caused errors or program abuse, ECC/HANH will take into consideration (1) the seriousness of the offense, (2) the length of time since the violation has occurred, and (3) the effects of a particular remedy on family members who were not involved in the offense.

Notice and Appeals

ECC/HANH Policy

ECC/HANH will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation. The notice will include (1) a description of the error or program abuse, (2) the basis on which ECC/HANH determined the error or program abuses, (3) the remedies to be employed, and (4) the family's right to appeal the results through the informal review or hearing process, if applicable (see Chapter 16).

PART II: CORRECTIVE MEASURES AND PENALTIES

14-II.A. SUBSIDY UNDER- OR OVERPAYMENTS

A subsidy under- or overpayment includes (1) an incorrect housing assistance payment to the owner, (2) an incorrect family share established for the family, and (3) an incorrect utility reimbursement to a family.

Corrections

Whether the incorrect subsidy determination is an overpayment or underpayment of subsidy, ECC/HANH must promptly correct the HAP, family share, and any utility reimbursement prospectively.

ECC/HANH Policy

Increases in the family share will be implemented on the first of the month following a written 30-day notice.

Any decreases in family share will become effective the first of the month following the discovery of the error.

Reimbursement

Whether the family or owner is required to reimburse ECC/HANH or ECC/HANH is required to make retroactive subsidy payments to the owner or family depends upon which party is responsible for the incorrect subsidy payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

14-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

Family obligations and general administrative requirements for participating in the program are discussed throughout this plan. This section deals specifically with errors and program abuse by family members.

An incorrect subsidy determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows ECC/HANH to use incorrect information provided by a third party.

Family Reimbursement to ECC/HANH [HCV GB pp. 22-12 to 22-13]

ECC/HANH Policy

In the case of family-caused errors or program abuse, the family will be required to repay any excess subsidy received. ECC/HANH may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, ECC/HANH will terminate the family's assistance in accordance with the policies in Chapter 12.

ECC/HANH Reimbursement to Family [HCV GB p. 22-12]

ECC/HANH Policy

ECC/HANH will not reimburse the family for any underpayment of assistance when the underpayment clearly is caused by the family.

Prohibited Actions

An applicant or participant in the HCV program must not knowingly:

- Make a false statement to ECC/HANH [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.552(c)(iv)].

ECC/HANH Policy

Any of the following will be considered evidence of family program abuse:

Payment to the owner in excess of amounts authorized by ECC/HANH for rent, security deposit, and additional services

Offering bribes or illegal gratuities to the ECC/HANH Board of Commissioners, employees, contractors, or other ECC/HANH representatives

Offering payments or other incentives to the owner or a third party as an inducement for the third party to make false or misleading statements to ECC/HANH on the family's behalf

Use of a false name or the use of falsified, forged, or altered documents

Intentional misreporting of family information or circumstances (e.g. income, family composition)

Omitted facts that were obviously known by a family member (e.g., not reporting employment income)

Admission of program abuse by an adult family member

ECC/HANH may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse

In the case of program abuse caused by a family. ECC/HANH may, at its discretion, impose any of the following remedies.

- ECC/HANH may require the family to repay excess subsidy amounts paid by ECC/HANH, as described earlier in this section.
- ECC/HANH may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 12 (for participants).
- ECC/HANH may deny or terminate the family's assistance following the policies set forth in Chapter 3 and Chapter 12 respectively.

- ECC/HANH may refer the family for state or federal criminal prosecution as described in section 14-II.E.

14-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE

Owner requirements that are part of the regular process of offering, leasing, and maintaining a unit (e.g., HQS compliance, fair housing) are addressed in the appropriate chapters of this plan. This section focuses on errors and program abuse by owners.

An incorrect subsidy determination caused by an owner generally would be the result of an incorrect owner statement about the characteristics of the assisted unit (e.g., the number of bedrooms, which utilities are paid by the family). It also includes accepting duplicate housing assistance payments for the same unit in the same month, or after a family no longer resides in the unit.

Owner Reimbursement to ECC/HANH

In all cases of overpayment of subsidy caused by the owner, the owner must repay to ECC/HANH any excess subsidy received. ECC/HANH may recover overpaid amounts by withholding housing assistance payments due for subsequent months, or if the debt is large, ECC/HANH may allow the owner to pay in installments over a period of time [HCV GB p. 22-13].

ECC/HANH Policy

In cases where the owner has received excess subsidy, ECC/HANH will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

Prohibited Owner Actions

An owner participating in the HCV program must not:

- Make any false statement to ECC/HANH [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.453(a)(3)] including:

ECC/HANH Policy

Any of the following will be considered evidence of owner program abuse:

Providing altered, forged or falsified documents to ECC/HANH

Charging the family rent above or below the amount specified by ECC/HANH

Charging a security deposit other than that specified in the family's lease

Charging the family for services that are provided to unassisted tenants at no extra charge

Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit

Knowingly accepting incorrect or excess housing assistance payments

Offering bribes or illegal gratuities to the ECC/HANH Board of Commissioners, employees, contractors, or other ECC/HANH representatives

Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to ECC/HANH

Residing in the unit with an assisted family

Committing sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 2

Retaliating against any applicant or participant reporting/alleging sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 2

Remedies and Penalties

When ECC/HANH determines that the owner has committed program abuse, ECC/HANH may take any of the following actions:

- Require the owner to repay excess housing assistance payments, as discussed earlier in this section and in accordance with the policies in Chapter 16.
- Terminate the HAP contract (See Chapter 13).
- Bar the owner from future participation in any ECC/HANH programs.
- Refer the case to state or federal officials for criminal prosecution as described in section 14-II.E.

14-II.D. ECC/HANH-CAUSED ERRORS OR PROGRAM ABUSE

The responsibilities and expectations ECC/HANH staff with respect to normal program administration are discussed throughout this plan. This section specifically addresses actions of an ECC/HANH staff member that are considered errors or program abuse related to the HCV program. Additional standards of conduct may be provided in the ECC/HANH personnel policy.

ECC/HANH caused incorrect subsidy determinations include (1) failing to correctly apply HCV rules regarding family composition, income, assets, and expenses, (2) assigning the incorrect voucher size to a family, and (3) errors in calculation.

De Minimis Errors [24 CFR 5.609(c)(4)]

ECC/HANH will not be considered out of compliance when making annual income determinations solely due to de minimis errors in calculating family income. A de minimis error is an error where ECC/HANH's determination of family income deviates from the correct income determination by no more than $30 per month in monthly adjusted income ($360 in annual adjusted income) per family.

ECC/HANH must take corrective action to credit or repay a family if the family was overcharged rent, including when ECC/HANH make de minimis errors in the income determination. Families will not be required to repay the ECC/HANH in instances where ECC/HANH miscalculated income resulting in a family being undercharged for rent. ECC/HANH will state in our policies how repayment or credit a family the amount they were overcharged as a result of the ECC/HANH de minimis error in income determination.

ECC/HANH Policy

ECC/HANH will reimburse a family for any family overpayment of rent, regardless of whether the overpayment was the result of staff-caused error, staff program abuse, or a de minimis error.

Repayment to the ECC/HANH

Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by ECC/HANH staff [HCV GB. 22-12].

ECC/HANH Reimbursement to Family or Owner

ECC/HANH must reimburse a family for any underpayment of subsidy, regardless of whether the underpayment was the result of staff-caused error or staff or owner program abuse. Funds for this reimbursement must come from ECC/HANH's administrative fee reserves [HCV GB p. 22-12].

Prohibited Activities

ECC/HANH Policy

Any of the following will be considered evidence of program abuse by ECC/HANH staff:

Failing to comply with any HCV program requirements for personal gain

Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant, participant, or owner

Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to ECC/HANH

Disclosing confidential or proprietary information to outside parties

Gaining profit as a result of insider knowledge of ECC/HANH activities, policies, or practices

Misappropriating or misusing HCV funds

Destroying, concealing, removing, or inappropriately using any records related to the HCV program

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

14-II.E. CRIMINAL PROSECUTION

ECC/HANH Policy

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

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

14-II.F. FRAUD AND PROGRAM ABUSE RECOVERIES

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

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

- 50 percent of the amount it actually collects from a judgment, litigation (including settlement of a lawsuit) or an administrative repayment agreement, or
- Reasonable and necessary costs that ECC/HANH incurs related to the collection including costs of investigation, legal fees, and agency collection fees.

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

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

Chapter 15

SPECIAL HOUSING TYPES
[24 CFR 982 Subpart M]

INTRODUCTION

ECC/HANH may permit a family to use any of the special housing types discussed in this chapter. However, ECC/HANH is not required to permit families receiving assistance in its jurisdiction to use these housing types, except that ECC/HANH must permit use of any special housing type if needed as a reasonable accommodation for a person with a disability. ECC/HANH also may limit the number of families who receive HCV assistance in these housing types and cannot require families to use a particular housing type. No special funding is provided for special housing types.

ECC/HANH Policy

ECC/HANH will approve any of the following types of housing in the voucher program:

- Single Room Occupancy (SRO),
- Shared Housing,
- Cooperative Housing, and
- Homeownership Option.
    - The number of families that may be enrolled in the Homeownership program is limited to 50 Housing Choice Voucher program participant families and 50 public housing tenant families.
        - The 'Homeownership Program' refers to those families participating in the counseling, training, and other activities intended to prepare the family for home purchase.
    - The number of families participating in the Homeownership option (actual homeowners under the program) is limited to 50 at any one time.
- ECC/HANH will permit the use any other special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by a person with disabilities.

Special housing types include single room occupancy (SRO), congregate housing, group homes, shared housing, cooperative housing, manufactured homes where the family owns the home and leases the space, and homeownership [24 CFR 982.601].

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

Part I: Single Room Occupancy

Part II: Congregate Housing

Part III: Group Homes

Part IV: Shared Housing

Part V: Cooperative Housing

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

Part VII: Homeownership

PART I: SINGLE ROOM OCCUPANCY

[24 CFR 982.602 through 982.605]

15-I.A. OVERVIEW

A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the number of units in an SRO facility, but the size of a facility may be limited by local ordinances.

When providing HCV assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used.

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

The payment standard for SRO housing is 75 percent of the zero-bedroom payment standard amount on ECC/HANH's payment standard schedule.

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

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

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

HQS requirements described in Chapter 8 apply to SRO housing except as modified below.

- *Access*: Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to safe and open space at ground level. The SRO unit must also have any other means of exit required by State or local law.
- *Fire Safety*: All SRO facilities must have a sprinkler system that protects major spaces. "Major spaces" are defined as hallways, common areas, and any other areas specified in local fire, building, or safety codes. SROs must also have hard-wired smoke detectors, and any other fire and safety equipment required by state or local law.

  Sanitary facilities and space and security standards must meet local code requirements for SRO housing. In the absence of local code standards, the requirements discussed below apply [24 CFR 982.605].
- *Sanitary Facilities*: At least one flush toilet that can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway, and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.

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

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

PART II: CONGREGATE HOUSING

[24 CFR 982.606 through 982.609]

15-II.A. OVERVIEW

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

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

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

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

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

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

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

15-II.C. HOUSING QUALITY STANDARDS

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

> Congregate housing must have (1) a refrigerator of appropriate size in the private living area of each resident; (2) a central kitchen and dining facilities located within the premises and accessible to the residents, and (3) food service for the residents, that is not provided by the residents themselves.
>
> The housing quality standards applicable to lead-based paint do not apply.

PART III: GROUP HOME

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

15-III.A. OVERVIEW

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

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

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

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

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

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

Unless there is a live-in aide, the family unit size for an assisted occupant of a group home must be zero- or one-bedroom, depending on ECC/HANH's subsidy standard. If there is a live-in aide, the aide must be counted in determining the household's unit size.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the group home size. The prorata share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home.

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

The utility allowance for an assisted occupant in a group home is the prorata share of the utility allowance for the group home.

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

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

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

- *Sanitary Facilities*: A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or common bathrooms. However, no more than four residents can be required to share a bathroom.
- *Food Preparation and Service*: Group home units must contain a kitchen and dining area with adequate space to store, prepare, and serve food. The facilities for food preparation and service may be private or may be shared by the residents. The kitchen must contain a range, an oven, a refrigerator, and a sink with hot and cold running water. The sink must drain into an approvable public or private disposal system.
- *Space and Security*: Group homes must contain at least one bedroom of appropriate size for every two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.
- *Structure and Material*: To avoid any threat to the health and safety of the residents, group homes must be structurally sound. Elevators must be in good condition. Group homes must be accessible to and usable by residents with disabilities.
- *Site and Neighborhood*: Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:
  - Dangerous walks or steps
  - Instability
  - Flooding, poor drainage
  - Septic tank back-ups
  - Sewage hazards
  - Mud slides
  - Abnormal air pollution
  - Smoke or dust
  - Excessive noise
  - Vibrations or vehicular traffic
  - Excessive accumulations of trash
  - Vermin or rodent infestation, and
  - Fire hazards.

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

PART IV: SHARED HOUSING

[24 CFR 982.615 through 982.618]

15-IV.A. OVERVIEW

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

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

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

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

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

The payment standard for a family in shared housing is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the shared housing unit size.

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

Example: Family holds a two-bedroom voucher.
Shared housing unit size: bedrooms available to assisted family = 2
Total bedrooms in the unit: 3
2 Bedrooms for assisted family
÷ 3 Bedrooms in the unit
.667 pro rata share
2 BR payment standard: $1200
3 BR payment standard: $1695 $1695 x .667 (pro rata share) = $1131 $1131 is lower than the $1200 payment standard for the 2 BR family unit size $1131 is the payment standard used to calculate the HAP

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

The utility allowance for an assisted family living in shared housing is the prorata share of the utility allowance for the shared housing unit.

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

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

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

The pro rata share of the utility allowance is $150 (3/4 of $200)

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

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

15-IV.C. HOUSING QUALITY STANDARDS

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

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

- *Facilities Available for the Family*: Facilities available to the assisted family, whether shared or private, must include a living room, a bathroom, and food preparation and refuse disposal facilities.
- *Space and Security*: The entire unit must provide adequate space and security for all assisted and unassisted residents. The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family must not be less than the family unit size. A zero-bedroom or one-bedroom unit may not be used for shared housing.

PART V: COOPERATIVE HOUSING

[24 CFR 982.619 New HCV GB, *Special Housing Types*, p. 14]

15-V.A. OVERVIEW

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

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

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

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

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

The HAP for a cooperative housing unit is the lower of the payment standard minus the TTP or the monthly carrying charge for the unit, plus any utility allowance, minus the TTP. The monthly carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

15-V.C. HOUSING QUALITY STANDARDS

All standard HQS requirements apply to cooperative housing units. There are no additional HQS requirements. The PHA remedies described in 24 CFR 982.404 do not apply.

Rather, if the unit and premises are not maintained in accordance with HQS, ECC/HANH may exercise all available remedies regardless of whether the family or cooperative is responsible for the breach of HQS.

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

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

PART VI: MANUFACTURED HOMES

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

15-VI.A. OVERVIEW

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

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

(2) HUD also permits an otherwise eligible family that owns a manufactured home to rent a space for the manufactured home and receive HCV assistance with the rent for the space. ECC/HANH may, but are not required to, provide assistance for such families.

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

15-VI.B. SPECIAL POLICIES FOR MANUFACTURED HOMEOWNERS WHO LEASE A SPACE

Family Income

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

Lease and HAP Contract

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

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

Payment Standards

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

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

Utility Allowance

ECC/HANH must establish utility allowances for manufactured home space rental. For the first 12 months of the initial lease term only, the allowance must include an amount for a utility hook-up charge if the family actually incurred a hook-up charge because of a move. This allowance

will not be given to a family that leases in place. Utility allowances for manufactured home space must not include the costs of digging a well or installing a septic system.

Space Rent

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

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

Amortization Costs

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

Housing Assistance Payment

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

Rent Reasonableness

Initially, and annually thereafter ECC/HANH must determine that the rent for the manufactured home space is reasonable based on rents for comparable manufactured home spaces. ECC/HANH must consider the location and size of the space, and any services and maintenance to be provided by the owner. By accepting the monthly HAP check, the owner certifies that the rent does not exceed rents charged by the owner for comparable unassisted spaces in the manufactured home park or elsewhere.

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

15-VI.D. HOUSING QUALITY STANDARDS (HQS)

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

Manufactured Home Tie-Down

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning and sliding.

PART VII: HOMEOWNERSHIP

[24 CFR 982.625 through 982.643]

15-VII.A. OVERVIEW [24 CFR 982.625]

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. A family assisted under this option may be newly admitted or an existing participant in the HCV program. ECC/HANH must have the capacity to operate a successful HCV homeownership program as defined by the regulations.

There are two forms of homeownership assistance ECC/HANH may offer under this option: monthly homeownership assistance payments, or a single down payment assistance grant. ECC/HANH may choose to offer either or both forms of homeownership assistance, or choose not to offer either. If ECC/HANH offers both forms of assistance, a family must choose which form of assistance to receive.

ECC/HANH must offer either form of homeownership assistance if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. It is the sole responsibility of ECC/HANH to determine whether it is reasonable to implement a homeownership program as a reasonable accommodation. ECC/HANH must determine what is reasonable based on the specific circumstances and individual needs of the person with a disability. ECC/HANH may determine that it is not reasonable to offer homeownership assistance as a reasonable accommodation in cases where ECC/HANH has otherwise opted not to implement a homeownership program.

ECC/HANH must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

15-VII.B. FAMILY ELIGIBILITY [24 CFR 982.627]

The family must meet all of the requirements listed below before the commencement of homeownership assistance. ECC/HANH may also establish additional initial requirements as long as they are described in the ECC/HANH administrative plan.

- The family must have been admitted to the Housing Choice Voucher program.
- The family must qualify as a first-time homeowner, or may be a cooperative member.
- The family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. ECC/HANH may establish a higher income standard for families. However, a family that meets the federal minimum income requirement (but not ECC/HANH's requirement) will be considered to meet the minimum income requirement if it can demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit.

  ECC/HANH Policy

  ECC/HANH will not establish a higher minimum income standard for disabled and/or non-disabled families.

- For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by 12.
- For elderly or disabled families, welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement. It will not be included for other families.
- The family must satisfy the employment requirements by demonstrating that one or more adult members of the family who will own the home at commencement of homeownership assistance is currently employed on a full-time basis (the term 'full-time employment' means not less than an average of 30 hours per week); and has been continuously so employed during the year before commencement of homeownership assistance for the family.

  ECC/HANH Policy

  Families will be considered "continuously employed" if the break in employment does not exceed four months.

  ECC/HANH will count self-employment in a business when determining whether the family meets the employment requirement.

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- The employment requirement does not apply to elderly and disabled families. In addition, if a family, other than an elderly or disabled family includes a person with disabilities, ECC/HANH must grant an exemption from the employment requirement if ECC/HANH determines that it is needed as a reasonable accommodation.
- The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option
- Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.
- Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with 24 CFR 982.631(c).

  ECC/HANH Policy

  ECC/HANH has instituted the following additional requirements:

  - The family must either be currently enrolled in ECC/HANH's Family Self-Sufficiency (FSS) Program and in compliance with the FSS contract, and have been enrolled in the program for a minimum of one year prior to being eligible to purchase a home, or be a graduate of ECC/HANH's FSS Program;
  - The family has had no family-caused violation of Housing Quality Standards (HQS) for one year prior to being eligible to purchase a home;
  - The family is not within the initial lease term of a lease;
  - The family does not owe money to ECC/HANH;

- The family has not committed a serious or repeated violation of the assisted lease for one year prior to being eligible to purchase a home; and
- At the time of contract completion, the head of household must provide written certification to ECC/HANH that no member of the family is receiving welfare assistance (WA).
    - WA means income assistance from Federal or State benefits

15-VII.C. SELECTION OF FAMILIES [24 CFR 982.626]

Unless otherwise provided (under the homeownership option), ECC/HANH may limit homeownership assistance to families or purposes defined by ECC/HANH, and may prescribe additional requirements for commencement of homeownership assistance for a family. Any such limits or additional requirements must be described in the ECC/HANH administrative plan.

If ECC/HANH limits the number of families that may participate in the homeownership option, ECC/HANH must establish a system by which to select families to participate.

ECC/HANH Policy

The number of families that may be enrolled in the Homeownership program is limited to 50 Housing Choice Voucher program participant families and 50 public housing tenant families.

- The 'Homeownership Program' refers to those families participating in the counseling, training, and other activities intended to prepare the family for home purchase.

The number of families participating in the Homeownership option (actual homeowners under the program) is limited to 50 at any one time.

15-VII.D. ELIGIBLE UNITS [24 CFR 982.628]

In order for a unit to be eligible, ECC/HANH must determine that the unit satisfies all of the following requirements:

- The unit must meet HUD's "eligible housing" requirements. The unit may not be any of the following:
    - A public housing or Indian housing unit;
    - A unit receiving Section 8 project-based assistance;
    - A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
    - A college or other school dormitory;
    - On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.
- The unit must be under construction or already exist at the time the family enters into the contract of sale.
- The unit must be a one-unit property or a single dwelling unit in a cooperative or condominium.

- The unit must have been inspected by ECC/HANH and by an independent inspector designated by the family.
- The unit must meet Housing Quality Standards (see Chapter 8).
- For a unit where the family will not own fee title to the real property (such as a manufactured home), the home must have a permanent foundation and the family must have the right to occupy the site for at least 40 years.
- For ECC/HANH-owned units all of the following conditions must be satisfied:
  - ECC/HANH informs the family, both orally and in writing, that the family has the right to purchase any eligible unit and a ECC/HANH-owned unit is freely selected by the family without ECC/HANH pressure or steering;
  - The unit is not ineligible housing;
  - ECC/HANH obtains the services of an independent agency to inspect the unit for compliance with HQS, review the independent inspection report, review the contract of sale, determine the reasonableness of the sales price and any ECC/HANH provided financing. All of these actions must be completed in accordance with program requirements.

ECC/HANH must not approve the unit if ECC/HANH has been informed that the seller is debarred, suspended, or subject to a limited denial of participation.

15-VII.E. ADDITIONAL ECC/HANH REQUIREMENTS FOR SEARCH AND PURCHASE [24 CFR 982.629]

It is the family's responsibility to find a home that meets the criteria for voucher homeownership assistance. ECC/HANH may establish the maximum time that will be allowed for a family to locate and purchase a home, and may require the family to report on their progress in finding and purchasing a home. If the family is unable to purchase a home within the maximum time established by ECC/HANH, ECC/HANH may issue the family a voucher to lease a unit or place the family's name on the waiting list for a voucher.

ECC/HANH Policy

Once the family has received pre-qualification for a mortgage loan, the family will be given 180 days to locate a home to purchase and enter into a contract of sale. A family shall be considered to have satisfied this requirement when the family submits a proposed contract of sale, with all requisite components, including mortgage-related contracts, to ECC/HANH for approval. For good cause, ECC/HANH may extend a family's time to locate a home in additional 30-day increments.

During an HCV participant's search for a home to purchase, their HCV rental shall continue pursuant to the administrative plan. If an HCV participant family is unable to locate a unit within the time allotted, their rental assistance through the HCV program continues.

The family is required to report on a monthly basis on the family's progress in finding and purchasing a home.

If the family cannot complete the purchase of a unit within the maximum required time frame, and is not receiving rental assistance under a HAP contract at the time the search and purchase time period expires, the family will be issued a voucher to lease a unit.

15-VII.F. HOMEOWNERSHIP COUNSELING [24 CFR 982.630]

Before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by ECC/HANH. HUD suggests the following topics for the ECC/HANH-required pre-assistance counseling:

- Home maintenance (including care of the grounds);
- Budgeting and money management;
- Credit counseling;
- How to negotiate the purchase price of a home;
- How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- How to find a home, including information about homeownership opportunities, schools, and transportation in the ECC/HANH jurisdiction;
- Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;
- Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and
- Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

ECC/HANH may adapt the subjects covered in pre-assistance counseling (as listed) to local circumstances and the needs of individual families.

ECC/HANH may also offer additional counseling after commencement of homeownership assistance (ongoing counseling). If ECC/HANH offers a program of ongoing counseling for participants in the homeownership option, ECC/HANH shall have discretion to determine whether the family is required to participate in the ongoing counseling.

If ECC/HANH does not use a HUD-approved housing counseling agency to provide the counseling, ECC/HANH should ensure that its counseling program is consistent with the counseling provided under HUD's Housing Counseling program.

15-VII.G. HOME INSPECTIONS, CONTRACT OF SALE, AND ECC/HANH DISAPPROVAL OF SELLER [24 CFR 982.631]

Home Inspections

ECC/HANH may not commence monthly homeownership assistance payments or provide down payment assistance grants for a family until ECC/HANH has inspected the unit and has determined that the unit passes HQS. Any items found not to meet HQS must be repaired before the unit can be determined eligible for the homeownership program.

An independent professional inspector selected by and paid for by the family must also inspect the unit. The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components.

ECC/HANH may not require the family to use an independent inspector selected by ECC/HANH. The independent inspector may not be an ECC/HANH employee or contractor, or other person under control of ECC/HANH. However, ECC/HANH may establish standards for qualification of inspectors selected by families under the homeownership option.

ECC/HANH Policy

The family must hire an independent professional inspector, whose report must be submitted to ECC/HANH for review. This inspector must be a member of the American Society of Home Inspectors (ASHI) or other recognized professional society, or a licensed engineer. The inspector cannot be an ECC/HANH employee or contractor.

ECC/HANH may disapprove a unit for assistance based on information in the independent inspector's report, even if the unit was found to comply with HQS.

ECC/HANH Policy

ECC/HANH will review the professional report in a timely fashion and, based on the presence of major physical problems, may disapprove the purchase of the home.

If ECC/HANH disapproves the purchase of a home, the family will be notified in writing of the reasons for the disapproval.

While the family is receiving homeownership assistance, ECC/HANH will conduct an HQS inspection every other year.

Contract of Sale

Before commencement of monthly homeownership assistance payments or receipt of a down payment assistance grant, a member or members of the family must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give ECC/HANH a copy of the contract of sale. The contract of sale must:

- Specify the price and other terms of sale by the seller to the purchaser;
- Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser;

- Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser;
- Provide that the purchaser is not obligated to pay for any necessary repairs; and
- Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under CFR part 24.
- A contract for the sale of a unit not yet under construction must meet all above requirements, and the requirements below. Commencement of construction in violation of the below requirements voids the purchase contract.
    - The purchaser is not obligated to purchase the unit unless an environmental review has been performed and the site received environmental approval prior to commencement of construction in accordance with 24 CFR 982.628; and
    - The construction will not commence until the environmental review has been completed and the seller has received written notice from ECC/HANH that environmental approval has been obtained. Environmental approval may be conditioned on the contracting parties' agreement to modification to the unit design or to mitigation actions.

Disapproval of a Seller

In its administrative discretion, ECC/HANH may deny approval of a seller for the same reasons ECC/HANH may disapprove an owner under the regular HCV program [see 24 CFR 982.306(c)].

15-VII.H. FINANCING [24 CFR 982.632]

ECC/HANH may establish requirements for financing purchase of a home under the homeownership option. This may include requirements concerning qualification of lenders, terms of financing, restrictions concerning debt secured by the home, lender qualifications, loan terms, and affordability of the debt. ECC/HANH must establish policies describing these requirements in the administrative plan.

ECC/HANH may not require that families acquire financing from one or more specified lenders, thereby restricting the family's ability to secure favorable financing terms.

ECC/HANH Policy

As a check against predatory lending, ECC/HANH will review the financing of each purchase transaction, including estimated closing costs. ECC/HANH will review the loans for features, such as balloon payments, adjustable rate mortgages, and unusually high interest rates, all of which are prohibited. ECC/HANH also will not approve "seller financing" or "owner-held" mortgages. Beyond these basic criteria, ECC/HANH will rely on the lenders to determine that the loan will be affordable to program participants.

The mortgage the family applies for must require a minimum down payment of at least three percent of the sales price with one percent of the down payment coming from the purchaser's personal funds. ECC/HANH will not require that the family have any more than the minimum of one percent of their own money in the transaction. However, in cases where a lender is requiring a larger amount, the family may be held to the underwriting guidelines set by their lending institution.

ECC/HANH will approve a family's request to utilize its Family Self-Sufficiency escrow account after final disbursement for down payment and/or closing costs when purchasing a unit under the HCV homeownership option.

15-VII.I. CONTINUED ASSISTANCE REQUIREMENTS; FAMILY OBLIGATIONS [24 CFR 982.633]

Homeownership assistance may only be paid while the family is residing in the home. If the family moves out of the home, ECC/HANH may not continue homeownership assistance after the month when the family moves out. The family or lender is not required to refund to ECC/HANH the homeownership assistance for the month when the family moves out.

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

The family must comply with the following obligations:

- The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.
- The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to 24 CFR 982.551 (h) and (i).
- The family must supply information to ECC/HANH or HUD as specified in 24 CFR 982.551(b). The family must further supply any information required by ECC/HANH or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.
- The family must notify ECC/HANH before moving out of the home.
- The family must notify ECC/HANH if the family defaults on the mortgage used to purchase the home.
- The family must provide ECC/HANH with information on any satisfaction or payment of the mortgage debt.
- No family member may have any ownership interest in any other residential property.
- The family must comply with the obligations of a participant family described in 24 CFR 982.551, except for the following provisions which do not apply to assistance under the homeownership option: 24 CFR 982.551(c), (d), (e), (f), (g) and (j).

15-VII.J. MAXIMUM TERM OF HOMEOWNER ASSISTANCE [24 CFR 982.634]

Except in the case of a family that qualifies as an elderly or disabled family, other family members (described below) shall not receive homeownership assistance for more than:

- Fifteen years, if the initial mortgage incurred to finance purchase of the home has a term of 20 years or longer; or
- Ten years, in all other cases.

The maximum term described above applies to any member of the family who:

- Has an ownership interest in the unit during the time that homeownership payments are made; or
- Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family.

If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commenced. However, such a family must be provided at least 6 months of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance).

If the family has received such assistance for different homes, or from different PHAs, the total of such assistance terms is subject to the maximum term described in this part.

15-VII.K. HOMEOWNERSHIP ASSISTANCE PAYMENTS AND HOMEOWNERSHIP EXPENSES [24 CFR 982.635]

The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

In determining the amount of the homeownership assistance payment, ECC/HANH will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described elsewhere in this plan for the Housing Choice Voucher program. The payment standard for a family is the greater of (i) The payment standard as determined at the commencement of homeownership assistance for occupancy of the home, or (ii) The payment standard at the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.

ECC/HANH may pay the homeownership assistance payments directly to the family, or at ECC/HANH's discretion, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, ECC/HANH must pay the excess directly to the family.

Homeownership assistance for a family terminates automatically 180 calendar days after the last homeownership assistance payment on behalf of the family. However, ECC/HANH may grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

ECC/HANH must adopt policies for determining the amount of homeownership expenses to be allowed by ECC/HANH in accordance with HUD requirements.

Homeownership expenses (not including cooperatives) only include amounts allowed by ECC/HANH to cover:

- Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;

- Real estate taxes and public assessments on the home;
- Home insurance;
- ECC/HANH allowance for maintenance expenses;
- ECC/HANH allowance for costs of major repairs and replacements;
- ECC/HANH utility allowance for the home;
- Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if ECC/HANH determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person;
- Land lease payments where a family does not own fee title to the real property on which the home is located; [see 24 CFR 982.628(b)].
- For a condominium unit, condominium operating charges or maintenance fees assessed by the condominium homeowner association.

Homeownership expenses for a cooperative member may only include amounts allowed by ECC/HANH to cover:

- The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;
- Home insurance;
- ECC/HANH allowance for maintenance expenses;
- ECC/HANH allowance for costs of major repairs and replacements;
- ECC/HANH utility allowance for the home; and
- Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if ECC/HANH determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person.
- Cooperative operating charges or maintenance fees assessed by the cooperative homeowner association.

ECC/HANH Policy

ECC/HANH will use the following amounts for homeownership expenses:

Monthly homeownership payment. This includes principal and interest on initial mortgage debt, taxes and insurance, public assessments, and any mortgage insurance premium, if applicable.

Utility allowance. ECC/HANH's utility allowance for the unit, based on the current HCV utility allowance schedule.

Monthly maintenance/major repair/replacement allowance. A single monthly maintenance/repair/replacement allowance will be provided at $120 per month.

Monthly co-op/condominium assessments. If applicable, the monthly amount of co-op or condominium association operation and maintenance assessments.

Monthly principal and interest on debt for improvements. Principal and interest for major home repair, replacements, or improvements, if applicable.

Land lease payments. Land lease payments where a family does not own fee title to the real property on which the home is located.

ECC/HANH may pay the homeownership assistance payments directly to the family, or at the ECC/HANH's discretion, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, ECC/HANH must pay the excess directly to the family.

ECC/HANH Policy

ECC/HANH's housing assistance payment will be paid directly to the family. It will be the family's responsibility to make the entire payment to the lender. ECC/HANH may make an exception if the family requests the payment to go directly to the lender, and this arrangement is acceptable to the mortgage company. If the assistance payment exceeds the amount due to the lender, ECC/HANH must pay the excess directly to the family.

15-VII.L. PORTABILITY [24 CFR 982.636, 982.637, 982.353(b) and (c), 982.552, 982.553]

Subject to the restrictions on portability included in HUD regulations and ECC/HANH policies, a family may exercise portability if the receiving PHA is administering a voucher homeownership program and accepting new homeownership families. The receiving PHA may absorb the family into its voucher program, or bill the initial PHA.

The family must attend the briefing and counseling sessions required by the receiving PHA. The receiving PHA will determine whether the financing for, and the physical condition of the unit, are acceptable. The receiving PHA must promptly notify the initial PHA if the family has purchased an eligible unit under the program, or if the family is unable to purchase a home within the maximum time established by the PHA.

15-VII.M. MOVING WITH CONTINUED ASSISTANCE [24 CFR 982.637]

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home.

ECC/HANH must determine that all initial requirements have been satisfied if a family that has received homeownership assistance wants to move with continued homeownership assistance. However, the following do not apply:

- The requirement that a family must be a first-time homeowner is not applicable.
- The requirement for pre-assistance counseling is not applicable. However, ECC/HANH may require that the family complete additional counseling (before or after moving to a new unit with continued homeownership assistance).

Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home. However, when the family or a 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 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), such family or family member may be assisted with continued tenant-based assistance even if they own any title or other interest in the prior home.

ECC/HANH may deny permission to move to a new unit with continued voucher assistance:

- If ECC/HANH has insufficient funding to provide continued assistance. In this case, ECC/HANH must provide written notification to the local HUD Office within 10 business days of determining it is necessary to deny moves based on insufficient funding.
- In accordance with 24 CFR 982.638, regarding denial or termination of assistance.
- In accordance with ECC/HANH's policy regarding number of moves within a 12-month period.

ECC/HANH must deny the family permission to move to a new unit with continued voucher rental assistance if:

- The family defaulted on an FHA-insured mortgage; and
- The family fails to demonstrate that the family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and the family has moved, or will move, from the home within the period established or approved by HUD.

15-VII.N. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.638]

At any time, ECC/HANH may deny or terminate homeownership assistance in accordance with HCV program requirements in 24 CFR 982.552 (Grounds for denial or termination of assistance) or 24 CFR 982.553 (Crime by family members).

ECC/HANH may also deny or terminate assistance for violation of participant obligations described in 24 CFR Parts 982.551 or 982.633 and in accordance with its own policy, with the exception of failure to meet obligations under the Family Self-Sufficiency program as prohibited under the alternative requirements set forth in FR Notice 12/29/14.

Homeownership assistance for a family automatically terminates 180 calendar days after the last homeownership assistance payment on behalf of the family. However, ECC/HANH may grant

relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

ECC/HANH Policy

In order for ECC/HANH to consider granting relief from the requirement to automatically terminate homeownership assistance 180 days following the ECC/HANH's last housing assistance payment on behalf of the family, the family must submit a written request to ECC/HANH at least 30 days prior to the date of automatic termination. The request must include an explanation of the circumstances that will cause an extreme hardship for the family (e.g., the imminent loss of income or employment) as well as documentation supporting the request. ECC/HANH will determine on a case-by-case basis whether to grant relief from the requirement and for what period of time. In no case will ECC/HANH postpone termination beyond an additional 90 days.

ECC/HANH must terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt.

ECC/HANH Policy

ECC/HANH will terminate a family's homeownership assistance if the family violates any of the homeowner obligations listed in Section 1, as well as for any of the reasons listed in Section 2 of form HUD-52649, Statement of Homeowner Obligations Housing Choice Homeownership Voucher Program.

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

Termination notices will be sent in accordance with the requirements and policies set forth in Section 12-II.F.

Chapter 16

PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this plan. The policies are discussed in seven parts as described below:

Part I: Administrative Fee Reserve. This part describes ECC/HANH's policies with regard to oversight of expenditures from its administrative fee reserve.

Part II: Setting Program Standards and Schedules. This part describes what payment standards are, and how they are updated, as well as how utility allowances are established and revised.

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

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

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

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

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

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

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

PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]

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

In addition, as specified in Notice PIH 2022-18, ECC/HANH may use administrative fee funding for both administrative and "other expenses" needed to employ strategies and undertake activities beyond regular administrative responsibilities to facilitate the successful leasing and use of housing choice vouchers by families, such as through the use of security deposit assistance and landlord recruitment and incentive payments, among other allowable expenses specified in the notice. ECC/HANH are also permitted to use UNP for these expenses [Notice PIH 2022-18].

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

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

ECC/HANH Policy

Expenditures from the UNA account will be made in accordance with all applicable federal requirements. Expenditures will not exceed $50,000 per occurrence nor more than $50,000 in the aggregate for each fiscal year without the prior approval of the ECC/HANH's Board of Commissioners.

PART II: SETTING PROGRAM STANDARDS AND SCHEDULES

16-II.A. OVERVIEW

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

- *Payment Standards*, which dictate the maximum subsidy a family can receive (application of the payment standards is discussed in Chapter 6); and
- *Utility Allowances*, which specify how a family's payment should be adjusted to account for tenant-paid utilities (application of utility allowances is discussed in Chapter 6).

ECC/HANH Policy

Copies of the payment standard and utility allowance schedules are available for review in ECC/HANH's offices during normal business hours as well as posted on ECC/HANH's website.

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

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

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

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

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

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

Updating Payment Standards

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

ECC/HANH Policy

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

Funding Availability: ECC/HANH will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. ECC/HANH will compare the number of families who could be served under revised payment standard amounts with the number assisted under current payment standard amounts.

Rent Burden of Participating Families: Rent burden will be determined by identifying the percentage of families, for each unit size, that are paying more than 30 percent of their monthly adjusted income as the family share. When 40 percent or more of families, for any given unit size, are paying more than 30 percent of adjusted monthly income as the family share, ECC/HANH will consider increasing the payment standard. In evaluating rent burdens, ECC/HANH will not include families renting a larger unit than their family unit size.

Quality of Units Selected: ECC/HANH will review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

Changes in Rent to Owner: ECC/HANH may review a sample of the units to determine how often owners are increasing or decreasing rents and the average percent of increases/decreases by bedroom size.

Unit Availability: ECC/HANH will review the availability of units for each unit size, particularly in areas with low concentrations of poor and minority families.

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

Changes to payment standard amounts will be effective on January1st of every year. ECC/HANH may change its payment standard more often than annually if warranted based on the above factors.

Exception Payment Standards [982.503(c) Notice PIH 2018-01, FR Notice 9/27/21]

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

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

ECC/HANH administers vouchers in a metropolitan area where the adoption of SAFMRs is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

ECC/HANH Policy

ECC/HANH will not voluntarily adopt the use of SAFMRs except to establish exception payment standards in certain zip code areas.

Unit-by-Unit Exceptions [24 CFR 982.503(c)(2)(ii), 24 CFR 982.505(d), Notice PIH 2010-26]

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

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

ECC/HANH Policy

Under its MTW Agreement with HUD, ECC/HANH may set its payment standards up to 150% of the FMR for purposes of reasonable accommodation or hard-to-house.

A family that requires a reasonable accommodation may request a higher payment standard at the time the Request for Tenancy Approval (RFTA) is submitted. The family must document the need for the exception. In order to approve an exception, or request an exception from HUD, ECC/HANH must determine that:

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

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

The rent for the unit is reasonable.

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

If a substantial percentage of families have difficulty finding a suitable unit, ECC/HANH may request a "success rate payment standard" that applies to the entire jurisdiction. If approved by

HUD, a success rate payment standard allows ECC/HANH to set its payment standards at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, ECC/HANH must demonstrate that during the most recent 6-month period for which information is available:

- Fewer than 75 percent of families who were issued vouchers became participants;
- The ECC/HANH had established payment standards for all unit sizes, and for the entire jurisdiction, at 110 percent of the published FMR; and
- ECC/HANH had a policy of allowing voucher holders who made sustained efforts to locate units at least 90 days to search for a unit.

Although HUD approves the success rate payment standard for all unit sizes in the FMR area, ECC/HANH may choose to adjust the payment standard for only some unit sizes in all, or a designated part, of ECC/HANH's jurisdiction within the FMR area.

Decreases in the Payment Standard below the Basic Range [24 CFR 982.503(d)]

ECC/HANH must request HUD approval to establish a payment standard amount that is lower than the basic range. At HUD's sole discretion, HUD may approve establishment of a payment standard lower than the basic range. HUD will not approve a lower payment standard if the family share for more than 40 percent of program participants exceeds 30 percent of adjusted monthly income.

16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]

AECC/HANH-established utility allowance schedule is used in determining family share and ECC/HANH subsidy. ECC/HANH must maintain a utility allowance schedule for (1) all tenant-paid utilities, (2) the cost of tenant-supplied refrigerators and ranges, and (3) other tenant-paid housing services such as trash collection.

The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, ECC/HANH must use normal patterns of consumption for the community as a whole, and current utility rates.

The utility allowance must include the utilities and services that are necessary in the locality to provide housing that complies with housing quality standards. Costs for telephone, cable/satellite television, and internet services are not included in the utility allowance schedule.

In the utility allowance schedule, ECC/HANH must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection; other electric; cost of tenant-supplied refrigerator; cost of tenant-supplied range; and other specified housing services.

The cost of each utility and housing service must be stated separately by unit size and type. Chapter 18 of the *HCV Guidebook* provides detailed guidance to ECC/HANH about establishing utility allowance schedules.

Air Conditioning

An allowance for air-conditioning must be provided when the majority of housing units in the market have central air-conditioning or are wired for tenant-installed air conditioners.

ECC/HANH Policy

ECC/HANH has included an allowance for air-conditioning in its schedule. Central air-conditioning or a portable air conditioner must be present in a unit before ECC/HANH will apply this allowance to a family's rent and subsidy calculations.

Reasonable Accommodation

HCV program regulations require ECC/HANH to approve a utility allowance amount higher than shown on ECC/HANH's schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, ECC/HANH will approve an allowance for air-conditioning, even if ECC/HANH has determined that an allowance for air-conditioning generally is not needed (See Chapter 2 for policies regarding the request and approval of reasonable accommodations).

Utility Allowance Revisions

ECC/HANH must review its schedule of utility allowances each year, and must revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised.

ECC/HANH must maintain information supporting its annual review of utility allowance and any revisions made in its utility allowance schedule.

PART III: INFORMAL REVIEWS AND HEARINGS

16-III.A. OVERVIEW

Both applicants and participants have the right to disagree with, and appeal, certain decisions of ECC/HANH that may adversely affect them. ECC/HANH decisions that may be appealed by applicants and participants are discussed in this section.

The process for applicant appeals of ECC/HANH decisions is called the "informal review." For participants (or applicants denied admission because of citizenship issues), the appeal process is called an "informal hearing." ECC/HANH is required to include informal review procedures for applicants and informal hearing procedures for participants in their administrative plans [24 CFR 982.54(d)(12) and (13)].

16-III.B. INFORMAL REVIEWS

Informal reviews are provided for program applicants. An applicant is someone who has applied for admission to the program, but is not yet a participant in the program. Informal reviews are intended to provide a "minimum hearing requirement" [24 CFR 982.554] and need not be as elaborate as the informal hearing requirements [*Federal Register* 60, no. 127 (3 July 1995): 34690].

Decisions Subject to Informal Review [24 CFR 982.554(a) and (c)]

must give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24 CFR 982.552(a)(2)]:

- Denying listing on the ECC/HANH waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process or provide assistance under portability procedures

Informal reviews are *not* required for the following reasons [24 CFR 982.554(c)]:

- Discretionary administrative determinations by ECC/HANH
- General policy issues or class grievances
- A determination of the family unit size under ECC/HANH subsidy standards
- ECC/HANH determination not to approve an extension or suspension of a voucher term
- ECC/HANH determination not to grant approval of the tenancy
- ECC/HANH determination that the unit is not in compliance with the HQS
- ECC/HANH determination that the unit is not in accordance with the HQS due to family size or composition.

ECC/HANH Policy

ECC/HANH will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes: denying listing on the ECC/HANH waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

Notice to the Applicant [24 CFR 982.554(a)]

ECC/HANH must give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for the ECC/HANH decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

Scheduling an Informal Review

ECC/HANH Policy

A request for an informal review must be made in writing and delivered to ECC/HANH either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of ECC/HANH's denial of assistance.

ECC/HANH must schedule and send written notice of the informal review within 10 business days of the family's request.

If the informal review will be conducted remotely, at the time ECC/HANH notifies the family of the informal review, the family will be informed:

Regarding the processes to conduct a remote informal review;

That, if needed, the ECC/HANH will provide technical assistance prior to and during the informal review; and

That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal review, the family may inform ECC/HANH and ECC/HANH will assist the family in either resolving the issues or allow the family to participate in an in-person informal review, as appropriate.

Informal Review Procedures [24 CFR 982.554(b)]

The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant must be provided an opportunity to present written or oral objections to the decision of ECC/HANH.

Remote Informal Reviews [Notice PIH 2020-32]

There is no requirement that informal reviews be conducted in-person and, as such, HUD allows ECC/HANH to conduct all or a portion of their informal review remotely either over the phone, via video conferencing, or through other virtual platforms. If ECC/HANH chooses to conduct remote informal reviews, applicants may still request an in-person informal review, as applicable.

ECC/HANH Policy

ECC/HANH has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, ECC/HANH will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. ECC/HANH will consider other reasonable requests for a remote informal review on a case-by-case basis.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal reviews, the platform for conducting remote informal reviews must be accessible to persons with disabilities and the informal review must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. ECC/HANH may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

ECC/HANH is required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal review process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal review is available that appropriately accommodates an individual's disability, ECC/HANH may not hold against the individual their inability to participate in the remote informal review, and ECC/HANH should consider whether postponing the remote informal review to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal reviews, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal reviews.

Conducting Remote Informal Reviews

ECC/HANH must ensure that the lack of technology or inability to use technology for remote informal reviews does not pose a disadvantage to families that may not be apparent to ECC/HANH. ECC/HANH should determine through a survey or other means if these barriers exist prior to conducting the remote informal review and, if the family does not have the proper technology to fully participate, either postpone the informal review or provide an alternative means of access.

As with in-person informal reviews, ECC/HANH must provide all materials presented, whether paper or electronic, to the family prior to the remote informal review. The family must also be provided with an accessible means by which to transmit their own evidence.

ECC/HANH must ensure that the applicant has the right to hear and be heard. All ECC/HANH policies and processes for remote informal reviews must be conducted in accordance with due process requirements and be in compliance with HUD regulations at 24 CFR 982.554 and guidance specified in Notice PIH 2020-32.

ECC/HANH Policy

ECC/HANH will conduct remote informal reviews via a video conferencing platform, when available. If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal review will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal review will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

At least five business days prior to scheduling the remote review, ECC/HANH will provide the family with login information and/or conferencing call-in information and an electronic and/or physical copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the informal review and request the family notify ECC/HANH of any known barriers. ECC/HANH will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person informal review.

If the informal review is to be conducted remotely, ECC/HANH will require the family to provide any documents directly relevant to the informal review at least 24 hours before the scheduled review through the mail, via email, or text. ECC/HANH will scan and email copies of these documents to ECC/HANH representative the same day.

Documents will be shared electronically whenever possible.

ECC/HANH will follow up the email with a phone call and/or email to the applicant at least one business day prior to the remote informal review to ensure that the applicant received all information and is comfortable accessing the video conferencing or call-in platform.

ECC/HANH will ensure that all electronic information stored or transmitted with respect to the informal review is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

Informal Review Decision [24 CFR 982.554(b)]

ECC/HANH must notify the applicant of the ECC/HANH'S final decision, including a brief statement of the reasons for the final decision.

ECC/HANH Policy

In rendering a decision, ECC/HANH will evaluate the following matters:

Whether or not the grounds for denial were stated factually in the notice to the family.

The validity of the grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be overturned.

The validity of the evidence. ECC/HANH will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, ECC/HANH will uphold the decision to deny assistance.

If the facts prove the grounds for denial, and the denial is discretionary, ECC/HANH will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

ECC/HANH will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within 10 business days of the informal review, to the applicant and his or her representative, if any, along with proof of mailing.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

If the family fails to appear for their informal review, the denial of admission will stand and the family will be so notified.

16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555]

ECC/HANH must offer an informal hearing for certain ECC/HANH determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the ECC/HANH's HCV program and is currently assisted in the program. The purpose of the informal hearing is to consider whether ECC/HANH'S decisions related to the family's circumstances are in accordance with the law, HUD regulations and ECC/HANH policies.

ECC/HANH is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Decisions Subject to Informal Hearing

Circumstances for which ECC/HANH must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the ECC/HANH utility allowance schedule
- A determination of the family unit size under the ECC/HANH subsidy standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under ECC/HANH policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

Circumstances for which an informal hearing is not required are as follows:

- Discretionary administrative determinations by ECC/HANH
- General policy issues or class grievances
- Establishment of the ECC/HANH schedule of utility allowances for families in the program
- ECC/HANH determination not to approve an extension or suspension of a voucher term
- ECC/HANH determination not to approve a unit or tenancy
- ECC/HANH determination that a unit selected by the applicant is not in compliance with the HQS
- ECC/HANH determination that the unit is not in accordance with HQS because of family size
- A determination by ECC/HANH to exercise or not to exercise any right or remedy against an owner under a HAP contract

  ECC/HANH Policy

  ECC/HANH will only offer participants the opportunity for an informal hearing when required to by the regulations.

Remote Informal Hearings [Notice PIH 2020-32]

There is no requirement that informal hearings be conducted in-person, and as such, HUD allows ECC/HANH to conduct all or a portion of their informal hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If ECC/HANH chooses to conduct

remote informal hearings, applicants may still request an in-person informal hearing, as applicable.

ECC/HANH Policy

ECC/HANH has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, ECC/HANH will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. ECC/HANH will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person informal hearings, the platform for conducting remote informal hearings must be accessible to persons with disabilities and the informal hearings must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. ECC/HANH may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.

ECC/HANH are required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal hearing process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote informal hearing is available that appropriately accommodates an individual's disability, ECC/HANH may not hold against the individual their inability to participate in the remote informal hearing, and ECC/HANH should consider whether postponing the remote hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal hearings.

Conducting Informal Hearings Remotely

ECC/HANH must ensure that the lack of technology or inability to use technology for remote informal hearings does not pose a disadvantage to families that may not be apparent to ECC/HANH. ECC/HANH should determine through a survey or other means if these barriers exist prior to conducting the remote informal hearing and, if the family does not have the proper technology to fully participate, either postpone the informal hearing or provide an alternative means of access.

As with in-person informal hearings, ECC/HANH must provide all materials presented, whether paper or electronic, to the family prior to the remote informal hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

ECC/HANH essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all ECC/HANH policies and processes for remote informal hearings will be conducted in accordance with due process requirements, and will be in compliance with HUD regulations at 24 CFR 982.555 and the guidance for conducting remote hearings specified in Notice PIH 2020-32.

ECC/HANH Policy

ECC/HANH will conduct remote informal hearings via a video conferencing platform, when available. If, after attempting to resolve any barriers, participants are unable to adequately access the video conferencing platform at any point, or upon request, the informal hearing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

At least five business days prior to scheduling the remote hearing, ECC/HANH will provide the family with login information and/or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the hearing and request the family notify ECC/HANH of any known barriers. ECC/HANH will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

ECC/HANH will follow up with a phone call and/or email to the family at least one business day prior to the remote informal hearing to ensure that the family received all information and is comfortable accessing the video conferencing or call-in platform.

ECC/HANH will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

Informal Hearing Procedures

Notice to the Family [24 CFR 982.555(c)]

When ECC/HANH makes a decision that is subject to informal hearing procedures, ECC/HANH must inform the family of its right to an informal hearing at the same time that it informs the family of the decision.

For decisions related to the family's annual or adjusted income, the determination of the appropriate utility allowance, and the determination of the family unit size, ECC/HANH must notify the family that they may ask for an explanation of the basis of the determination, and that if they do not agree with the decision, they may request an informal hearing on the decision.

For decisions related to the termination of the family's assistance, or the denial of a family's request for an exception to ECC/HANH's subsidy standards, the notice must contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision, the family may request an informal hearing on the decision, and a statement of the deadline for the family to request an informal hearing.

ECC/HANH Policy

In cases where ECC/HANH makes a decision for which an informal hearing must be offered, the notice to the family will include all of the following:

The proposed action or decision of ECC/HANH.

A brief statement of the reasons for the decision, including the regulatory reference.

The date the proposed action will take place.

A statement of the family's right to an explanation of the basis for ECC/HANH's decision for decisions related to the family's annual or adjusted income, the determination of the appropriate utility allowance, and the determination of the family unit size,

A statement that if the family does not agree with the decision the family may request an informal hearing of the decision.

A deadline for the family to request the informal hearing.

To whom the hearing request should be addressed.

Scheduling an Informal Hearing [24 CFR 982.555(d)]

When an informal hearing is required, ECC/HANH must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

ECC/HANH Policy

A request for an informal hearing must be made in writing and delivered to ECC/HANH either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of ECC/HANH's decision or notice to terminate assistance.

ECC/HANH must schedule and send written notice of the informal hearing to the family within 10 business days of the family's request. The informal hearing scheduling notice

will provide the family with an overview of the hearing process, including explaining the family's right to discovery, and explaining ECC/HANH's right to discovery and that ECC/HANH is exerting its right to discovery.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, ECC/HANH may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear at the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact ECC/HANH within 24 hours of the scheduled hearing date, excluding weekends and holidays. ECC/HANH will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

The family will be considered as a "no-show" up to 15 minutes after the scheduled time of the informal hearing.

Pre-Hearing Right to Discovery **[24 CFR 982.555(e)]**

Participants and ECC/HANH are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any ECC/HANH documents that are directly relevant to the hearing. The family must be allowed to copy any such documents at their own expense. If ECC/HANH does not make the document available for examination on request of the family, ECC/HANH may not rely on the document at the hearing.

The ECC/HANH hearing procedures may provide that ECC/HANH must be given the opportunity to examine at the ECC/HANH offices before the hearing, any family documents that are directly relevant to the hearing. ECC/HANH must be allowed to copy any such document at ECC/HANH's expense. If the family does not make the document available for examination on request of ECC/HANH, the family may not rely on the document at the hearing.

For the purpose of informal hearings, *documents* include records and regulations.

<u>ECC/HANH Policy</u>

ECC/HANH will copy requested documents relate to the hearing in ECC/HANH's offices at no charge to the family. The family must request discovery of ECC/HANH documents no later than 12:00 p.m., three business days prior to the scheduled hearing date

ECC/HANH must be given an opportunity to examine at ECC/HANH offices before the hearing any family documents that are directly relevant to the hearing. Whenever a participant requests an informal hearing, ECC/HANH will automatically mail a letter to the participant requesting a copy of all documents that the participant intends to present or utilize at the hearing. The participants are to make the documents available no later than 12:00 pm on the business day prior to the scheduled hearing date. However, ECC/HANH will allow documents/evidence to be presented at informal hearing even if the family did not meet the above deadline to provide to ECC/HANH.

***Participant's Right to Bring Counsel* [24 CFR 982.555(e)(3)]**

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

***Informal Hearing Officer* [24 CFR 982.555(e)(4)]**

Informal hearings will be conducted by a person or persons approved by ECC/HANH, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

Attendance at the Informal Hearing

ECC/HANH Policy

Hearings may be attended by a hearing officer and the following applicable persons:

An ECC/HANH representative(s) and any witnesses for ECC/HANH

The participant and any witnesses for the participant

The participant's counsel or other representative

Any other person approved by ECC/HANH as a reasonable accommodation for a person with a disability

Language interpreter, if requested

Conduct at Hearings

The person who conducts the hearing may regulate the conduct of the hearing in accordance with ECC/HANH's hearing procedures [24 CFR 982.555(4)(ii)].

ECC/HANH Policy

The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

***Evidence* [24 CFR 982.555(e)(5)]**

ECC/HANH and the family must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

ECC/HANH Policy

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

Oral evidence: the testimony of witnesses

Documentary evidence: a writing which is relevant to the case, for example, a letter written to ECC/HANH. Writings include all forms of recorded

communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.

Demonstrative evidence: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.

Real evidence: A tangible item relating directly to the case.

Hearsay Evidence is evidence of a statement that was made outside of the hearing that is offered to prove the truth of the matter asserted. Efforts should be taken to ensure that hearsay evidence is not the only evidence presented at a hearing. However, in the event hearsay evidence is the only evidence presented, the hearing officer may have no choice but to formulate a decision based upon the credibility of the witnesses presenting such hearsay evidence.

If ECC/HANH fails to comply with the discovery requirements (providing the tenant with the opportunity to examine ECC/HANH documents prior to the hearing), the hearing officer will refuse to admit such evidence.

Other than the failure of a party to comply with discovery, the hearing officer has the authority to overrule any objections to evidence.

Procedures for Rehearing or Further Hearing

ECC/HANH Policy

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family misses an appointment or deadline ordered by the hearing officer, the action of ECC/HANH will take effect and another hearing will not be granted.

Hearing Officer's Decision **[24 CFR 982.555(e)(6)]**

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing. A copy of the hearing must be furnished promptly to the family.

ECC/HANH Policy

In rendering a decision, the hearing officer will consider the following matters:

ECC/HANH Notice to the Family: The hearing officer will determine if the reasons for ECC/HANH's decision are factually stated in the Notice.

Discovery: The hearing officer will determine if ECC/HANH and the family were given the opportunity to examine any relevant documents in accordance with ECC/HANH policy.

ECC/HANH Evidence to Support the ECC/HANH Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support ECC/HANH's conclusion.

Validity of Grounds for Termination of Assistance (when applicable): The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and ECC/HANH policies. If the grounds for termination are not specified in the regulations or in compliance with ECC/HANH policies, then the decision of ECC/HANH will be overturned.

The hearing officer will issue a written decision to the family and ECC/HANH no later than 10 business days after the hearing. The report will contain the following information:

Hearing information:

Name of the participant;

Date, time and place of the hearing;

Name of the hearing officer;

Name of the ECC/HANH representative; and

Name of family representative (if any).

Background: A brief, impartial statement of the reason for the hearing.

Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold ECC/HANH's decision.

Order: The hearing report will include a statement of whether ECC/HANH's decision is upheld or overturned. If it is overturned, the hearing officer will instruct ECC/HANH to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct ECC/HANH to restore the participant's program status.

Issuance of Decision **[24 CFR 982.555(e)(6)]**

A copy of the hearing must be furnished promptly to the family.

ECC/HANH Policy

The hearing officer will mail a "Notice of Hearing Decision" to ECC/HANH and to the participant on the same day. This notice will be sent by first-class mail. The participant

will be mailed the original "Notice of Hearing Decision" and a copy of the proof of mailing. A copy of the "Notice of Hearing Decision" will be maintained in the ECC/HANH's file.

ECC/HANH Notice of Final Decision **[24 CFR 982.555(f)]**

ECC/HANH is not bound by the decision of the hearing officer for matters in which ECC/HANH is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to federal, state, or local laws.

If ECC/HANH determines it is not bound by the hearing officer's decision in accordance with HUD regulations, ECC/HANH must promptly notify the family of the determination and the reason for the determination.

ECC/HANH Policy

Only the Executive Director/President or their designee may make the determination that ECC/HANH is not bound by the hearing officer's decision.

Should the decision be made that ECC/HANH is not bound by the hearing officer's decision, ECC/HANH will mail a "Notice of Final Decision" including the hearing officer's report to the participant and their representative. This notice will be sent by first-class mail, postage pre-paid, with an affidavit of mailing enclosed. The participant will be mailed the original "Notice of Final Decision" and a copy of the proof of mailing. A copy of the "Notice of Final Decision" along with the original proof of mailing will be maintained in ECC/HANH's file.

16-III.D. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an informal hearing, not an informal review.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) (formerly INS) appeal process. Assistance to a family may not be terminated or denied while the ECC/HANH hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the ECC/HANH informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The notice of denial or termination of assistance for noncitizens must advise the family:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.

- In the case of a participant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an informal hearing with ECC/HANH either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

USCIS Appeal Process [24 CFR 5.514(e)]

When ECC/HANH receives notification that the USCIS secondary verification failed to confirm eligible immigration status, ECC/HANH must notify the family of the results of the USCIS verification. The family will have 30 days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide ECC/HANH with a copy of the written request for appeal and the proof of mailing.

ECC/HANH Policy

ECC/HANH will notify the family in writing of the results of the USCIS secondary verification within 10 business days of receiving the results.

The family must provide ECC/HANH with a copy of the written request for appeal and proof of mailing within 10 business days of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to ECC/HANH, of its decision. When the USCIS notifies ECC/HANH of the decision, ECC/HANH must notify the family of its right to request an informal hearing.

ECC/HANH Policy

ECC/HANH will send written notice to the family of its right to request an informal hearing within 10 business days of receiving notice of the USCIS decision regarding the family's immigration status.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that ECC/HANH provide a hearing. The request for a hearing must be made either within 30 days of receipt of the ECC/HANH notice of denial, or within 30 days of receipt of the USCIS appeal decision.

The informal hearing procedures for applicant families are described below.

Informal Hearing Officer

ECC/HANH must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision. See Section 16-III.C. for a listing of positions that serve as informal hearing officers.

Evidence

The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of ECC/HANH pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

> ECC/HANH Policy
>
> ECC/HANH will copy requested documents relate to the hearing in ECC/HANH's offices at no charge to the family. The family must request discovery of ECC/HANH documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date
>
> ECC/HANH must be given an opportunity to examine at ECC/HANH offices before the hearing any family documents that are directly relevant to the hearing. Whenever a participant requests an informal hearing, ECC/HANH will automatically mail a letter to the participant requesting a copy of all documents that the participant intends to present or utilize at the hearing. The participants are to make the documents available no later than 12:00 pm on the business day prior to the scheduled hearing date. However, ECC/HANH will allow documents/evidence to be presented at informal hearing even if the family did not meet the above deadline to provide to ECC/HANH.

The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by ECC/HANH, and to confront and cross-examine all witnesses on whose testimony or information ECC/HANH relies.

Representation and Interpretive Services

The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

The family is entitled to request an interpreter free of charge.

Recording of the Hearing

The family is entitled to have the hearing recorded by audiotape. ECC/HANH may, but is not required to provide a transcript of the hearing.

> ECC/HANH Policy
>
> ECC/HANH will not provide a transcript of an audio taped hearing.

Hearing Decision

ECC/HANH must provide the family with a written final decision, based solely on the facts presented at the hearing, within 14 calendar days of the date of the informal hearing. The decision must state the basis for the decision.

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that ECC/HANH provide a hearing. The request for a hearing must be made either within 30 days of receipt of the EC/HANH notice of termination, or within 30 days of receipt of the USCIS appeal decision.

For the informal hearing procedures that apply to participant families whose assistance is being terminated based on immigration status, see Section 16-III.C.

Retention of Documents [24 CFR 5.514(h)]

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

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an informal hearing
- The final informal hearing decision

PART IV: OWNER OR FAMILY DEBTS TO ECC/HANH

16-IV.A. OVERVIEW

ECC/HANH is required to include in the administrative plan, policies concerning repayment by a family of amounts owed to ECC/HANH [24 CFR 982.54]. This part describes ECC/HANH'S policies for recovery of monies owed to ECC/HANH by families or owners.

ECC/HANH Policy

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

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

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

Collection agencies

Small claims court

Civil lawsuit

16-IV.B. REPAYMENT POLICY

Owner Debts to ECC/HANH

ECC/HANH Policy

Any amount due to ECC/HANH by an owner must be repaid by the owner within 14 days of ECC/HANH determination of the debt.

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

If the owner is not entitled to future HAP payments ECC/HANH may, in its sole discretion, offer to enter into a repayment agreement on terms prescribed by ECC/HANH.

If the owner refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, ECC/HANH will ban the owner from future participation in the program and pursue other modes of collection.

When an owner refuses to repay monies owed to ECC/HANH, ECC/HANH may utilize other available collection alternatives including, but not limited to, the following:

Collection agencies

Small claims court

Civil lawsuit

State income tax set-off program

Family Debts to ECC/HANH

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

ECC/HANH Policy

Any amount owed to ECC/HANH by an HCV family must be repaid by the family. If the family is unable to repay the debt within 30 days, ECC/HANH will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, ECC/HANH will terminate assistance in accordance with the policies in Chapter 12 and pursue other modes of collection.

Refusal to Enter into an Agreement

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, ECC/HANH must terminate assistance [Notice PIH 2018-18].

ECC/HANH Policy

When a family refuses to repay monies owed to the ECC/HANH, in addition to termination of program assistance, ECC HANH may utilize other available collection alternatives including, but not limited to, the following:

Collection agencies

Small claims court

Civil lawsuit

State income tax set-off program

Repayment Agreement [24 CFR 792.103]

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

General Repayment Agreement Guidelines for Families

Down Payment Requirement

ECC/HANH Policy

Before executing a repayment agreement with a family, ECC/HANH will generally require a down payment based on the amount owed as reflected below:

Amount Owed	% of Total Amount Owed
20%	$0 - $500
15%	$501 - $1,000

10%	$1,001 - $2,500
5%	$2,501 - $5,000

If the family can provide evidence satisfactory to ECC/HANH that a down payment of 10 percent would impose an undue hardship, ECC/HANH may, in its sole discretion, require a lesser percentage or waive the requirement.

Payment Thresholds

Notice PIH 2018-18 recommends that the total amount that a family must pay each month—the family's monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family's monthly adjusted income. However, a family may already be paying 40 per cent or more of its monthly adjusted income in rent. Moreover, Notice PIH 2018-18 acknowledges that ECC/HANH have the discretion to establish "thresholds and policies" for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

ECC/HANH Policy

ECC/HANH has established the following thresholds for repayment of debts:

Amounts from $2,500 to $5,000 must be repaid within 18 months

Amounts from $1,000 to $2,499 must be repaid within 14 months

Amounts from $500 to $999 must be repaid within 10 months

Amounts under $500 must be repaid within 6 months

Amounts above $5,000 will be referred to ECC/HANH's legal department.

If a family can provide evidence satisfactory to ECC/HANH that the threshold applicable to the family's debt would impose an undue hardship, ECC/HANH may, in its sole discretion, determine that a lower monthly payment amount is reasonable. In making its determination, ECC/HANH will consider all relevant information, including the following:

The amount owed by the family to ECC/HANH

The reason for the debt

The family's current and potential income and expenses

The family's current family share, as calculated under 24 CFR 982.515

The family's history of meeting its financial responsibilities

Execution of the Agreement

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

ECC/HANH Policy

Any repayment agreement between ECC/HANH and a family must be signed and dated by ECC/HANH and by the head of household and spouse/cohead (if applicable).

Due Dates

ECC/HANH Policy

All payments are due by the close of business on the 1st day of the month. If the 1st does not fall on a business day, the due date is the close of business on the first business day after the 1st.

Late or Missed Payments

ECC/HANH Policy

If a payment is not received by the end of the 10th business day of the month, ECC/HANH will send the family a delinquency notice giving the family 10 business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and ECC/HANH will terminate assistance in accordance with the policies in Chapter 12.

If a family receives three delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default, and ECC/HANH will terminate assistance in accordance with the policies in Chapter 12.

No Offer of Repayment Agreement

ECC/HANH Policy

ECC/HANH will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family.

Repayment Agreements Involving Improper Payments

Notice PIH 2018-18 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

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

PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

16-V.A. OVERVIEW

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

- High-performing - can be given a competitive advantage under notices of funding availability [24 CFR 985.103].
- Standard - if there are deficiencies on one or more indicators are required to correct the deficiencies and report to HUD [24 CFR 985.106].
- Troubled - subject to additional HUD oversight, including on-site reviews by HUD staff, a requirement to develop a corrective action plan, and monitoring to ensure the successful implementation of the corrective action plan. In addition, may not use any part of the administrative fee reserve for other housing purposes [24 CFR 985.107].
- HUD may determine that a failure to correct identified SEMAP deficiencies or to prepare and implement a corrective action plan required by HUD constitutes a default under the ACC [24 CFR 985.109].

ECC/HANH Policy

NOTE: As a Moving-to-Work agency, ECC/HANH is not required to certify to HUD under SEMAP, relevant SEMAP indicators have been incorporated in ECC/HANH's Quality Control Plan and the SEMAP Certification process is outlined below.

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

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

PHAs with less than 250 voucher units are only required to be assessed every other PHA fiscal year. HUD will assess such PHAs annually if the PHA elects to have its performance assessed on an annual basis; or is designated as "troubled" [24 CFR 985.105].

Failure of a PHA to submit its SEMAP certification within the required time frame will result in an overall performance rating of "troubled."

A PHA's SEMAP certification is subject to HUD verification by an on-site confirmatory review at any time.

Upon receipt of the PHA's SEMAP certification, HUD will rate the PHA's performance under each SEMAP indicator in accordance with program requirements.

HUD Verification Method

Several of the SEMAP indicators are scored based on a review of a quality control sample selected for this purpose. The PHA or the Independent Auditor must select an unbiased sample that provides an adequate representation of the types of information to be assessed, in accordance with SEMAP requirements [24 CFR 985.2].

If the HUD verification method for the indicator relies on data in the Form-50058 module (formerly known as MTCS) in the PIH Information Center (PIC), and HUD determines that those data are insufficient to verify the PHA's certification on the indicator due to the PHA's failure to adequately report family data, HUD will assign a zero rating for the indicator [24 CFR 985.3].

16-V.C. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648]

The table below lists each of the SEMAP indicators, contains a description of each indicator, and explains the basis for points awarded under each indicator.

A PHA that expends less than $300,000 in Federal awards and whose Section 8 programs are not audited by an independent auditor, is not be rated under SEMAP indicators 1-7.

SEMAP Indicators
Indicator 1: Selection from the waiting list **Maximum Score: 15** • This indicator shows whether the PHA has written policies in its administrative plan for selecting applicants from the waiting list and whether the PHA follows these policies when selecting applicants for admission from the waiting list. • Points are based on the percent of families that are selected from the waiting list in accordance with the PHA's written policies, according to the PHA's quality control sample.
Indicator 2: Rent reasonableness **Maximum Score: 20** • This indicator shows whether the PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units • Points are based on the percent of units for which the PHA follows its written method to determine reasonable rent and has documented its determination that the rent to owner is reasonable, according to the PHA's quality control sample.
Indicator 3: Determination of adjusted income **Maximum Score: 20** • This indicator measures whether the PHA verifies and correctly determines adjusted income for each assisted family, and where applicable, uses the appropriate utility allowances for the unit leased in determining the gross rent. • Points are based on the percent of files that are calculated and verified correctly, according to the PHA's quality control sample.

Indicator 4: Utility allowance schedule
Maximum Score: 5

- This indicator shows whether the PHA maintains an up-to-date utility allowance schedule.
- Points are based on whether the PHA has reviewed the utility allowance schedule and adjusted it when required, according to the PHA's certification.

Indicator 5: HQS quality control inspections
Maximum Score: 5

- This indicator shows whether a PHA supervisor reinspects a sample of units under contract during the PHA fiscal year, which meets the minimum sample size requirements for quality control of HQS inspections.
- Points are based on whether the required quality control reinspections were completed, according to the PHA's certification.

Indicator 6: HQS enforcement
Maximum Score: 10

- This indicator shows whether, following each HQS inspection of a unit under contract where the unit fails to meet HQS, any cited life-threatening deficiencies are corrected within 24 hours from the inspection and all other deficiencies are corrected within no more than 30 calendar days from the inspection or any PHA-approved extension.
- Points are based on whether the PHA corrects all HQS deficiencies in accordance with required time frames, according to the PHA's certification.

Indicator 7: Expanding housing opportunities
Maximum Points: 5

- Only applies to PHAs with jurisdiction in metropolitan FMR areas.
- This indicator shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration; informs voucher holders of the full range of areas where they may lease units both inside and outside the PHA's jurisdiction; and supplies a list of landlords or other parties who are willing to lease units or help families find units, including units outside areas of poverty or minority concentration.
- Points are based on whether the PHA has adopted and implemented written policies in accordance with SEMAP requirements, according to the PHA's certification.

Indicator 8: FMR limit and payment standards
Maximum Points: 5 points

- This indicator shows whether the PHA has adopted a payment standard schedule that establishes payment standard amounts by unit size for each FMR area in the PHA's jurisdiction, that are within the basic range of 90 to 110 percent of the published FMR.
- Points are based on whether the PHA has appropriately adopted a payment standard schedule(s), according to the PHA's certification.

Indicator 9: Annual reexaminations
Maximum Points: 10

- This indicator shows whether the PHA completes a reexamination for each participating family at least every 12 months.
- Points are based on the percent of reexaminations that are more than 2 months overdue, according to data from PIC.

Indicator 10: Correct tenant rent calculations
Maximum Points: 5

- This indicator shows whether the PHA correctly calculates the family's share of the rent to owner.
- Points are based on the percent of correct calculations of family share of the rent, according to data from PIC.

Indicator 11: Pre-contract HQS inspections
Maximum Points: 5

- This indicator shows whether newly leased units pass HQS inspection on or before the effective date of the assisted lease and HAP contract.
- Points are based on the percent of newly leased units that passed HQS inspection prior to the effective date of the lease and HAP contract, according to data from PIC.

Indicator 12: Annual HQS inspections
Maximum Points: 10

- This indicator shows whether the PHA inspects each unit under contract at least annually.
- Points are based on the percent of annual HQS inspections of units under contract that are more than 2 months overdue, according to data from PIC.

Indicator 13: Lease-up
Maximum Points: 20 points

- This indicator shows whether the PHA enters HAP contracts for the number of units or funding reserved under ACC for at least one year.
- Points are based on the percent of units leased during the last completed PHA fiscal year, or the percent of allocated budget authority that has been expended by the PHA, according to data from the PHA's last year-end operating statement that is recorded in HUD's accounting system.

Indicator 14: Family self-sufficiency (FSS) enrollment and escrow account balances
Maximum Points: 10

- Only applies to PHAs with mandatory FSS programs.
- This indicator shows whether the PHA has enrolled families in the FSS program as required, and measures the percent of current FSS participants that have had increases in earned income which resulted in escrow account balances.
- Points are based on the percent of mandatory FSS slots that are filled and the percent of families with escrow account balances, according to data from PIC.

Success Rate of Voucher Holders **Maximum Points: 5** • Only applies to PHAs that have received approval to establish success rate payment standard amounts, and isn't effective until the second full PHA fiscal year following the date of HUD approval of success rate payment standard amounts. • This indicator shows whether voucher holders were successful in leasing units with voucher assistance. • Points are based on the percent of families that were issued vouchers, and that became participants in the voucher program.
Deconcentration Bonus Indicator **Maximum Points: 5** • Submission of data for this indicator is mandatory for a PHA using one or more payment standard amount(s) that exceed(s) 100 percent of the published FMR set at the 50 percentile rent, starting with the second full PHA fiscal year following initial use of payment standard amounts based on the FMRs set at the 50th percentile. • Additional points are available to PHAs that have jurisdiction in metropolitan FMR areas and that choose to submit the required data. • Points are based on whether the data that is submitted meets the requirements for bonus points.

PART VI: RECORD KEEPING

16-VI.A. OVERVIEW

ECC/HANH must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, ECC/HANH must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

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

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

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

In addition, ECC/HANH must keep the following records for at least three years:

- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;
- An application from each ineligible family and notice that the applicant is not eligible;
- HUD-required reports;
- Unit inspection reports;
- Lead-based paint records as required by 24 CFR 35, Subpart B.
- Accounts and other records supporting ECC/HANH budget and financial statements for the program;
- Records to document the basis for ECC/HANH determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
- Other records specified by HUD.

ECC/HANH must keep the last three years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least three years from the end of participation (EOP) date [24 CFR 908.101].

ECC/HANH must maintain Enterprise Income Verification (EIV) system Income Reports in the tenant file for the duration of the tenancy but for a period not to exceed three years from the EOP date [Notice PIH 2018-18].

Notice PIH 2014-20 requires ECC/HANH to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.

ECC/HANH Policy

ECC/HANH will keep for at least three years records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act, the equal access final rule, or VAWA.

ECC/HANH must keep confidential records of all emergency transfer requested by victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking under the ECC/HANH's Emergency Transfer Plan, as well as the outcomes of such requests, and retain the records for a period of three years [see 24 CFR 5.2002(e)(12)].

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

16-VI.C. RECORDS MANAGEMENT

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

ECC/HANH Policy

All applicant and participant information will be kept in a secure location and access will be limited to authorized ECC/HANH staff.

ECC/HANH staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or ECC/HANH may release the information collected.

Upfront Income Verification (UIV) Records

PHAs (ECC/HANH) that access UIV data through HUD's Enterprise Income Verification (EIV) system are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD-issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data.*

ECC/HANH Policy

Prior to utilizing HUD's EIV system, ECC/HANH will adopt and implement EIV security procedures required by HUD.

Criminal Records

ECC/HANH may only disclose the criminal conviction records which ECC/HANH receives from a law enforcement agency to officers or employees of ECC/HANH, or to authorized representatives of ECC/HANH who have a job-related need to have access to the information [24 CFR 5.903(e)].

ECC/HANH must establish and implement a system of records management that ensures that any criminal record received by ECC/HANH from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the ECC/HANH action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

ECC/HANH must establish and implement a system of records management that ensures that any sex offender registration information received by ECC/HANH from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the ECC/HANH action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained [Notice PIH 2012-28]. This requirement does not apply to information that is public information, or is obtained by ECC/HANH other than under 24 CFR 5.905.

Medical/Disability Records

ECC/HANH is not permitted to inquire about the nature or extent of a person's disability. ECC/HANH may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If ECC/HANH receives a verification document that provides such information, ECC/HANH should not place this information in the tenant file. ECC/HANH should destroy the document.

Documentation of Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

For requirements and ECC/HANH policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking see section 16-IX.E.

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

16-VII.A. OVERVIEW

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

16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e)])]; PIH 2017-13 (HA); OHHLHC 2017-01; HUD Lead Safe Housing Rule; ECC/HANH Lead Safe Housing Policy and Procedure

ECC/HANH has certain responsibilities relative to children with environmental intervention blood lead levels that are living in housing choice voucher units.

ECC/HANH must report the name and address of a child of less than 6 years of age, identified as having an environmental intervention blood lead level to the public health department within 5 business days of being so notified by any other medical health care professional. ECC/HANH must also report each known case of a child with an environmental intervention blood lead level to the HUD field office and HUD's Office of Lead Control.

ECC/HANH Policy

ECC/HANH will provide the public health department written notice of the name and address of any child of less than 6 years of age, identified as having an environmental intervention blood lead level.

ECC/HANH will provide written notice of each known case of a child with an environmental intervention blood level to the HUD field office, HUD's Office of Lead Hazard Control, the CT State Health Dept. and the New Haven Health Dept., within 5 business days of receiving the information.

ECC/HANH will ensure that an environmental investigation of the child's unit and the common areas servicing that unit occurs within **15 calendar days** in accordance with Chapter 16 of the HUD Guidelines. If the unit is in a multi-unit development, an assessment must be performed in all other covered units with children under the age of 6 and the common areas servicing those units.

ECC/HANH shall notify the HUD Field Office of the results of the environmental investigation within **10 business days** of receiving the results.

ECC/HANH must notify the family of the results of the environmental review within **15 calendar days** after receiving the results.

ECC/HANH will direct that any lead-based hazards identified by the investigation are controlled within **30 calendar days** by a certified lead-based paint abatement firm or certified lead renovation firm.

In a multi-unit development, ECC/HANH shall ensure that all residents are notified of the lead evaluation and hazard control activities.

ECC/HANH will ensure that any lead hazard control (including passing clearance) is complete.

ECC/HANH shall notify the HUD Field Office of the results of the lead hazard control work within **10 business days**.

After completion of the lead control work, ECC/HANH shall monitor Owner compliance through periodic Housing Quality Standards (HQS) inspections, not less than annually and ensure that the unit and common areas are maintained as lead safe for continued occupancy.

Re-evaluations are required every 2 years by a certified lead risk assessor. Any findings must be attended to.

The HCV Department staff is responsible for notifying all owners of their responsibility under this rule and to agree to notify ECC/HANH of EBLL cases

16-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]

At least quarterly, ECC/HANH must attempt to obtain from the public health department(s) with a similar area of jurisdiction, the names and/or addresses of children less than 6 years old with an identified environmental intervention blood lead level.

If ECC/HANH obtains names and addresses of environmental intervention blood lead level children from the public health department(s), ECC/HANH must match this information with the names and addresses of families receiving HCV assistance, unless the public health department performs such a procedure. If a match occurs, ECC/HANH must carry out the notification, verification, and hazard reduction requirements discussed in Chapter 8, and the reporting requirement discussed above.

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

ECC/HANH Policy

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

PART VIII: DETERMINATION OF INSUFFICIENT FUNDING

16-VIII.A. OVERVIEW

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

16-VIII.B. METHODOLOGY

ECC/HANH Policy

The total HAP needs for the calendar year will be established in the ECC/HANH annual MTW plan under Section II: General Housing Authority Operating Information: Housing Choice Voucher Program approved by the ECC/HANH Board of Commissions and submitted and approved by HUD. The plan will state the number of vouchers and the amounts of ECC/HANH budget allocated to HAP payments for the applicable fiscal year and include ECC/HANH projected HAP payments for Section 8, Project Based Voucher units, RAD vouchers, special project vouchers, SRO and VASH vouchers if either the total number of vouchers allocated or costs of the vouchers allocated exceeds the amount projected in the Annual MTW Plan, the authority shall have the right to suspend the issuance of new vouchers and suspend the absorption of vouchers from other PHAs until such time as (i) there is an approved modification or amendment to the HCV allocation table in the annual MTW plan that increases that amount of vouchers available for issuance (ii) there are turn over vouchers available to support the re-issuance of new tenant based vouchers (A turn-over voucher as defined by HUD is a voucher that becomes available when that voucher is returned to the agency, when it is vacated by a resident); and or (iii) there is an increase HAP funding to the agency from the office of HUD.

As ECC/HANH is a MTW agency it has the right to allocate a certain percentage of annual budget authority to fund activities and initiatives consistent with the agency's mission and goals. These activities and initiatives are defined in the ECC/HANH annual MTW plan and updated annually.

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

16-IX.A. OVERVIEW

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

- Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began 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, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

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

16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 U.S.C 13925]

As used in VAWA:

- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship
- The term *domestic violence* includes felony or misdemeanor crimes 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

- The term economic abuse means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitle, including using coercion, fraud, and manipulation to:
  - Restrict a person's access to money, assets, credit, or financial information
  - Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage
  - Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty
- The term *affiliated individual* means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
  - Any other individual, tenant or lawful occupant living in the household of that the victim of domestic violence, dating violence, sexual assault, or stalking.
- The term *sexual assault* means:
  - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
- The term *stalking* means:
  - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.
- The term *technological abuse* means an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:
  - Internet enabled devices
  - Online spaces and platforms
  - Computers
  - Mobile devices

- Cameras and imaging programs
- Apps
- Location tracking devices
- Communication technologies
- Any other emergency technologies

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

Notification to Public

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

ECC/HANH Policy

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

A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)

A copy of ECC/HANH's emergency transfer plan (Exhibit 16-3)

A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Contact information for local victim advocacy groups or service providers

Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]

ECC/HANH is required to inform program applicants and participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

ECC/HANH Policy

ECC/HANH will provide all applicants with information about VAWA at the time they request an application for housing assistance. ECC/HANH will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).

ECC/HANH will provide all participants with information about VAWA at the time of admission (see section 5-I.B) and at bi/triennial reexamination. ECC/HANH will also

include information about VAWA in notices of termination of assistance, as provided in section 12-II.F.

The VAWA information provided to applicants and participants will consist of the notice in Exhibit 16-1 and a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, and Stalking and Alternate Documentation.

ECC/HANH is not limited to providing VAWA information at the times specified in the above policy. If ECC/HANH decides to provide VAWA information to a participant following an incident of domestic violence, Notice PIH 2017-08 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases ECC/HANH make alternative delivery arrangements that will not put the victim at risk.

ECC/HANH Policy

Whenever ECC/HANH has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, ECC/HANH may decide not to send mail regarding VAWA protections to the victim's unit if the ECC/HANH believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, ECC/HANH will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

Notification to Owners and Managers [24 CFR 5.2005(a)(2)]

ECC/HANH is required to notify owners and managers participating in the HCV program of their rights and obligations under VAWA.

ECC/HANH Policy

ECC/HANH will provide owners and managers with information about their rights and obligations under VAWA when they begin their participation in the HCV program and at least annually thereafter.

The VAWA information provided to owners will consist of the notice in Exhibit 16-2 and a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, and Stalking and Alternate Documentation.

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

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

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

(1) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim

(2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record

(3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

ECC/HANH may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under "Conflicting Documentation," nor may it require certification in addition to third-party documentation [FR Notice 11/16/16].

ECC/HANH Policy

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

ECC/HANH may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, ECC/HANH will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by ECC/HANH will be in writing.

Once the victim provides documentation, ECC/HANH will acknowledge receipt of the documentation within 10 business days.

Conflicting Documentation [24 CFR 5.2007(e)]

In cases where ECC/HANH receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, ECC/HANH may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). ECC/HANH must honor any court orders issued to protect the victim or to address the distribution of property.

ECC/HANH Policy

If presented with conflicting certification documents (two or more forms HUD-50066) from members of the same household, ECC/HANH will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(c) and by following any HUD guidance on how such determinations should be made.

When requesting third-party documents, the ECC/HANH will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

If ECC/HANH does not receive third-party documentation within the required timeframe (and any extensions) ECC/HANH will deny VAWA protections and will notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, ECC/HANH will hold separate hearings for the applicants or tenants.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

ECC/HANH has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b).

ECC/HANH Policy

If ECC/HANH accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, sexual assault or stalking, ECC/HANH will document acceptance of the statement or evidence in the individual's file.

Failure to Provide Documentation [24 CFR 5.2007(c)]

In order to deny relief for protection under VAWA, ECC/HANH must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as ECC/HANH may allow, ECC/HANH may deny relief for protection under VAWA.

16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

All information provided to ECC/HANH regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that ECC/HANH (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

ECC/HANH Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, ECC/HANH will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

EXHIBIT 16-1: EXHIBIT 16-1: SAMPLE NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380

[Insert Name of Housing Provider]

Notice of Occupancy Rights under the Violence Against Women Act[1]

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.[2] The U.S. Department of Housing and Urban Development (HUD) is the federal agency that oversees that the housing choice voucher program is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA."

Protections for Applicants

If you otherwise qualify for assistance under the housing choice voucher program**,** you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

If you are receiving assistance under the housing choice voucher program**,** you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under the housing choice voucher program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

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[1] Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

[2] Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Removing the Abuser or Perpetrator from the Household

ECC/HANH may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If ECC/HANH chooses to remove the abuser or perpetrator, ECC/HANH may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, ECC/HANH must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or find alternative housing.

In removing the abuser or perpetrator from the household, ECC/HANH must follow federal, state, and local eviction procedures. In order to divide a lease, ECC/HANH may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, ECC/HANH may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, ECC/HANH may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

1. **You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
2. **You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
3. **You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer, you would suffer violence in the very near future.

   OR

   You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

ECC/HANH will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

ECC/HANH's emergency transfer plan provides further information on emergency transfers, and ECC/HANH must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

ECC/HANH can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from ECC/HANH must be in writing, and ECC/HANH must give you at least 14 business days (Saturdays, Sundays, and federal holidays do not count) from the day you receive the request to provide the documentation. ECC/HANH may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to ECC/HANH as documentation. It is your choice which of the following to submit if ECC/HANH asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by ECC/HANH with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that they believe that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that ECC/HANH has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, ECC/HANH does not have to provide you with the protections contained in this notice.

If ECC/HANH receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), ECC/HANH has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is

conflicting evidence, ECC/HANH does not have to provide you with the protections contained in this notice.

Confidentiality

ECC/HANH must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

ECC/HANH must not allow any individual administering assistance or other services on behalf of ECC/HANH (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

ECC/HANH must not enter your information into any shared database or disclose your information to any other entity or individual. ECC/HANH, however, may disclose the information provided if:

- You give written permission to ECC/HANH to release the information on a time limited basis.
- ECC/HANH needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires ECC/HANH or your landlord to release the information.

VAWA does not limit ECC/HANH's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, ECC/HANH cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if ECC/HANH can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1. Would occur within an immediate time frame, and
2. Could result in death or serious bodily harm to other tenants or those who work on the property.

If ECC/HANH can demonstrate the above, ECC/HANH should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to

additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **[insert contact information for any intermediary, if applicable]** or **[insert HUD field office]**.

For Additional Information

You may view a copy of HUD's final VAWA rule at: https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf.

Additionally, ECC/HANH must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **[insert name of program or rental assistance contact information able to answer questions on VAWA].**

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **[Insert contact information for relevant local organizations]**.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.

For help regarding sexual assault, you may contact **[Insert contact information for relevant organizations]**

Victims of stalking seeking help may contact **[Insert contact information for relevant organizations]**.

Attachment: Certification form HUD-5382 **[form approved for this program to be included]**

For Additional Information

If you have any questions regarding VAWA, please contact ECC/HANH's Reasonable Accommodation Manager at 203-498-8800.

For help and advice on escaping an abusive relationship, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY).

Or, contact local domestic violence service agencies, including:

- Domestic Violence Services of Greater New Haven
  http://www.dvsgnh.org
  PO Box 1329
  New Haven, CT 06505

  Phone: 203-865-1957
- In South Central Connecticut call the DVS hotline at 203-789-8104 or the state-wide hotline at 888-774-2900

- BHcare

http://www.bhcare.org Call us at either: (203) 736-2601 or (203) 483-2630

BHcare Central Administrative Office
127 Washington Avenue, Third Floor West
North Haven, CT 06473
p. (203) 446-9739 f. (203) 446-9775

BHcare Shoreline Offices
14 Sycamore Way
Branford, CT 06405
p. (203) 483-2630 f. (203) 483-2659

Definitions

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

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

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

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

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

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

VAWA defines *stalking* as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

EXHIBIT 16-2: SAMPLE NOTICE TO HOUSING CHOICE VOUCHER OWNERS AND MANAGERS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

[Insert Name of Housing Provider]

NOTIFICATION OF YOUR RIGHTS AND OBLIGATIONS

UNDER THE VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA provides protections for Section 8 Housing Choice Voucher (HCV) and PBV applicants, tenants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault, stalking and human trafficking.

Purpose

Many of VAWA's protections to victims of domestic violence, dating violence, sexual assault stalking, and human trafficking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called "Notice") is to explain your rights and obligations under VAWA, as an owner of housing assisted through **[insert name of housing provider]** HCV program. Each component of this Notice also provides citations to HUD's applicable regulations.

Denial of Tenancy

Protections for applicants: Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking. However, the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

Eviction

Protections for HCV participants: Incidents or threats of domestic violence, dating violence, sexual assault, stalking, or human trafficking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (see 24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, stalking, or human trafficking, conducted by a member of a tenant's household or any guest or other person under the tenant's control, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, stalking, or human trafficking (24 CFR 5.2005(b)(2)).

Limitations of VAWA protections:

a. Nothing in VAWA limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):

1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

2) The distribution or possession of property among members of a household in a case.

b. Nothing in VAWA limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, stalking, or human trafficking, as long as the owner does not subject the victim to more demanding standards than other tenants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

c. Nothing in VAWA limits an owner from evicting a tenant (including the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking) if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to the HCV property would be present if the tenant or lawful occupant is not evicted. (See 24 CFR 5.2005(d)(3).)

i. In this context, words, gestures, actions, or other indicators will be considered an "actual and imminent threat" if they meet the following standards: An actual and imminent threat consists of 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. (See 24 CFR 5.2003.)

ii. Any eviction due to "actual and imminent threat" should be utilized by an owner 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 or develop 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. (See 24 CFR 5.2005(d)(4).)

Documentation of Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

If an applicant or tenant requests VAWA protection based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the owner has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. However, nothing in HUD's regulation requires a covered housing provider to request this documentation. (See 24 CFR 5.2007(b)(3).)

If the owner chooses to request this documentation, the owner must make such request in writing. The individual may satisfy this request by providing any one document type listed under 24 CFR 5.2007(b)(1):

a. Form HUD-55383 (Self-Certification Form); or

b. A document:

1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, stalking, or human trafficking, or the effects of abuse:

2) Signed by the applicant or tenant; and

3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, stalking, or human trafficking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, stalking, or human trafficking under 24 CFR 5.2003; or

c. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

d. At the discretion of a covered housing provider, a statement or other evidence provided by the

applicant or tenant.

The owner must accept any of the above items (a – c). The owner has discretion to accept a statement or other evidence (d).

The owner is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, stalking, or human trafficking, unless the submitted documentation contains conflicting information.

If the owner makes a written request for documentation, the owner may require submission of that documentation within 14 business days after the date that the individual received the written request for documentation. (24 CFR 5.2007(a)(2)). The owner may extend this time period at its discretion. During the 14 business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or tenant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within 14 business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA may be construed to limit the authority of the covered housing provider to:

a. Deny admission by the applicant or tenant to the housing or program;

b. Deny assistance under the covered housing program to the applicant or tenant;

c. Terminate the participation of the tenant in the covered housing program; or

d. Evict the tenant, or a lawful occupant that commits a violation of a lease.

An individual's failure to timely provide documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking does not result in a waiver of the individual's right to challenge the denial of assistance or termination, nor does it preclude the individual's ability to raise an incident of domestic violence, dating violence, sexual assault, stalking, or human trafficking at eviction or termination proceedings.

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 VAWAs (See FR Notice 1/4/23.)

Moves

A victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

Lease Bifurcation

Owners may choose to bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, stalking, or human trafficking against an affiliated individual or other individual. (See 24 CFR 5.2009(a).) If an owner chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or

unreported members of a household or anyone else residing in a household who is not a tenant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases.

To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

Evictions Due to "Actual and Imminent Threat" or Violations Not Premised on Abuse

VAWA generally prohibits eviction on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, if the applicant or tenant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, VAWA does not prohibit an owner from evicting a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, stalking, or human trafficking that is in question against the tenant or an affiliated individual of the tenant. Nor does VAWA prohibit an owner from evicting a tenant if the owner can demonstrate an actual and imminent threat to other tenants or those employed at or providing services to property of the owner would be present if that tenant or lawful occupant is not evicted or terminated from assistance. (See 5.2005(d)(2) and (3).)

In order to demonstrate an actual and imminent threat to other tenants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

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.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, must be maintained in strict confidence by the covered housing provider. (See 24 CFR 5.2007(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable federal, state, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim).

The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

a. Requested or consented to in writing by the individual (victim) in a time-limited release;

b. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or

c. Otherwise required by applicable law.

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.

Service Providers

[insert name of housing provider] has extensive relationships with local service providers. **[insert name of housing provider]** staff are available to provide referrals to shelters, counselors, and advocates. These resources are also provided in **[insert name of housing provider]** Annual and 5-Year Plan, Administrative Plan, VAWA Notice of Occupancy Rights, and Emergency Transfer Plan. A list of local service providers is attached to this Notice.

Definitions

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.

Affiliated individual, with respect to an individual, means:
(1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
(2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Dating violence means violence committed by a person:

(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of 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

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
(1) Fear for the person's individual safety or the safety of others; or
(2) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.).

Attached:
Legal services and the domestic violence resources for the Metro area
Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
[insert name of housing provider] VAWA Notice of Occupancy Rights

EXHIBIT 16-3: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION, FORM HUD-5382

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act ("VAWA") protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

(1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of "domestic violence," "dating violence," "sexual assault," or "stalking" in HUD's regulations at 24 CFR 5.2003.

(2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. **Date the written request is received by victim: _____**

2. **Name of victim: _____**

3. **Your name (if different from victim's):_____**

4. **Name(s) of other family member(s) listed on the lease:_____**

_____

5. **Residence of victim: _____**

6. **Name of the accused perpetrator (if known and can be safely disclosed):_____**

_____

7. **Relationship of the accused perpetrator to the victim:_____**

8. **Date(s) and times(s) of incident(s) (if known):_____**

_____

10. **Location of incident(s):_____**

In your own words, briefly describe the incident(s):

_____

_____

_____

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

EXHIBIT 16-4: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING (HCV VERSION)

Attachment: Certification form HUD-5382

[Insert name of covered housing provider]

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Housing Choice Voucher Program

Emergency Transfers

ECC/HANH is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),[3] ECC/HANH allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.[4] The ability of ECC/HANH to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether ECC/HANH has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that the **public housing and housing choice voucher (HCV) programs** are in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

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[3]Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

[4]Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify ECC/HANH's management office and submit a written request for a transfer to **any ECC/HANH office**. ECC/HANH will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under ECC/HANH's program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality

ECC/HANH will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives ECC/HANH written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person or persons that committed an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence against Women Act for All Tenants for more information about ECC/HANH's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

ECC/HANH cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request ECC/HANH will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. ECC/HANH may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If ECC/HANH has no safe and available units for which a tenant who needs an emergency transfer is eligible, ECC/HANH will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, ECC/HANH will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Emergency Transfers: Housing Choice Voucher (HCV) Program

Tenant-based assistance: If you are a participant in the tenant-based HCV program and request an emergency transfer as described in this plan, ECC/HANH will assist you to move to a safe unit quickly using your existing voucher assistance. ECC/HANH will make exceptions to program regulations restricting moves as required.

At your request, ECC/HANH will refer you to organizations that may be able to further assist you.

Project-based assistance: If you are assisted under the project-based voucher (PBV) program, you may request an emergency transfer under the following programs for which you are not required to apply:

- Tenant-based voucher, if available
- Project-based assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe)
- Project-based assistance in another development owned by ECC/HANH

Emergency transfers under VAWA will take priority over waiting list admissions for these types of assistance.

You may also request an emergency transfer under the following programs for which you are required to apply:

- Public housing program
- PBV assistance in another development not owned by ECC/HANH
- RAD/PBV assistance in another development not owned by ECC/HANH

Emergency transfers will not take priority over waiting list admissions for these programs. At your request, ECC/HANH will refer you to organizations that may be able to further assist you.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse, and Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at: https://ohl.rainn.org/online/.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at: https://www.victimsofcrime.org/our-programs/stalking-resource-center.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

EXHIBIT 16-5: EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, FORM HUD-5383

EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING	**U.S. Department of Housing and Urban Development**	OMB Approval No. 2577-0286 Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's)_____

3. Name(s) of other family member(s) listed on the lease:_____

_____

4. Name(s) of other family member(s) who would transfer with the victim:_____

_____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim:_____

7. Name of the accused perpetrator (if known and can be safely disclosed):_____

8. Relationship of the accused perpetrator to the victim:_____

9. Date(s), Time(s) and location(s) of incident(s):_____

_____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

_____

_____

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____Signed on (Date) _____

Chapter 17

PROJECT-BASED VOUCHERS

INTRODUCTION

This chapter describes HUD regulations and ECC/HANH policies related to the project-based voucher (PBV) program in nine parts:

Part I: General Requirements. This part describes general provisions of the PBV program including maximum budget authority requirements, relocation requirements, and equal opportunity requirements.

Part II: PBV Owner Proposals. This part includes policies related to the submission and selection of owner proposals for PBV assistance. It describes the factors ECC/HANH will consider when selecting proposals, the type of housing that is eligible to receive PBV assistance, the cap on assistance at projects receiving PBV assistance, subsidy layering requirements, site selection standards, and environmental review requirements.

Part III: Dwelling Units. This part describes requirements related to housing quality standards, the type and frequency of inspections, and housing accessibility for persons with disabilities.

Part IV: Rehabilitated and Newly Constructed Units. This part describes requirements and policies related to the development and completion of rehabilitated and newly constructed housing units that will be receiving PBV assistance.

Part V: Housing Assistance Payments Contract. This part discusses HAP contract requirements and policies including the execution, term, and termination of the HAP contract. In addition, it describes how the HAP contract may be amended and identifies provisions that may be added to the HAP contract at ECC/HANH's discretion.

Part VI: Selection of PBV Program Participants. This part describes the requirements and policies governing how ECC/HANH and the owner will select a family to receive PBV assistance.

Part VII: Occupancy. This part discusses occupancy requirements related to the lease, and describes under what conditions families are allowed or required to move. In addition, exceptions to the occupancy cap (which limits PBV assistance to 25 percent of the units in any project) are also discussed.

Part VIII: Determining Rent to Owner. This part describes how the initial rent to owner is determined, and how rent will be redetermined throughout the life of the HAP contract. Rent reasonableness requirements are also discussed.

Part IX: Payments to Owner. This part describes the types of payments owners may receive under this program.

PART I: GENERAL REQUIREMENTS

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

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

ECC/HANH Policy

Under its MTW Plan, ECC/HANH has increased the percentage of Housing Choice Voucher budget authority for the Agency that is permitted to project-base to 25%.

ECC/HANH may attach funding to mixed-finance developments, which include Project-Based Section, 8 units (the "PBV units"). These PBV units may be owned and managed by entities other than ECC/HANH. ECC/HANH may delegate certain admissions and occupancy functions as discussed within the Administrative Plan to the owners and/or managers of those mixed-finance developments. Such admissions and occupancy functions must be performed in accordance with this Administrative Plan and applicable HUD and ECC/HANH requirements.

Mixed-finance developments may be subject to Low-Income Housing Tax Credit (LIHTC) and/or Affordable Housing Program (AHP) Requirements. For purposes of this Administrative Plan:

- Tax Credit Requirements shall mean any and all matters required by Section 42 of the Internal Revenue Code of 1986 and regulations there under (Section 42), the Connecticut Housing Finance Agency (CHFA) or any agreement with a condition of receipt of tax credits, whether or not such requirement is explicitly stated in Section 42, or CHFA requirements; and
- AHP Requirements shall mean any and all matters required by the Federal Housing Finance Board Affordable Housing Program regulations at 12 CFR 951.

In order to ensure compliance with LIHTC and/or AHP Requirements, ECC/HANH will not impose any policy within this Administrative Plan upon any mixed-finance development if such policies would create non-compliance with Tax Credit Requirements and/or AHP Requirements.

ECC/HANH will not disapprove Owner policies required for compliance with LIHTC and AHP Requirements, unless mandated by PBV Requirements.

- Examples of policies that may differ than the Administrative Plan include the requirement for annual re-certifications (to the extent required by LIHTC Requirements) and different income tier requirements.

In the event of a conflict between any PBV contract requirements and this Administrative Plan, those deal-specific documents shall control as long as in compliance with PBV Requirements.

- "PBV Requirements" refers to 24 CFR HUD regulations, any HUD-approved waivers of regulatory requirements, and federal laws, notices and Executive Orders pertaining to Project-Based Section 8 Units, including future waivers or amendments.

ECC/HANH's PBV program is designed to ensure that PBV assistance is used to support goals that may not be able to be equally achieved through the use of tenant-based voucher assistance.

ECC/HANH's PBV program is committed to the following priorities:

1. Supportive housing for families and persons with disabilities;
2. Accessible housing for persons with mobility limitations;
3. Affordable housing opportunities in mixed-income developments and in neighborhoods that underserve low-income families, including neighborhoods with low minority concentrations and low concentrations of poverty
4. Neighborhood revitalization projects, including ECC/HANH's public housing community redevelopment projects
5. Assisting families in imminent danger of homelessness due to foreclosures of their residences.

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance under either an agreement to enter into HAP Contract (Agreement) or a HAP contract, ECC/HANH is not required to reduce the number of these units if the amount of budget authority is subsequently reduced. However, ECC/HANH is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC [24 CFR 983.6].

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

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

<u>ECC/HANH Policy</u>

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

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

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

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

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

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

ECC/HANH must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, ECC/HANH must comply with the ECC/HANH Plan certification on civil rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).

PART II: PBV OWNER PROPOSALS

17-II.A. OVERVIEW

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

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

ECC/HANH must select PBV proposals in accordance with the selection procedures in the ECC/HANH administrative plan. ECC/HANH must select PBV proposals by either of the following two methods.

- ECC/HANH request for PBV Proposals. ECC/HANH may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to the ECC/HANH request. ECC/HANH may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.
- ECC/HANH may select proposals that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition in accordance with the requirements of the applicable program, community development program, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance. ECC/HANH need not conduct another competition.

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

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

ECC/HANH Policy

ECC/HANH Request for Proposals for Rehabilitated and Newly Constructed Units

ECC/HANH will advertise its request for proposals (RFP) for rehabilitated and newly constructed housing in appropriate newspapers and trade journals.

In addition, ECC/HANH will post the RFP and proposal submission and rating and ranking procedures on its electronic web site.

ECC/HANH will publish its advertisement in the newspapers and trade journals for at least one day per week for three consecutive weeks. The advertisement will specify the number of units ECC/HANH estimates that it will be able to assist under the funding ECC/HANH is making available. Proposals will be due in ECC/HANH office by close of business 30 calendar days from the date of the last publication.

In order for the proposal to be considered, the owner must submit the proposal to ECC/HANH by the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.

ECC/HANH will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

Owner experience and capability to build or rehabilitate housing as identified in the RFP, including demonstrated capacity to complete the construction work effectively and within the proposed schedule;

Extent to which the project furthers ECC/HANH goal of deconcentrating poverty and expanding housing and economic opportunities;

If applicable, the extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and

Projects with less than 25 percent of the units assisted will be rated higher than projects with 25 percent of the units assisted. In the case of projects for occupancy by the elderly, persons with disabilities or families needing other services, ECC/HANH will rate partially assisted projects on the percent of units assisted. Projects with the lowest percent of assisted units will receive the highest score.

ECC/HANH Requests for Proposals for Existing Housing Units

ECC/HANH will advertise its request for proposals (RFP) for existing housing in appropriate newspapers and trade journals.

In addition, ECC/HANH will post the notice inviting such proposal submission and the rating and ranking procedures on its electronic web site.

ECC/HANH will periodically publish its advertisement in the newspapers and trade journals for at least one day per week for three consecutive weeks. The advertisement will specify the number of units ECC/HANH estimates that it will be able to assist under the funding ECC/HANH is making available. Owner proposals will be accepted on a first-come first-served basis and will be evaluated using the following criteria:

Experience as an owner in the tenant-based voucher program and owner compliance with the owner's obligations under the tenant-based program;

Extent to which the project furthers the ECC/HANH goal of deconcentrating poverty and expanding housing and economic opportunities;

If applicable, extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and

Extent to which units are occupied by families that are eligible to participate in the PBV program.

ECC/HANH Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

ECC/HANH will accept proposals for PBV assistance from owners that were competitively selected under another federal, state or local housing assistance program, including projects that were competitively awarded Low-Income Housing Tax Credits on an ongoing basis.

ECC/HANH may periodically advertise that it is accepting proposals, in appropriate newspapers and trade journals:

In addition to, or in place of advertising, ECC/HANH may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

Proposals will be reviewed on a first-come first-served basis. ECC/HANH will evaluate each proposal on its merits using the following factors:

Extent to which the project furthers the ECC/HANH goal of deconcentrating poverty and expanding housing and economic opportunities; and

Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, or Renewal Community.

Additional General Selection Criteria

Selection of a proposal may be contingent upon the owner providing additional information required according to ECC/HANH's selection requirements and HUD and ECC/HANH requirements for PBV assistance

All proposals will be further evaluated based on the following additional factors:

- Demonstrated capacity, experience, and successful outcomes in property management, particularly management of housing targeted to low-income persons and families;
- Proposals including supportive services must demonstrate the capacity,

experience, and successful outcomes of the supportive services provider reflecting the ability to effectively provide sufficient supportive services.

- Provided evidence of sufficient financing commitments (for construction, operations, and supportive services if applicable) to demonstrate the project's long-term viability.

ECC/HANH-Owned Units [24 CFR 983.51(e) and 983.59 and Notice PIH 2015-05]

An ECC/HANH-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that the ECC/HANH-owned units were appropriately selected based on the selection procedures specified in the ECC/HANH administrative plan. If ECC/HANH selects a proposal for housing that is owned or controlled by ECC/HANH, ECC/HANH must identify the entity that will review the ECC/HANH proposal selection process and perform specific functions with respect to rent determinations and inspections.

In the case of ECC/HANH-owned units, the term of the HAP contract and any HAP contract renewal must be agreed upon by ECC/HANH and a HUD-approved independent entity. In addition, an independent entity must determine the rent to owner, the redetermined rent to owner, and reasonable rent. Housing quality standards inspections must also be conducted by an independent entity.

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

<u>ECC/HANH Policy</u>

ECC/HANH may submit a proposal for project-based housing that is owned or controlled by ECC/HANH. If the proposal for ECC/HANH-owned housing is selected, ECC/HANH will use an authorized approved entity to review the ECC/HANH selection and to administer the PBV program. ECC/HANH will obtain HUD approval of the authorized approved entity prior to selecting the proposal for ECC/HANH-owned housing.

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

ECC/HANH Notice of Owner Selection [24 CFR 983.51(d)]

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

ECC/HANH Policy
Selection of any proposal for project-based voucher assistance must be approved by ECC/HANH's Board of Commissioners.

Within 10 business days of ECC/HANH making the selection, ECC/HANH will notify the selected owner in writing of the owner's selection for the PBV program. ECC/HANH will also notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

In addition, ECC/HANH will publish its notice for selection of PBV proposals for two consecutive days in the same newspapers and trade journals ECC/HANH used to solicit the proposals. The announcement will include the name of the owner that was selected for the PBV program. ECC/HANH will also post the notice of owner selection on its electronic web site.

ECC/HANH will make available to any interested party its rating and ranking sheets and documents that identify ECC/HANH basis for selecting the proposal. These documents will be available for review by the public and other interested parties for one month after publication of the notice of owner selection. ECC/HANH will not make available sensitive owner information that is privileged, such as financial statements and similar information about the owner.

ECC/HANH will make these documents available for review at ECC/HANH during normal business hours. The cost for reproduction of allowable documents will be $.25 per page.

17-II.C. HOUSING TYPE [24 CFR 983.52]

ECC/HANH may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that was executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of ECC/HANH selection, the units substantially comply with HQS. Units for which new construction or rehabilitation began after the owner's proposal submission but prior to the execution of the HAP do not subsequently qualify as existing housing. Units that were newly constructed or rehabilitated in violation of program requirements also do not qualify as existing housing.

ECC/HANH must decide what housing type, new construction, rehabilitation, or existing housing, will be used to develop project-based housing. ECC/HANH choice of housing type must be reflected in its solicitation for proposals.

17-II.D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS

Ineligible Housing Types [24 CFR 983.53]

ECC/HANH may not attach or pay PBV assistance to shared housing units; units on the grounds of a penal reformatory, medical, mental, or similar public or private institution; nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (except that assistance may be provided in assisted living facilities); units that

are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students; manufactured homes; and transitional housing. In addition, ECC/HANH may not attach or pay PBV assistance for a unit occupied by an owner and ECC/HANH may not select or enter into an agreement to enter into a HAP contract or HAP contract for a unit occupied by a family ineligible for participation in the PBV program. A member of a cooperative who owns shares in the project assisted under the PBV program is not considered an owner for purposes of participation in the PBV program. Finally, PBV assistance may not be attached to units for which construction or rehabilitation has started after the proposal submission and prior to the execution of an AHAP.

Subsidized Housing [24 CFR 983.54]

ECC/HANH may not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- A public housing unit;
- A unit subsidized with any other form of Section 8 assistance;
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments (except that ECC/HANH may attach assistance to a unit subsidized with Section 236 interest reduction payments);
- A Section 202 project for non-elderly with disabilities;
- Section 811 project-based supportive housing for persons with disabilities;
- Section 202 supportive housing for the elderly;
- A Section 101 rent supplement project;
- A unit subsidized with any form of tenant-based rental assistance;
- A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or ECC/HANH in accordance with HUD requirements.

17-II.E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55, Notice PIH 2013-11, and FR Notice 3/13/23]

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

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

HUD requires new construction and rehabilitation housing that will include forms of governmental assistance other than PBVs to undergo a subsidy layering review (SLR) prior to entering into an Agreement to Enter into Housing Assistance Payments Contract (AHAP).

Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.

When ECC/HANH selects a new construction or rehabilitation project, ECC/HANH must require information regarding all HUD and/or other federal, state, or local governmental assistance to be disclosed by the project owner using Form HUD-2880. Appendix A of FR Notice 3/23/23 contains a list of all required documentation.

Either HUD or a HUD-approved housing credit agency (HCA) in ECC/HANH's jurisdiction performs the subsidy layering review. ECC/HANH must request an SLR through their local HUD Field Office or, if eligible, through a participating HCA.

If the SLR request is submitted to an approved HCA, and the proposed project-based voucher assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify ECC/HANH. ECC/HANH may proceed to execute an AHAP at that time if the environmental approval is received.

The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

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

25 Percent per Project Cap [24 CFR 983.56]

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

ECC/HANH Policy

Under ECC/HANH's MTW Plan, ECC/HANH will limit the amount of project-based units in non-mixed finance projects to no more than 50% of the units in the project. However, the agency may project base up to 75 % of the units in such project if the project:

- Will provide replacement units for public housing units lost as a result of demolition or disposition;
- Is undertaken in an area where significant investments are being made;
- Will help to reduce de-concentration of very low-income families; or
- Is located in areas that provide increased access to transportation or employment opportunities.

Exceptions to 25 Percent per Project Cap [24 CFR 983.56(b)]

Exceptions are allowed and PBV units are not counted against the 25 percent per project cap if:

- The units are in a single-family building (one to four units)

- The units are *excepted units* in a multifamily project because they are specifically made available for elderly and/or disabled families or families receiving supportive services (also known as *qualifying families*).

ECC/HANH must include in the ECC/HANH administrative plan the type of services offered to families for a project to qualify for the exception and the extent to which such services will be provided. It is not necessary that the services be provided at or by the project, if they are approved services. To qualify, a family must have at least one member receiving at least one qualifying supportive service. ECC/HANH may not require participation in medical or disability-related services other than drug and alcohol treatment in the case of current abusers as a condition of living in an excepted unit, although such services may be offered.

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

ECC/HANH must monitor the excepted family's continued receipt of supportive services and take appropriate action regarding those families that fail without good cause to complete their supportive services requirement. The ECC/HANH administrative plan must state the form and frequency of such monitoring.

ECC/HANH Policy

Supportive Services

ECC/HANH has established a priority for committing PBV units for supportive housing. Effective supportive housing services should be determined according to the need of individual families, and may vary significantly from family to family. The following are considered acceptable supportive services:

- Case management services with extended day hours and on-call availability for crises;
- Coordination of needed medical, clinical, and health care services;
- Assistance in helping persons access substance abuse treatment and to maintain sobriety;
- Counseling and assistance with daily living skills;
- Coordination with educational opportunities, including GED preparation;
- Coordination with vocational services, including coordination with job training and employment services;
- Budget counseling and assistance in applying for appropriate benefits;
- Coordination with transportation assistance, including transportation to medical appointments and transportation related to employment or other economic self-sufficiency activities;
- Coordination with childcare resources and other opportunities for children and youth;
- Full-family wrap-around services targeted to the specific service needs of the family members.

The specific services provided and the intensity of those services will vary depending upon the type of supportive services and the target population to be served.

ECC/HANH will use the following guidelines in evaluating proposed supportive service programs:

- The supportive service program has a history and track record of effectively serving persons or families who, without supportive services, may have difficulty maintaining housing. This may be demonstrated by a successfully history of:
    - Providing services targeted to homeless persons or persons with behavioral health disabilities, or other disabilities that may be associated with creating barriers to the person's ability to maintain housing;
    - Providing intensive case management services that include development of individualized supportive service plans, and regular meetings and monitoring to ensure that participants maintain compliance with their supportive service plan.

As a general guideline, a staff to client ratio exceeding 1:25 will be considered insufficient staffing to provide the level of intensive supportive services that ECC/HANH seeks. A staff to client ratio of 1:10-15 is most appropriate.

Family Responsibility to Comply with Supportive Service Plans

Families selected for occupancy and assistance in a PBV supportive housing unit will be required to enter into an individualized supportive service plan with the service provider. The supportive service plan is intended to help the family:

- Build family self-sufficiency;
- Maintain their housing; and
- To live independently and effectively in their community.

In PBV developments offering supportive services, at least one family member is to receive/participate in the available supportive services.

- At the time of initial lease execution between the family and the owner, the family must sign a statement which includes all family obligations, including the requirement to participate in a supportive service plan.
- At the family's annual recertification, ECC/HANH requires written documentation from the service provider indicating the family's continued compliance with the terms of the supportive services plans.
- At the ECC/HANH's sole discretion, ECC/HANH may request quarterly documentation of service plan compliance for new participants, or more frequent periodic documentation for families who have not fully complied with their supportive service plan.

The family is eligible to receive assistance while the family is compliant with its supportive services plan. In addition, a family who has occupied a PBV unit and has been compliant with its supportive housing plan, and has successfully completed the supportive housing plan, is eligible to continue to receive PBV assistance so long as the family resides in the unit.

If a family fails to complete its supportive service plan without good cause, ECC/HANH will terminate assistance, and the owner may terminate the lease. If the lease is not terminated, the ECC/HANH will remove the unit from its HAP Contract, and may replace the unit with another unit on the premises, similar in characteristics.

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

ECC/HANH may establish local requirements designed to promote PBV assistance in partially assisted projects. A *partially assisted project* is a project in which there are fewer units covered by a HAP contract than residential units [24 CFR 983.3].

ECC/HANH may establish a per-project cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily project containing excepted units or in a single-family building. ECC/HANH may also determine not to provide PBV assistance for excepted units, or ECC/HANH may establish a per-project cap of less than 25 percent.

ECC/HANH Policy:

ECC/HANH will not impose any further cap on the number of PBV units assisted per project.

17-II.G. SITE SELECTION STANDARDS

Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)]

ECC/HANH may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an agreement to enter into a HAP contract or HAP contract for units on the site, unless ECC/HANH has determined that PBV assistance for housing at the selected site is consistent with the goal of deconcentrating poverty and expanding housing and economic opportunities. The standard for deconcentrating poverty and expanding housing and economic opportunities must be consistent with the ECC/HANH Plan under 24 CFR 903 and the ECC/HANH administrative plan.

In addition, prior to selecting a proposal, ECC/HANH must determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable Civil Rights Laws, regulations, and Executive Orders, and that the site meets the HQS site and neighborhood standards at 24 CFR 982.401(l).

ECC/HANH Policy

ECC/HANH has established the following site selection standards aimed at deconcentrating poverty and expanding housing opportunity by committing its PBV assistance to sites that either (a) have a low poverty rate, or (b) contribute to neighborhood revitalization, including expanded housing and economic opportunities.

In determining whether a proposed PBV housing site promotes these goals, ECC/HANH will be guided by the following standards:

- Projects located in Census Tracts that have a poverty rate of less than 20% will be considered to satisfy the goal of deconcentrating poverty.

For sites that are not located in Census Tracts with poverty rates of less than 20%, ECC/HANH will be guided by the following standards:

- Projects located in Census Tracts (or Census Tract Block Groups) that have a poverty rate lower than the New Haven average;
- Projects that are part of neighborhood revitalization and located within a Census tract that is part of an EZ/EC/RC community;
- Projects in neighborhoods or communities undergoing significant revitalization, as evidenced by:
    - Evidence of other housing and community development revitalization in the community;
    - Investments of public or private funds in the community to promote revitalization and goals of deconcentrating poverty and expanding housing and economic opportunities;
    - Development of new market rate housing units in the community;
    - Reductions in the community's poverty rate over the past 5 years;
    - The site provides meaningful opportunities for educational and economic advancement.

Site Standards Related to Minority Concentration

The site for newly constructed PBV housing units must not be located in an area of minority concentration (with the exceptions below) and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

Exceptions: A project may be located in an area of minority concentration only if:

- Sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside of areas of minority concentration; or
- The project is necessary to meet overriding housing needs that cannot be met in that housing market.
    - "Sufficient, Comparable Opportunities" does not require that there be an equal number of assisted units within and outside of areas of minority concentration in every locality.
    - Application of this "sufficient" standard should produce a reasonable distribution of assisted units each year that, over a period of several years, will approach an appropriate balance of housing choices within and outside of areas of minority concentration.
    - An appropriate balance in any jurisdiction must be determined in light of

local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality's population.

- Units may be considered "comparable opportunities" if they have the same household type (elderly, disabled, family, large family) and tenure type (owner/renter); require roughly the same participant contribution toward rent; serve the same income group; are located in the same housing market and are in standard condition.
- Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD-assisted housing on the availability of housing choices for low- income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice:
    - A significant number of assisted housing units are available outside areas of minority concentration.
    - There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.
    - There are racially integrated neighborhoods in the locality.
    - Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration, and comparable housing opportunities have been made available outside areas of minority concentration through other programs.
    - Minority families have benefited from local activities (e.g., acquisition and write downs of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.
    - A significant proportion of minority households have been successful in finding units in non-minority areas under the tenant-based assistance programs.
- "Overriding Housing Needs" permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a "revitalizing area").
- An "overriding housing need" may not serve as the basis for determining that a site is acceptable if the only reason that the housing need cannot otherwise be feasibly met, in other areas, is that discrimination on the basis of protected categories, including race, renders sites outside areas of minority concentration unavailable, or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

Existing and Rehabilitated Housing Site and Neighborhood Standards [24 CFR 983.57(d)]

ECC/HANH may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards. The site must:

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- Have adequate utilities and streets available to service the site;
- Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

New Construction Site and Neighborhood Standards [24 CFR 983.57(e)]

In order to be selected for PBV assistance, a site for newly constructed housing must meet the following HUD required site and neighborhood standards:

- The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- The site must have adequate utilities and streets available to service the site;
- The site must not be located in an area of minority concentration unless ECC/HANH determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;
- The site must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.
- The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;
- The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;
- The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and
- Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

17-II.H. ENVIRONMENTAL REVIEW [24 CFR 983.58]

The ECC/HANH activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. The *responsible entity* is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). ECC/HANH may not enter into an agreement to enter into a HAP contract nor enter into a HAP contract until it has complied with the environmental review requirements.

In the case of existing housing, the responsible entity that is responsible for the environmental review under 24 CFR part 58 must determine whether or not PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR 58.5.

ECC/HANH may not enter into an agreement to enter into a HAP contract or a HAP contract with an owner, and ECC/HANH, the owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until the environmental review is completed.

ECC/HANH must supply all available, relevant information necessary for the responsible entity to perform any required environmental review for any site. ECC/HANH must require the owner to carry out mitigating measures required by the responsible entity (or HUD, if applicable) as a result of the environmental review.

PART III: DWELLING UNITS

17-III.A. OVERVIEW

This part identifies the special housing quality standards (HQS)that apply to the PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

17-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]

The housing quality standards (HQS) for the tenant-based program, including those for special housing types, generally apply to the PBV program. HQS requirements for shared housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 do not apply to the PBV program.

Implementation of Provisions in Notice PIH-2017-20 (HA), Housing Opportunity Through Modernization Act of 2016 (HOTMA) – Housing Quality Standards (HQS) Implementation Guide

Implementing the NLT Provision

The NLT Provision allows ECC/HANH to approve the assisted tenancy and to begin paying the HAP payment on a unit that fails to meet the Housing Quality Standards (HQS) requirements, provided that the deficiencies are non-life threatening. This provision will apply to the Project Based Voucher (PBV) Program

Non-Life-Threatening Provision "NLT Provision"

A. HUD Definition of Life-Threatening and Non-Life-Threatening Conditions

HUD requires ECC/HANH to adopt HUD's definition of NLT conditions, as defined in the January 18, 2017, implementation notice.

HUD defines an NLT condition as "any condition that would fail to meet the HQS and is not a life-threatening condition. An NLT condition a condition that fails to meet the housing quality standards under 24 CFR 982.401 and is not a Life Threatening (LT) as defined by HUD.

ECC/HANH Policy

The following are HUD's definition of LT conditions includes specific conditions under 10 categories.

(1) Gas (natural or liquid petroleum) leak or fumes

(2) Electrical hazards that could result in shock or fire

(3) Inoperable or missing smoke detector

(4) Interior air quality (inoperable or missing carbon monoxide detector, where required)

(5) Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting

(6) Lack of alternative means of exit in case of fire or blocked egress

(7) Other interior hazards (missing or damaged fire extinguisher, where required)

(8) Deteriorated paint surfaces in a unit built before 1978 and to be occupied by a family with a child under 6 years of age

(9) Any other condition subsequently identified by HUD as life-threatening in a notice published in the Federal Register.

(10) Any other condition identified by the administering PHA as life-threatening in the PHA's administrative plan prior to April 18, 2017 (the effective date of the January 18, 2017, implementation notice). Please see below.

- Any condition that jeopardizes the security of the unit
- Major plumbing leaks or flooding, waterlogged ceiling or floor in imminent danger of falling
- Absence of a working heating system when outside temperature is below 60 degrees Fahrenheit.
- Utilities not in service, including no running hot water
- Conditions that present the imminent possibility of injury
- Obstacles that prevent safe entrance or exit from the unit
- Absence of a functioning toilet in the unit

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, proper authorities will be notified by ECC/HANH.

If an owner fails to correct life-threatening conditions as required by ECC/HANH, ECC/HANH will enforce the HQS in accordance with HUD requirements.

If a family fails to correct a family-caused life-threatening condition as required by ECC/HANH, ECC/HANH will enforce the family obligations.

The owner will be required to repair an inoperable smoke detector unless ECC/HANH determines that the family has intentionally disconnected it (by removing batteries or other means). In this case, the family will be required to repair the smoke detector within 24 hours.

NOTE: Table 1 in Exhibit 17-1 lists the specific LT condition. The specific conditions listed in the second column are life threatening for the purpose of implementing the NLT provision. The third column provides the relevant inspection item number from form HUD-52580 or 52580-A for each of the LT conditions. There is also additional guidance for Categories 7-10 as needed.

B. Incorporating Life-Threatening Conditions for all Inspections

ECC/HANH must apply the list of LT conditions to all HQS inspections. Initials, bi/triennials, specials and quality control inspections

Under the NLT provision if a unit built before 1978, will be occupied by a family with a child or children under the age of 6 and there is presence of deteriorated identified during

the initial HQS inspection, ECC/HANH will not approve the tenancy or make any HAP payments until the lead hazard reduction has been completed.

However, if the deficiency is identified for a unit already occupied by an assisted family as of the effective date of the NLT provision, the lead hazard condition does not need to be completed within 24 hours as in the case of all other LT conditions. ECC/HANH and owners must follow the requirements in 24 CFR part 35.

C. Documenting the Presence or Absence of Life-Threatening Conditions

ECC/HANH must ensure that the unit does not have any life-threatening deficiencies before approving the unit for occupancy.

ECC/HANH must document that the unit passed all components of the inspection that relate to any life-threatening conditions and describe the Life-threatening conditions on the HUD inspection form (HUD-52580, 52580-A or successor form).

If the completed form has no noted life-threatening conditions, ECC/HANH will certify that the unit has no life-threatening conditions.

D. Notification of Owners and Tenants

After the initial inspection has been completed, ECC/HANH must notify the owner and family of the inspection results in writing and must include detailed information for all the failed and inconclusive inspection items.

The notification must also list the individual fail items and identify if the deficiencies are life threatening or non-life threatening.

- The owner and family should be made fully aware of the work that is necessary to be done to pass the HQS inspection.
- If any of the items at LT conditions, the owner must be notified, in writing, that these deficiencies must be corrected before ECC/HANH can approve tenancy.
- If the unit has only NLT conditions, ECC/HANH must offer the family the choice to accept the unit or to decline the unit and continue their housing search.
- ECC/HANH must notify the family that if the owner fails to correct the NLT deficiencies within 30 calendar days, ECC/HANH will terminate the HAP contract with the unit, which in turn terminates the assisted lease and the family will have to move to another unit to continue receiving voucher assistance.
- If the family declines the unit, ECC/HANH must inform the family of how much search time they have remaining consistent with the ECC/HANH policies.
- In accordance with 982.303(c), ECC/HANH must provide for the suspension of the initial or any extended term of the voucher from the date the family submitted the request for ECC/HANH approval of the tenancy until the date ECC/HANH notifies the family in writing whether the request has been approved or denied. In this circumstance, the date of the family's choice to decline the unit would be the date of the end of the suspension of the voucher term. As a reminder, families with disabilities may make a reasonable accommodation request for an extension of the search time at any time.

- If the family accepts the unit with the NLT conditions, ECC/HANH must notify the owner, in writing, that ECC/HANH has approved the assisted tenancy and the owner has 30 calendar days from the date of the notification to correct the NLT conditions.
- If the conditions are not corrected within 30 calendar ECC/HANH will withhold the HAP and follow the policy regarding owner non-compliance with HQS.

E. Effective Date of the Lease Term

Under the NLT provision, the following steps must occur before the date of the initial term of the lease.

- The family accepts the unit and submits a request for tenancy approval (RFTA), Form HUD- 52517.
- ECC/HANH will determine that the unit is an eligible unit.
- The unit has been inspected by ECC/HANH and has no life-threatening deficiencies.
- ECC/HANH determines the rent to owner is reasonable, the family share does not exceed 40 percent of monthly adjusted income (unless gross rent is equal or less than the payment standard), and the lease includes the tenancy addendum.
- The family and owner execute the lease (including HCV tenancy addendum and lead based paint disclosure information as required).

F. Housing Assistance Payments

If the NLT conditions are not corrected within 30 calendar days of ECC/HANH notifying the owner of the unit's failure of HQS, ECC/HANH must withhold any further HAPs until those conditions are addressed and the unit complies with HQS.

The 30-day requirement is statutory, and ECC/HANH may not extend the time for the owner to correct the repairs before payment is withheld.

Once the unit is in compliance with HQS, ECC/HANH must recommence making the HAP payment.

ECC/HANH will not provide HAP to the owner for the time that HAP was withheld. After the withholding of HAP payments after 30 days, ECC/HANH will follow the HQS abatement and HAP termination policy.

<u>ECC/HANH Abatement Policy</u>

ECC/HANH will make all HAP abatements effective the first of the month following the expiration of ECC/HANH specified correction period (including any extension).

Payment will resume effective on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated.

Owner rents are not abated as a result of HQS deficiencies that are the family's responsibility.

There will be no more than three (3) inspections per participant/landlord in the case of failed inspections and/or abatement.

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

ECC/HANH HAP Contract Termination Policy

The maximum length of time that HAP may be abated is 60 days. However, if the owner completes corrections and notifies ECC/HANH before the termination date of the HAP contract, ECC/HANH may rescind the termination notice if (1) the family still resides in the unit and wishes to remain in the unit and (2) the unit passes inspection.

Reasonable notice of HAP contract termination by ECC/HANH is 30 days.

However, under no circumstance may the HAP contract continue beyond 180 days of the effective date of the HAP contract if the unit is not in compliance with HQS.

However, once the unit is in compliance with HQS, ECC/HANH must recommence making HAP payments.

ECC/HANH will not make retroactive payments for the period that the unit was in HAP abatement.

However, under no circumstance may the HAP contract continue beyond 180 days of the effective date of the HAP contract if the unit is not in compliance with HQS.

Alternative Inspection provision [Notice PIH 2017-20 (HA)]

ECC/HANH can approve assisted tenancy of a unit prior to the HQS inspection if the property has passed an alternative inspection within the past 24 months.

Under this provision, ECC/HANH approves the assisted lease term, conducts the initial within 15 days of receiving the Request for Tenancy Approval (RFTA) form. (Form HUD-52517)

If the unit has failed HQS deficiencies, the HAP is suspended until the HAP failed deficiencies have been corrected.

ECC/HANH then makes assistance payments retroactively, dating back to the effective date of the assisted lease term, once the unit has been inspected and found to meet HQS standards.

ECC/HANH Policy

A. Eligible Alternative Inspection Methods

The alternative inspection method **must** meet all the following requirements:

1) ECC/HANH must be able to obtain the results of the alternative inspection that occurred within the last 24 months.

2) If the alternative inspection method used sampling (a sample of the total number of units at the property), the unit in question must have been included in the universe of units from which the sample was drawn.

For example, if a 100-unit property includes 20 units that are occupied by an HCV-assisted family, then those 20 units must have been included in the universe of units from which the alternative inspection sample was pulled.

However, this does not mean that any or all of the 20 units would necessarily have to been part of the units that were originally inspected, only a part of the universe that the sample was originated from.

3) ECC/HANH may rely upon the following alternative inspections which would have occurred within the last 24 months:
   a. Housing assisted under the HOME Investment Partnerships (HOME) program
   b. Housing financed using Low Income Housing Tax Credits (LIHTCs), CHFA
   c. inspections performed by HUD, without prior HUD approval.

In order to use an alternative inspection method other than that used for HOME, LIHTC, or inspections performed by HUD, that method must be approved by HUD's Real Estate Assessment Center (REAC) and additional amendment must be made to this HCV Administrative Plan.

B. Timing of the Initial HQS Inspection

The alternative inspection provision does not eliminate the requirement for ECC/HANH to conduct the initial HQS inspection.
ECC/HANH must conduct the initial HQS inspection within 15 days of receiving the RFTA (Form HUD-52517).

C. Approval of Assisted Tenancy

ECC/HANH will approve the assisted tenancy and execution of the lease before the initial HQS inspection takes place and will inspect the unit within 15 days of receiving the RFTA.

1) At the time of voucher issuance, as part of the tenant package, ECC/HANH will provide the family with the list of conditions defined as life-threatening in this Administrative Plan.

2) The family will submit the RFTA for the unit.

3) ECC/HANH will determine if the property passed an inspection within the previous 24 months that qualifies as an alternative inspection.

4) ECC/HANH will obtain a copy of the alternative inspection report.

5) ECC/HANH will notify both the owner and the family that unit is eligible for approval based on alternative inspection.

6) ECC/HANH will explain to the family how the alternative inspection provision applies to the unit they have selected. The family may choose to:

a. accept the unit,

b. decline the unit until it has passed ECC/HANH's inspection, or

c. decline the unit and wait for another LIHTC PBV, RAD/PBV unit offer with their voucher.

7) ECC/HANH needs to ensure that the owner understands that they will not receive the initial HAP until ECC/HANH has inspected the unit and determined the unit meets HQS, even though the family's assisted tenancy has commenced and that the HAP payment will be paid retroactively to the date of the lease term.

8) If the unit has been accepted, ECC/HANH will determine that the rent to owner is reasonable and that the family share does not exceed 40 percent of monthly adjusted income (unless gross rent is equal or less than the payment standard), and that the lease includes the tenancy addendum.

9) ECC/HANH will approve occupancy and the family and owner will execute the lease (including HCV tenancy addendum and lead-based paint disclosure information as required).

10) ECC/HANN will conduct the initial HQS inspection (within 15 days of receiving the RFTA).

D. Housing Assistance Payment

Under the alternative inspection provision, no housing assistance payments will be made to the owner until the unit passes the initial HQS inspection. If the unit passes the HQS inspection, ECC/HANH will make housing assistance payments retroactively to the effective date of the lease.

Process for HAP Payment the Alternative Inspection Provision and the NLT Provision

- After the inspection, ECC/HANH will notify the owner in writing of the inspection results.
- If the unit passes HQS, ECC/HANH will make the HAP payment retroactively to the effective date of the start of the assisted lease term.

- If the unit fails HQS with only non-life-threatening deficiencies:
  a. ECC/HANH will make the HAP payment retroactively to the start of the assisted lease term.
  b. After 30 days from the notification of the owner of the inspection results, if the deficiencies have not been corrected, ECC/HANH must begin withholding HAP payments.
- If the unit fails HQS with life-threatening deficiencies:
  a. ECC/HANH will not begin making HAP payment until the life-threatening deficiencies are corrected.
  b. ECC/HANH will take enforcement action against the owner if any life-threatening defect is not corrected within 24 hours.
  c. Once the life-threatening deficiencies have been addressed, ECC/HANH will make the HAP payment retroactively the start of the assisted lease term.
  d. If the unit also has non-life-threatening conditions, the owner has 30 calendar days to make those repairs before ECC/HANH begins withholding HAP.
  e. If ECC/HANH took enforcement action to abate payment when repairs were not made within the cure period, the owner will not be paid for the time the abatement was in effect.
  f. If the owner fails to correct the deficiencies within the 30-calendar day timeframe, ECC/HANH will follow the policy on when to terminate the HAP contract and issue a new voucher to the family due to owner non-compliance with HQS. Under no circumstances can the HAP contract continue beyond 180 days of the effective date of the HAP contract if unit is not in compliance with HQS.

E. Notification of Owners and Tenants

ECC/HANH must notify owners and families of the new procedures and timeline for assistance payments

ECC/HANH must advise families of the list of the life-threatening deficiencies so the family can look for the items in the unit and notify ECC/HANH is the deficiencies are found or decline to enter into a lease with the owner. The list should be provided at the family briefing or voucher issuance meeting.

ECC/HANH will notify the family that is the family agrees to move into the unit and the unit does not pass the inspection, the family may be obligated to stay in the unit, in accordance with the lease, until the repairs are completed or ECC/HANH terminates the HAP contract for that unit in accordance with the HQS enforcement policy and that is the HAP contract for the unit is terminated, the family will have to move in order to retain the voucher.

Lead-based Paint [24 CFR 983.101(c)]

The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. 4821-4846),

the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, apply to the PBV program.

However, under the NLT provision if a unit built before 1978, will be occupied by a family with a child or children under the age of 6 and there is presence of deteriorated identified during the initial HQS inspection, ECC/HANH will not approve the tenancy or make any HAP payments until the lead hazard reduction has been completed.

However, if the deficiency is identified for a unit already occupied by an assisted family as of the effective date of the NLT provision, the lead hazard condition does not need to be completed within 24 hours as in the case of all other LT conditions. ECC/HANH and owners must follow the requirements in 24 CFR part 35.

17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES

The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. ECC/HANH must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

17-III.D. INSPECTING UNITS

Pre-selection Inspection [24 CFR 983.103(a)]

ECC/HANH must examine the proposed site before the proposal selection date. If the units to be assisted already exist, ECC/HANH must inspect all the units before the proposal selection date and must determine whether the units substantially comply with HQS. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, ECC/HANH may not execute the HAP contract until the units fully comply with HQS.

Pre-HAP Contract Inspections [24 CFR 983.103(b) FR Notice 1/18/17, and Notice PIH 2017-20]

ECC/HANH must inspect each contract unit before execution of the HAP contract. ECC/HANH may not enter into a HAP contract covering a unit until the unit fully complies with HQS, unless the ECC/HANH has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions, or if the unit passed an alternative inspection.

> <u>ECC/HANH Policy</u>
>
> ECC/HANH will provide assistance on behalf of the family for units that fail the initial HQS inspection as a result of only non-life-threatening conditions, or if the unit passed an alternative inspection.

Turnover Inspections [24 CFR 983.103(c)]

Before providing assistance to a new family in a contract unit, ECC/HANH must inspect the unit. ECC/HANH may not provide assistance on behalf of the family until the unit fully complies with HQS.

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

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

> ECC/HANH Policy
>
> ECC/HANH will inspect on an annual basis a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS.

If more than 20 percent of the sample of inspected contract units in a building fail the initial inspection, ECC/HANH must reinspect 100 percent of the contract units in the building.

Other Inspections [24 CFR 983.103(e)]

ECC/HANH must inspect contract units whenever needed to determine that the contract units comply with HQS, and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. ECC/HANH must take into account complaints and any other information coming to its attention in scheduling inspections.

ECC/HANH must conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting ECC/HANH supervisory quality control HQS inspections, ECC/HANH should include a representative sample of both tenant-based and project-based units.

Inspecting ECC/HANH-Owned Units [24 CFR 983.103(f)]

In the case of ECC/HANH-owned units, the inspections must be performed by an independent agency designated by ECC/HANH and approved by HUD. The independent entity must furnish a copy of each inspection report to ECC/HANH and to the HUD field office where the project is located. ECC/HANH must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by the ECC/HANH-owner.

PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS

17-IV.A. OVERVIEW [24 CFR 983.151]

There are specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing. This part describes the requirements unique to this type of assistance.

Housing selected for this type of assistance may not at a later date be selected for PBV assistance as existing housing.

17-IV.B. AGREEMENT TO ENTER INTO HAP CONTRACT

In order to offer PBV assistance in rehabilitated or newly constructed units, ECC/HANH must enter into an agreement to enter into HAP contract (Agreement) with the owner of the property. The Agreement must be in the form required by HUD [24 CFR 983.152(b)]. ECC/HANH may not enter into an Agreement if commencement of construction or rehabilitation has commenced after proposal submission [24 CFR 983.152(c)]. Construction begins when excavation or site preparation (including clearing of the land) begins for the housing. Rehabilitation begins with the physical commencement of rehabilitation activity on the housing.

In the Agreement the owner agrees to develop the PBV contract units to comply with HQS, and ECC/HANH agrees that upon timely completion of such development in accordance with the terms of the Agreement, ECC/HANH will enter into a HAP contract with the owner for the contract units [24 CFR 983.152(a)].

Content of the Agreement [24 CFR 983.152(d)]

At a minimum, the Agreement must describe the following features of the housing to be developed and assisted under the PBV program:

- Site and the location of the contract units;
- Number of contract units by area (size) and number of bedrooms and bathrooms;
- Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner and utility services to be paid by the tenant;
- An indication of whether or not the design and construction requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973 apply to units under the Agreement. If applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the Agreement;
- Estimated initial rents to owner for the contract units;
- Description of the work to be performed under the Agreement. For rehabilitated units, the description must include the rehabilitation work write up and, where determined necessary by ECC/HANH, specifications and plans. For new construction units, the description must include the working drawings and specifications.

- Any additional requirements for quality, architecture, or design over and above HQS.

Execution of the Agreement [24 CFR 983.153]

The Agreement must be executed promptly after ECC/HANH notice of proposal selection to the selected owner. ECC/HANH may not enter into the Agreement if construction or rehabilitation has started after proposal submission. Generally, ECC/HANH may not enter into the Agreement with the owner until the subsidy layering review is completed. Likewise, ECC/HANH may not enter into the Agreement until the environmental review is completed and ECC/HANH has received environmental approval. However, ECC/HANH does not need to conduct a subsidy layering review in the case of a HAP contract for existing housing or if the applicable state or local agency has conducted such a review. Similarly, environmental reviews are not required for existing structures unless otherwise required by law or regulation.

ECC/HANH Policy

ECC/HANH will enter into the Agreement with the owner within 10 business days of receiving both environmental approval and notice that subsidy layering requirements have been met, and before construction or rehabilitation work is started.

17-IV.C. CONDUCT OF DEVELOPMENT WORK

Labor Standards [24 CFR 983.154(b)]

If an Agreement covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the Agreement will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.

The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations. ECC/HANH must monitor compliance with labor standards.

Equal Opportunity [24 CFR 983.154(c)]

The owner must comply with Section 3 of the Housing and Urban Development Act of 1968 and the implementing regulations at 24 CFR part 135. The owner must also comply with federal equal employment opportunity requirements.

Owner Disclosure [24 CFR 983.154(d) and (e)]

The Agreement and HAP contract must include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

The owner must also disclose any possible conflict of interest that would be a violation of the Agreement, the HAP contract, or HUD regulations.

17-IV.D. COMPLETION OF HOUSING

The Agreement must specify the deadlines for completion of the housing, and the owner must develop and complete the housing in accordance with these deadlines. The Agreement must also specify the deadline for submission by the owner of the required evidence of completion.

Evidence of Completion [24 CFR 983.155(b)]

At a minimum, the owner must submit the following evidence of completion to ECC/HANH in the form and manner required by ECC/HANH:

- Owner certification that the work has been completed in accordance with HQS and all requirements of the Agreement; and
- Owner certification that the owner has complied with labor standards and equal opportunity requirements in development of the housing.

At ECC/HANH'S discretion, the Agreement may specify additional documentation that must be submitted by the owner as evidence of housing completion.

> ECC/HANH Policy
>
> ECC/HANH will determine the need for the owner to submit additional documentation as evidence of housing completion on a case-by-case basis depending on the nature of the PBV project. ECC/HANH will specify any additional documentation requirements in the Agreement to enter into HAP contract.

ECC/HANH Acceptance of Completed Units [24 CFR 983.156]

Upon notice from the owner that the housing is completed, ECC/HANH must inspect to determine if the housing has been completed in accordance with the Agreement, including compliance with HQS and any additional requirements imposed under the Agreement. ECC/HANH must also determine if the owner has submitted all required evidence of completion.

If the work has not been completed in accordance with the Agreement, ECC/HANH must not enter into the HAP contract.

If ECC/HANH determines the work has been completed in accordance with the Agreement and that the owner has submitted all required evidence of completion, ECC/HANH must submit the HAP contract for execution by the owner and must then execute the HAP contract.

PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

17-V.A. OVERVIEW

ECC/HANH must enter into a HAP contract with an owner for units that are receiving PBV assistance. The purpose of the HAP contract is to provide housing assistance payments for eligible families. Housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term. With the exception of single-family scattered-site projects, a HAP contract shall cover a single project. If multiple projects exist, each project is covered by a separate HAP contract. The HAP contract must be in the form required by HUD [24 CFR 983.202(a)].

17-V.B. HAP CONTRACT REQUIREMENTS

Contract Information [24 CFR 983.203]

The HAP contract must specify the following information:

- The total number of contract units by number of bedrooms;
- The project's name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building;
- The number of contract units in each building, the location of each contract unit, the area of each contract unit, and the number of bedrooms and bathrooms in each contract unit;
- Services, maintenance, and equipment to be supplied by the owner and included in the rent to owner;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner (included in rent) and utility services to be paid by the tenant;
- Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8;
- The HAP contract term;
- The number of units in any project that will exceed the 25 percent per project cap, which will be set aside for occupancy by qualifying families (elderly and/or disabled families and families receiving supportive services); and
- The initial rent to owner for the first 12 months of the HAP contract term.

Execution of the HAP Contract [24 CFR 983.204]

ECC/HANH may not enter into a HAP contract until each contract unit has been inspected and ECC/HANH has determined that the unit complies with the Housing Quality Standards (HQS). For existing housing, the HAP contract must be executed promptly after ECC/HANH selects the owner proposal and inspects the housing units. For newly constructed or rehabilitated housing the HAP contract must be executed after ECC/HANH has inspected the completed units and has determined that the units have been completed in accordance with the agreement to enter into HAP, and the owner furnishes all required evidence of completion.

ECC/HANH Policy

For existing housing, the HAP contract will be executed within 10 business days of ECC/HANH determining that all units pass HQS.

For rehabilitated or newly constructed housing, the HAP contract will be executed within 10 business days of ECC/HANH determining that the units have been completed in accordance with the agreement to enter into HAP, all units meet HQS, and the owner has submitted all required evidence of completion.

Term of HAP Contract [24 CFR 983.205, FR Notice 1/18/17, and Notice PIH 2017-21]

ECC/HANH may enter into a HAP contract with an owner for an initial term of no less than one year and no more than 15 years for each contract unit. The length of the term of the HAP contract for any contract unit may not be less than one year, nor more than 15 years. In the case of ECC/HANH-owned units, the term of the HAP contract must be agreed upon by ECC/HANH and the independent entity approved by HUD [24 CFR 983.59(b)(2)].

ECC/HANH Policy

The term of all PBV HAP contracts will be negotiated with the owner on a case-by-case basis.

At the time of the initial HAP contract term or any time before expiration of the HAP contract, ECC/HANH may extend the term of the contract for an additional term of up to 20 years if ECC/HANH determines an extension is appropriate to continue providing affordable housing for low-income families. A HAP contract extension may not exceed 20 years. ECC/HANH may provide for multiple extensions; however, in no circumstances may such extensions exceed 20 years, cumulatively. Extensions after the initial extension are allowed at the end of any extension term, provided that not more than 24 months prior to the expiration of the previous extension contract ECC/HANH agrees to extend the term, and that such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities. Extensions after the initial extension term shall not begin prior to the expiration date of the previous extension term. Subsequent extensions are subject to the same limitations. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension. In the case of ECC/HANH-owned units, any extension of the term of the HAP contract must be agreed upon by ECC/HANH and the independent entity approved by HUD [24 CFR 983.59(b)(2)].

ECC/HANH Policy

When determining whether or not to extend an expiring PBV contract, ECC/HANH will consider several factors including, but not limited to:

The cost of extending the contract and the amount of available budget authority;

The condition of the contract units;

The owner’s record of compliance with obligations under the HAP contract and lease(s);

Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities; and

Whether the funding could be used more appropriately for tenant-based assistance.

Termination by ECC/HANH [24 CFR 983.205(c) and FR Notice 1/18/17]

The HAP contract must provide that the term of ECC/HANH's contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by ECC/HANH in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

In times of insufficient funding, HUD requires that ECC/HANH first take all cost-saving measures prior to failing to make payments under existing PBV HAP contracts.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, ECC/HANH may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

Termination by Owner [24 CFR 983.205(d)]

If in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to ECC/HANH. In this case, families living in the contract units must be offered tenant-based assistance.

Statutory Notice Requirements: Contract Termination or Expiration [24 CFR 983.206, FR Notice 1/18/17, and Notice PIH 2017-21]

Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify ECC/HANH and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent. An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advance notice under such terms as HUD may require.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner's required notice period ends. ECC/HANH must provide the family with a voucher and the family must also be given the option by ECC/HANH and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness requirements. The family must pay their total tenant payment (TTP) and any additional amount if the gross rent exceeds the applicable payment standard. The family has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain except for serious or repeated lease violations or other good cause. Families that receive a tenant-based voucher at the expiration or termination of the PBV HAP contract are not new admissions

to ECC/Hanh's HCV tenant-based program and are not subject to income eligibility requirements or any other admission requirements. If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed 40 percent of the family's adjusted monthly income.

Remedies for HQS Violations [24 CFR 983.208(b)]

ECC/HANH may not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS. If ECC/HANH determines that a contract does not comply with HQS, ECC/HANH may exercise any of its remedies under the HAP contract, for any or all of the contract units. Available remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP contract.

ECC/HANH Policy

ECC/HANH will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the tenant-based voucher program. These policies are contained in Section 8-II.G., Enforcing Owner Compliance.

17-V.C. AMENDMENTS TO THE HAP CONTRACT

Substitution of Contract Units [24 CFR 983.207(a)]

At ECC/HANH discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same project for a previously covered contract unit. Before any such substitution can take place, ECC/HANH must inspect the proposed unit and determine the reasonable rent for the unit.

Addition of Contract Units [FR Notice 1/18/17 and Notice PIH 2017-21

At ECC/HANH's discretion and subject to the restrictions on the number of dwelling units that can receive PBV assistance per project and on the overall size of ECC/HANH's PBV program,

ECC/HANH and owner may amend the HAP contract to add additional PBV contract units in projects that already have a HAP contract without having to fulfill the selection requirements found at 24 CFR 983.51(b) for those additional PBV units, regardless of when the HAP contract was signed. The additional PBV units, however, are still subject to the PBV program cap as outlined in ECC's MTW Plan and individual project caps. Prior to attaching additional units without competition, ECC/HANH must submit to the local field office information outlined in FR Notice 1/18/17. ECC/HANH must also detail in the administrative plan their intent to add PBV units and the rationale for adding units to the specific PBV project.

ECC/HANH Policy

ECC/HANH will consider adding contract units to the HAP contract when ECC/HANH determines that additional housing is needed to serve eligible low-income families. Circumstances may include, but are not limited to:

The local housing inventory is reduced due to a disaster (either due to loss of housing units, or an influx of displaced families); and

Voucher holders are having difficulty finding units that meet program requirements.

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

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

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

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

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

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

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and the leases;
- Each contract unit for which the owner is receiving HAP, is leased to an eligible family referred by ECC/HANH, and the lease is in accordance with the HAP contract and HUD requirements;
- To the best of the owner’s knowledge the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family’s only residence;
- The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit;
- The amount of the HAP the owner is receiving is correct under the HAP contract;
- The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;
- Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit;
- The family does not own or have any interest in the contract unit (does not apply to family's membership in a cooperative); and
- Repair work on the project selected as an existing project that is performed after HAP execution within such post-execution period as specified by HUD may constitute

development activity, and if determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.

17-V.F. ADDITIONAL HAP REQUIREMENTS

Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.208(a)]

The owner is required to maintain and operate the contract units and premises in accordance with HQS, including performance of ordinary and extraordinary maintenance. The owner must provide all the services, maintenance, equipment, and utilities specified in the HAP contract with ECC/HANH and in the lease with each assisted family. In addition, maintenance, replacement and redecoration must be in accordance with the standard practice for the building as established by the owner.

ECC/HANH may elect to establish additional requirements for quality, architecture, or design of PBV housing. Any such additional requirements must be specified in the Agreement to enter into a HAP contract and the HAP contract. These requirements must be in addition to, not in place of, compliance with HQS.

ECC/HANH Policy

ECC/HANH will identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. ECC/HANH will specify any special design standards or additional requirements in the invitation for PBV proposals, the agreement to enter into HAP contract, and the HAP contract.

Vacancy Payments [24 CFR 983.352(b)]

At the discretion of ECC/HANH, the HAP contract may provide for vacancy payments to the owner for an ECC/HANH-determined period of vacancy extending from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the move-out month. The amount of the vacancy payment will be determined by ECC/HANH and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner (including amounts available from the tenant’s security deposit).

ECC/HANH Policy

ECC/HANH will decide on a case-by-case basis if ECC/HANH will provide vacancy payments to the owner. The HAP contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments.

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS

17-VI.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

ECC/HANH may select families for the PBV program from those who are participants in ECC/HANH's tenant-based voucher program and from those who have applied for admission to the voucher program. For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and ECC/HANH, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to ECC/HANH's collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. ECC/HANH may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

> ECC/HANH Policy
>
> ECC/HANH will determine an applicant family's eligibility for the PBV program in accordance with the policies in Chapter 3.

In-Place Families [24 CFR 983.251(b)]

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by ECC/HANH is considered an "in-place family." These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on ECC/HANH's waiting list. Once the family's continued eligibility is determined (ECC/HANH may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and ECC/HANH must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

17-VI.C. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]

ECC/HANH may establish a separate waiting list for PBV units or it may use the same waiting list for both tenant-based and PBV assistance. ECC/HANH may also merge the PBV waiting list with a waiting list for other assisted housing programs offered by ECC/HANH. If ECC/HANH chooses to offer a separate waiting list for PBV assistance, ECC/HANH must offer to place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

If ECC/HANH decides to establish a separate PBV waiting list, ECC/HANH may use a single waiting list for ECC/HANH's whole PBV program, or it may establish separate waiting lists for PBV units in particular projects or buildings or for sets of such units.

ECC/HANH Policy

Non-LIHTC Developments

When a non-LIHTC Development has need of families to fill vacancies, ECC/HANH provides them with names from its waiting list.

LIHTC Developments
ECC/HANH currently has one PBV waiting list for use by all PBV developments. Once this list is exhausted, ECC/HANH will establish and manage separate waiting lists for individual projects or buildings that are receiving PBV assistance.

General

ECC/HANH will offer to place applicants who are listed on the waiting list for tenant-based assistance on the waiting list(s) for PBV assistance, if the list is open.

Participants may apply for admission to one or more PBV programs.

ECC/HANH may close one or more of its individual waiting lists for individual PBV developments for but may continue to accept applications for a specific PBV development.

17-VI.D. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

Applicants who will occupy units with PBV assistance must be selected from ECC/HANH's waiting list. ECC/HANH may establish selection criteria or preferences for occupancy of particular PBV units. ECC/HANH may place families referred by the PBV owner on its PBV waiting list.

Income Targeting [24 CFR 983.251(c)(6)]

At least 75 percent of the families admitted to ECC/HANH's tenant-based and project-based voucher programs during ECC/HANH fiscal year from the waiting list must be extremely-low income families. The income targeting requirement applies to the total of admissions to both programs.

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, ECC/HANH must first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08]

ECC/HANH may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. ECC/HANH must provide an absolute selection preference for eligible in-place families as described in Section 17-VI.B. above.

Although ECC/HANH is prohibited from granting preferences to persons with a specific disability, ECC/HANH may give preference to disabled families who need services offered at a particular project or site if the preference is limited to families (including individuals):

- With disabilities that significantly interfere with their ability to obtain and maintain themselves in housing;
- Who, without appropriate supportive services, will not be able to obtain or maintain themselves in housing; and
- For whom such services cannot be provided in a non-segregated setting.

In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled residents may not be required to accept the particular services offered as a condition of occupancy.

If ECC/HANH has projects with more than 25 percent of the units receiving project-based assistance because those projects include "excepted units" (units specifically made available for elderly or disabled families, or families receiving supportive services), ECC/HANH must give preference to such families when referring families to these units [24 CFR 983.261(b)].

> <u>ECC/HANH Policy</u>
> *LIHTC Developments*
>
> ECC/HANH will provide a selection preference when required by the regulation (e.g., eligible in-place families, qualifying families for "excepted units," mobility impaired persons for accessible units).
>
> Once PBV developments exhaust the existing waiting list and implement site-based waiting lists, ECC/HANH will ensure each development develop its own tenant selection policies, including preferences. These policies and preferences will be approved by the Board before implementation, and will be published and made public, as required.
>
> Until this time, ECC/HANH's standard HCV preferences apply to all PBV developments (see Chapter 4).
>
> If a development continues to utilize ECC/HANH's standard HCV preferences, this information will be published and made public at the time site-based waiting lists are implemented.

ECC/HANH's preferences will be structured to give preference to families who need the supportive services offered at a particular development.

Non-LIHTC Developments

Non-LIHTC Developments will use the preferences as addressed in Chapter 4.

17-VI.E. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

ECC/HANH is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under ECC/HANH's selection policy;
- Remove the applicant from the tenant-based voucher waiting list.

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, ECC/HANH must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, ECC/HANH must provide a briefing packet that explains how ECC/HANH determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family's head or spouse is disabled, ECC/HANH must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see Chapter 2). In addition, ECC/HANH must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

Persons with Limited English Proficiency

ECC/HANH should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

17-VI.F. OWNER SELECTION OF TENANTS

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(a)(2) and (a)(3)].

Leasing [24 CFR 983.253(a)]

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by ECC/HANH from ECC/HANH's waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on ECC/HANH's subsidy standards.

Filling Vacancies [24 CFR 983.254(a)]

The owner must promptly notify ECC/HANH of any vacancy or expected vacancy in a contract unit. After receiving such notice, ECC/HANH must make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. ECC/HANH and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

ECC/HANH Policy

ECC/HANH will have site-based waiting lists for PBV developments.

Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]

If any contract units have been vacant for 120 or more days since owner notice of the vacancy, ECC/HANH may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (according to the bedroom size) that have been vacant for this period.

ECC/HANH Policy

If any contract units have been vacant for 120 days, ECC/HANH may give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. This decision will be based upon individual development factors, including the owner's history in successfully leasing vacant units.

If ECC/HANH does give notice, ECC/HANH will provide the notice to the owner within 10 business days of the decision. The amendment to the HAP contract will be effective the 1st day of the month following the date of ECC/HANH's notice.

17-VI.G. TENANT SCREENING [24 CFR 983.255]

ECC/HANH Responsibility

ECC/HANH is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy. However, ECC/HANH may opt to screen applicants for family behavior or suitability for tenancy and may deny applicants based on such screening.

ECC/HANH Policy

ECC/HANH will not conduct screening to determine a PBV applicant family's suitability for tenancy.

ECC/HANH must provide the owner with an applicant family's current and prior address (as shown in ECC/HANH records) and the name and address (if known by the ECC/HANH) of the family's current landlord and any prior landlords.

In addition, ECC/HANH may offer the owner other information ECC/HANH may have about a family, including information about the tenancy history of family members or about drug trafficking and criminal activity by family members. ECC/HANH must provide applicant families a description of the ECC/HANH policy on providing information to owners, and ECC/HANH must give the same types of information to all owners.

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

ECC/HANH Policy

ECC/HANH will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. ECC/HANH will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

Owner Responsibility

The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and
- Compliance with other essential conditions of tenancy.

PART VII: OCCUPANCY

17-VII.A. OVERVIEW

After an applicant has been selected from the waiting list, determined eligible by ECC/HANH, referred to an owner and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

17-VII.B. LEASE [24 CFR 983.256]

The tenant must have legal capacity to enter a lease under state and local law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

Form of Lease [24 CFR 983.256(b)]

The tenant and the owner must enter into a written lease agreement that is signed by both parties. If an owner uses a standard lease form for rental units to unassisted tenants in the locality or premises, the same lease must be used for assisted tenants, except that the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as an ECC/HANH model lease.

ECC/HANH may review the owner's lease form to determine if the lease complies with state and local law. If ECC/HANH determines that the lease does not comply with state or local law, ECC/HANH may decline to approve the tenancy.

> ECC/HANH Policy
>
> ECC/HANH will not review the owner's lease for compliance with state or local law.
>
> Upon or after the entry into a rental agreement but prior to the tenant's occupancy of a dwelling unit, the landlord and tenant or their designee will conduct a walk-through of the dwelling unit. The preoccupancy walk-through checklist prepared by the Commissioner of Housing shall be used. A copy of the signed checklist is to be submitted to ECC/HANH before the HAP contract is executed.

Lease Requirements [24 CFR 983.256(c)]

The lease for a PBV unit must specify all of the following information:

- The names of the owner and the tenant;
- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- The term of the lease (initial term and any provision for renewal);
- The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;

- A specification of the services, maintenance, equipment, and utilities that will be provide by the owner; and
- The amount of any charges for food, furniture, or supportive services.

Tenancy Addendum [24 CFR 983.256(d)]

The tenancy addendum in the lease must state:

- The program tenancy requirements;
- The composition of the household as approved by ECC/HANH (the names of family members and any ECC/HANH-approved live-in aide);
- All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

Initial Term and Lease Renewal [24 CFR 983.256(f)]

The initial lease term must be for at least one year. The lease must provide for automatic renewal after the initial term of the lease in either successive definitive terms (e.g. month-to-month or year-to-year) or an automatic indefinite extension of the lease term. For automatic indefinite extension of the lease term, the lease terminates if any of the following occur:

- The owner terminates the lease for good cause
- The tenant terminates the lease
- The owner and tenant agree to terminate the lease
- ECC/HANH terminates the HAP contract
- ECC/HANH terminates assistance for the family

Changes in the Lease [24 CFR 983.256(e)]

If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give ECC/HANH a copy of all changes.

The owner must notify ECC/HANH in advance of any proposed change in the lease regarding the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by ECC/HANH and in accordance with the terms of the lease relating to its amendment. ECC/HANH must redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

Owner Termination of Tenancy [24 CFR 983.257]

With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see Section 12-III.B. and 24 CFR 982.310). In the PBV program, terminating tenancy for “good cause” does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

Non-Compliance with Supportive Services Requirement [24 CFR 983.257(c), FR Notice 11/24/08]

If a family is living in a project-based unit that is excepted from the 25 percent per project cap on project-basing because of participation in a supportive services program (e.g., Family Self-Sufficiency), and the family fails to complete its supportive services requirement without good cause, such failure is grounds for lease termination by the owner.

Tenant Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]

The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by ECC/HANH policy. According to program requirements, the family's assistance must be terminated if they are absent from the unit for more than 180 consecutive days. ECC/HANH termination of assistance actions due to family absence from the unit are subject to 24 CFR 981.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.

Continuation of Housing Assistance Payments [24 CFR 982.258]

Housing assistance payments shall continue until the tenant rent equals the rent to owner. The cessation of housing assistance payments at such point will not affect the family's other rights under its lease, nor will such cessation preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within 180 days following the date of the last housing assistance payment by ECC/HANH. After the 180-day period, the unit shall be removed from the HAP contract pursuant to 24 CFR 983.211.

> ECC/HANH Policy
>
> If a participating family receiving zero assistance experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify ECC/HANH of the change and request an interim reexamination before the expiration of the 180-day period.

Security Deposits [24 CFR 983.259]

The owner may collect a security deposit from the tenant. ECC/HANH may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

> ECC/HANH Policy
>
> ECC/HANH will allow the owner to collect a security deposit amount the owner determines is appropriate and in accordance with local or state law

When the tenant moves out of a contract unit, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts owed by the tenant under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.

If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance from the tenant. ECC/HANH has no liability or responsibility for payment of any amount owed by the family to the owner.

17-VII.C. MOVES

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.260]

If ECC/HANH determines that a family is occupying a wrong size unit, based on ECC/HANH'S subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, ECC/HANH must promptly notify the family and the owner of this determination, and ECC/HANH must offer the family the opportunity to receive continued housing assistance in another unit.

ECC/HANH Policy

ECC/HANH will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within 10 business days of ECC/HANH's determination. ECC/HANH will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

PBV assistance in an appropriate unit in the same building or project;

PBV assistance in an appropriate unit in another project;

Other project-based assistance (including public housing);

Tenant-based voucher assistance; or

Other comparable public or private tenant-based assistance (e.g., under the HOME program).

If ECC/HANH offers the family a tenant-based voucher, ECC/HANH must terminate the housing assistance payments for a wrong-sized or accessible unit at the earlier of the expiration of the term of the family's voucher (including any extension granted by ECC/HANH) or the date upon which the family vacates the unit. If the family does not move out of the wrong-sized unit or accessible unit by the expiration of the term of the family's voucher, ECC/HANH must remove the unit from the HAP contract.

If ECC/HANH offers the family another form of assistance that is not a tenant-based voucher, and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by ECC/HANH, or both, ECC/HANH must terminate the housing assistance payments for the unit at the expiration of a reasonable period as determined by ECC/HANH and remove the unit from the HAP contract.

ECC/HANH Policy

When ECC/HANH offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, ECC/HANH will terminate the housing assistance payments at the expiration of this 30-day period.

ECC/HANH may make exceptions to the provided period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

Family Right to Move [24 CFR 983.261]

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

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

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

ECC/HANH Policy

Under ECC/HANH's MTW agreement, families participating in ECC/HANH's project-based CARES program must remain in their unit until completion of their CARES self-sufficiency contract.

Emergency Transfers under VAWA [Notice PIH 2017-08]

Except where special consideration is needed for the project-based voucher program, ECC/HANH will follow VAWA policies as outlined in Chapter 16 Part IX of this administrative plan, including using the Emergency Transfer Plan as the basis for PBV transfers under VAWA (Exhibit 16-4).

HUD requires that ECC/HANH include policies that address when a victim has been living in a unit for less than a year or when a victim seeks to move sooner than a tenant-based voucher is available.

ECC/HANH Policy

When the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking has lived in the unit for less than one year, ECC/HANH will provide several options for continued assistance.

ECC/HANH will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where ECC/HANH has PBV units. ECC/HANH will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to either tenant-based rental assistance

(HCV) or assistance in ECC/HANH public housing program. Such a decision will be made by ECC/HANH based on the availability of tenant-based vouchers and/or vacancies in public housing units. Such families must be selected from the waiting list for the applicable program. ECC/HANH has adopted a waiting list preference for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking in both its HCV and public housing programs in order to expedite this process. See Section 4-III.C. of this administrative plan.

If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, ECC/HANH will offer the participant an internal transfer to another PBV unit in the same development or a transfer to a different development where the ECC/HANH has PBV units. ECC/HANH will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to the ECC/HANH's public housing program. ECC/HANH has adopted a waiting list preference for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking as part of the public housing ACOP in order to expedite this process.

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

ECC/HANH may not pay housing assistance under a PBV HAP contract for more than 25 percent of the number of dwelling units in a project unless the units are [24 CFR 983.56]:

- In a single-family building;
- Specifically made available for elderly and/or disabled families; or
- Specifically made available for families receiving supportive services as defined by ECC/HANH. At least one member must be receiving at least one qualifying supportive service.

If a family at the time of initial tenancy is receiving and while the resident of an excepted unit has received Family Self-Sufficiency (FSS) supportive services or any other service as defined by ECC/HANH and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit.

A family (or remaining members of a family) residing in an excepted unit that no longer meets the criteria for a "qualifying family" in connection with the 25 percent per project cap exception (e.g. a family that does not successfully complete its FSS contract of participation or supportive services requirements, or a family that is no longer elderly or disabled due to a change in family composition where ECC/HANH does not exercise discretion to allow the family to remain in the excepted unit), must vacate the unit within a reasonable period of time established by ECC/HANH, and ECC/HANH must cease paying housing assistance payments on behalf of the non-qualifying family.

If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to

be amended to substitute a different unit in the building in accordance with program requirements; or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations to comply with supportive services requirements must be terminated by ECC/HANH.

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

ECC/HANH Policy

ECC/HANH will allow families who initially qualified to live in an excepted unit to remain when circumstances change due to circumstances beyond the remaining family members' control.

In all other cases, when ECC/HANH determines that a family no longer meets the criteria for a "qualifying family" in connection with the 25 percent per project cap exception, ECC/HANH will provide written notice to the family and owner within 10 business days of making the determination. The family will be given 30 days from the date of the notice to move out of the PBV unit. If the family does not move out within this 30-day time frame, ECC/HANH will terminate the housing assistance payments at the expiration of this 30-day period.

ECC/HANH may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

ECC/HANH may refer other eligible families to the excepted units. However, if there are no eligible families on the waiting list and the owner does not refer eligible families to ECC/HANH, ECC/HANH will amend the HAP contract to reduce the total number of units under contract.

17-VII.E. CHOICE MOBILITY PROJECT BASED VOUCHER (PBV) TO TENANT BASED VOUCHER (TBV) As provided for in Section 8(o)(13)(E) of the 1037 Act and 24 CFR 983.261(c).

ECC/HANH may establish a Choice Mobility cap for public housing conversions, for RAD or PBV resident who have elected to exercise their right to obtain a Tenant Based Voucher (TBV) under Choice Mobility options that HUD has established for resident once they have met the occupancy requirements for RAD or PBV units. ECC/HANH has established a RAD/PBV Choice Mobility waitlist for residents residing in RAD or PBV units hat wish to exercise their Choice Mobility Options.

Residents will be placed on the RAD/PBV waitlist in the order that they are received as well as by preferences associated with the waitlist. The preferences will be prioritized in the following order:

1. Reasonable Accommodation
2. VAWA
3. Health & Safety
4. Over/Under Housed
5. Splitting of Vouchers
6. Witness Protection
7. Crime & Safety

Through the establishment of the Choice Mobility Cap, RAD/PBV Residents are entitled to receive 1 out of every 4, new vouchers issued. The remaining 3 vouchers will be issued to individuals on ECC/HANH's Tenant Based Voucher, Reasonable Accommodation (RA) (LIPH), Victims Against Violence Act (VAWA)(LIPH) & community-based Project Based Vouchers (PBV) waitlists. In essence, the TBV waitlist is tiered into five separate waitlists so as to accommodate the choice mobility requirement outlined above, and to assure that residents who qualify for a TBV under the LIPH Reasonable accommodation and VAWA policies are reached.

The following table shows examples of the order in which issuance of vouchers is managed to ensure that all waitlist applicants and participants of PBV units who are waiting on a TBV after 1 year and 1 day in a PBV unit are equitably served. 1 out of 4 vouchers is assigned to families who are in a RAD/PBV unit and waiting on a TBV, after the first year and 1 day of occupancy in the PBV unit. A Voucher is assigned from each category while interchanging Reasonable Accommodation & VAWA.

Example: Cycle #1 1st TBV, 2nd RA, 3rd RAD/PBV, and 4th PBV to TBV. Cycle #2 1st TBV, 2nd VAWA, 3rd RAD/PBV, and 4th PBV to TBV. This process continues to cycle through. First row of the table shows a cycle based on ECC/HANH being in relocation mode or when it has sufficient vouchers to issue into the community. The rows in this table are not inclusive of all possible combinations of voucher issuance; decision to follow a specific combination of issuance of vouchers is based on the need and at the discretion of ECC/HANH.

HCV Waitlists & Prefer					
	TBV Waitlist with order of preferences	**Reasonable Accommodation from LIPH**	**VAWA Preference from LIPH**	**RAD/PBV to TBV Transfer Waitlist with order of preferences (1 out of every 4 required)**	**PBV to TBV transfer waitlist with order of preferences**

Voucher Assignment cycle when ECC/HANH is in Relocation mode as a result of redevelopment	1 Voucher	1 Voucher (interchange each cycle with VAWA)	1 voucher (interchange each cycle with RA)	1 Voucher	1 Voucher
Voucher Assignment cycle when ECC/HANH is not in Relocation Mode as a result of redevelopment	0 Vouchers	1 Voucher (interchange each cycle with VAWA)	1 voucher (interchange each cycle with RA)	1 Voucher	1 Vouchers
Voucher Assignment cycle when ECC/HANH determines no new vouchers will be assigned to applicants on the TBV waitlist	0 Vouchers	1 Voucher (interchange each cycle with VAWA)	1 voucher (interchange each cycle with RA)	1 Voucher	2 Vouchers
Freeze on Voucher Issuance	0 Vouchers	0 Vouchers	0 Voucher	0 Vouchers	0 Vouchers
	Displaced by Gvrnmt Action In-house redevelopment	Accessible		Reasonable Accommodation	Reasonable Accommodation
	Displaced by Gvrnmt Action Local natural disaster	Non-Accessible		VAWA	VAWA
	Displaced by Gvrnmt Action defined by US Department of Housing			Health & Safety	Health & Safety
	Reasonable Accommodation			Over/Under housed	Over/ Under housed
	Witness Protection			Splitting of Vouchers	Splitting of Vouchers
	Crime & Safety			Witness Protection	Witness Protection

	Health & Safety from LIPH Waitlist			Crime & Safety	Crime & Safety
	Imminent Danger of Foreclosure				
	Supportive Housing Assistance				

PART VIII: DETERMINING RENT TO OWNER

17-VIII.A. OVERVIEW

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP contract term. Although for rehabilitated or newly constructed housing, the agreement to enter into HAP Contract (Agreement) states the estimated amount of the initial rent to owner, the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.

During the term of the HAP contract, the rent to owner is redetermined at the owner's request in accordance with program requirements, and at such time that there is a ten percent or greater decrease in the published FMR.

17-VIII.B. RENT LIMITS [24 CFR 983.301]

Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

- An amount determined by ECC/HANH, not to exceed 110 percent of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

Certain Tax Credit Units [24 CFR 983.301(c)]

For certain tax credit units, the rent limits are determined differently than for other PBV units. Different limits apply to contract units that meet all of the following criteria:

- The contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986;
- The contract unit is not located in a qualified census tract;
- There are comparable tax credit units of the same bedroom size as the contract unit in the same project, and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and
- The tax credit rent exceeds 110 percent of the fair market rent or any approved exception payment standard;

For contract units that meet all of these criteria, the rent to owner must not exceed the lowest of:

- The tax credit rent minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

Definitions

A *qualified census tract* is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent and where the census tract is designated as a qualified census tract by HUD.

Tax credit rent is the rent charged for comparable units of the same bedroom size in the project that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

Reasonable Rent [24 CFR 983.301(e) and 983.302(c)(2)]

ECC/HANH must determine reasonable rent in accordable with 24 CFR 983.303. The rent to owner for each contract unit may at no time exceed the reasonable rent, except in cases where ECC/HANH has elected within the HAP contract not to reduce rents below the initial rent to owner and, upon redetermination of the rent to owner; the reasonable rent would result in a rent below the initial rent. However, the rent to owner must be reduced in the following cases:

- To correct errors in calculations in accordable with HUD requirements
- If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to 24 CFR 983.55
- If a decrease in rent to owner is required based on changes in the allocation of the responsibility for utilities between owner and tenant

If ECC/HANH has not elected within the HAP contract to establish the initial rent to owner as the rent floor, the rent to owner shall not at any time exceed the reasonable rent.

> <u>ECC/HANH Policy</u>
>
> ECC/HANH may elect within the HAP contract not to reduce rents below the initial level, with the exception of circumstances listed in 24 CFR 983.302(c)(2). In these cases, if, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent, ECC/HANH will use the higher initial rent to owner amount.
>
> The decision whether or not to state within the HAP contract that rents will not be reduced below the initial level will be made on a case-by-case basis at the time of HAP contract negotiation and execution.

Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]

When determining the initial rent to owner, ECC/HANH must use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. When redetermining the rent to owner, ECC/HANH must use the most recently published FMR and the utility allowance schedule in effect at the time of redetermination. At its discretion, ECC/HANH may for initial rent, use the amounts in effect at any time during the 30-day period immediately before the beginning date of the HAP contract, or for redeterminations of rent, the 30-day period immediately before the redetermination date.

Any HUD-approved exception payment standard amount under the tenant-based voucher program also applies to the project-based voucher program. HUD will not approve a different exception payment stand amount for use in the PBV program.

Likewise, ECC/HANH may not establish or apply different utility allowance amounts for the PBV program. The same utility allowance schedule applies to both the tenant-based and project-based voucher programs.

ECC/HANH Policy

Upon written request by the owner, ECC/HANH will consider using the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent. The owner must explain the need to use the previous FMRs or utility allowances and include documentation in support of the request. ECC/HANH will review and make a decision based on the circumstances and merit of each request.

In addition to considering a written request from an owner, ECC/HANH may decide to use the FMR or utility allowances in effect during the 30-day period before the start date of the HAP, or redetermination of rent, if ECC/HANH determines it is necessary due to ECC/HANH budgetary constraints.

Redetermination of Rent [24 CFR 983.302]

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

Rent Increase

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

ECC/HANH Policy

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

ECC/HANH may not approve and the owner may not receive any increase of rent to owner until and unless the owner has complied with requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

Rent Decrease

If there is a decrease in the rent to owner, as established in accordance with program requirements such as a change in the FMR or exception payment standard, or reasonable rent amount, the rent to owner must be decreased regardless of whether the owner requested a rent

adjustment, except where ECC/HANH has elected within the HAP contract to not reduce rents below the initial rent under the initial HAP contract.

Notice of Rent Change

The rent to owner is redetermined by written notice by ECC/HANH to the owner specifying the amount of the redetermined rent. The ECC/HANH notice of rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract. The adjusted amount of rent to owner applies for the period of 12 calendar months from the annual anniversary of the HAP contract.

ECC/HANH Policy

ECC/HANH will provide the owner with at least 30 days written notice of any change in the amount of rent to owner.

ECC/HANH-Owned Units [24 CFR 983.301(g)]

For ECC/HANH owned PBV units, the initial rent to owner and the annual redetermination of rent at the anniversary of the HAP contract are determined by the independent entity approved by HUD. ECC/HANH must use the rent to owner established by the independent entity.

17-VIII.C. REASONABLE RENT [24 CFR 983.303]

At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by ECC/HANH, except where ECC/HANH has elected within the HAP contract to not reduce rents below the initial rent under the initial HAP contract.

When Rent Reasonable Determinations Are Required

ECC/HANH must redetermine the reasonable rent for a unit receiving PBV assistance whenever any of the following occur:

- There is a five percent or greater decrease in the published FMR in effect 60 days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR that was in effect one year before the contract anniversary date;
- ECC/HANH approves a change in the allocation of responsibility for utilities between the owner and the tenant;
- The HAP contract is amended to substitute a different contract unit in the same building or project; or
- There is any other change that may substantially affect the reasonable rent.

How to Determine Reasonable Rent

The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, ECC/HANH must consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

Comparability Analysis

For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by ECC/HANH. The comparability analysis may be performed by ECC/HANH staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

ECC/HANH-Owned Units

For ECC/HANH-owned units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with PBV program requirements. The independent entity must provide a copy of the determination of reasonable rent for ECC/HANH-owned units to ECC/HANH and to the HUD field office where the project is located.

Owner Certification of Reasonable Rent

By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for other comparable unassisted units in the premises. At any time, ECC/HANH may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere.

17-VIII.D. EFFECT OF OTHER SUBSIDY AND RENT CONTROL

In addition to the rent limits discussed in Section 17-VIII.B above, other restrictions may limit the amount of rent to owner in a PBV unit. In addition, certain types of subsidized housing are not even eligible to receive PBV assistance (see Section 17-II.D).

Other Subsidy [24 CFR 983.304]

To comply with HUD subsidy layering requirements, at the discretion of HUD or its designee, ECC/HANH shall reduce the rent to owner because of other governmental subsidies, including tax credits or tax exemptions, grants, or other subsidized funding.

For units receiving assistance under the HOME program, rents may not exceed rent limits as required by that program.

For units in any of the following types of federally subsidized projects, the rent to owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program:

- An insured or non-insured Section 236 project;
- A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
- A Section 221(d)(3) below market interest rate (BMIR) project;
- A Section 515 project of the Rural Housing Service;
- Any other type of federally subsidized project specified by HUD.

Combining Subsidy

Rent to owner may not exceed any limitation required to comply with HUD subsidy layering requirements.

Rent Control [24 CFR 983.305]

In addition to the rent limits set by PBV program regulations, the amount of rent to owner may also be subject to rent control or other limits under local, state, or federal law.

PART IX: PAYMENTS TO OWNER

17-IX.A. HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351]

During the term of the HAP contract, ECC/HANH must make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and ECC/HANH agree on a later date.

Except for discretionary vacancy payments, ECC/HANH may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

The amount of the housing assistance payment by ECC/HANH is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

17-IX.B. VACANCY PAYMENTS [24 CFR 983.352]

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if ECC/HANH determines that the vacancy is the owner's fault.

> ECC/HANH Policy
>
> If ECC/HANH determines that the owner is responsible for a vacancy and, as a result, is not entitled to the keep the housing assistance payment, ECC/HANH will notify the property owner of the amount of housing assistance payment that the owner must repay. ECC/HANH will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

At the discretion of ECC/HANH, the HAP contract may provide for vacancy payments to the owner. ECC/HANH may only make vacancy payments if:

- The owner gives ECC/HANH prompt, written notice certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner's knowledge);
- The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
- The owner provides any additional information required and requested by ECC/HANH to verify that the owner is entitled to the vacancy payment.

The owner must submit a request for vacancy payments in the form and manner required by ECC/HANH and must provide any information or substantiation required by ECC/HANH to determine the amount of any vacancy payment.

ECC/HANH Policy

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified ECC/HANH of the vacancy in accordance with the policy in Section 17-VI.F. regarding filling vacancies.

In order for a vacancy payment request to be considered, it must be made within 10 business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and ECC/HANH may require the owner to provide documentation to support the request. If the owner does not provide the information requested by ECC/HANH within 10 business days of ECC/HANH's request, no vacancy payments will be made.

17-IX.C. TENANT RENT TO OWNER [24 CFR 983.353]

The tenant rent is the portion of the rent to owner paid by the family. The amount of tenant rent is determined by ECC/HANH in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in the ECC/HANH notice to the family and owner.

The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The amount of the tenant rent determined by ECC/HANH is the maximum amount the owner may charge the family for rental of a contract unit. The tenant rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not demand or accept any rent payment from the tenant in excess of the tenant rent as determined by ECC/HANH. The owner must immediately return any excess payment to the tenant.

Tenant and ECC/HANH Responsibilities

The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by ECC/HANH.

Likewise, ECC/HANH is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. ECC/HANH is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. ECC/HANH may not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

Utility Reimbursements

If the amount of the utility allowance exceeds the total tenant payment, ECC/HANH must pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero.

ECC/HANH may pay the utility reimbursement directly to the family or to the utility supplier on behalf of the family. If ECC/HANH chooses to pay the utility supplier directly, ECC/HANH must notify the family of the amount paid to the utility supplier.

ECC/HANH Policy

ECC/HANH will make utility reimbursements to the family.

17-IX.D. OTHER FEES AND CHARGES [24 CFR 983.354]

Meals and Supportive Services

With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

Other Charges by Owner

The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

EXHIBIT 17-1: HUD DEFINITION OF NON-LIFE THREATENING (NLT) AND LIFE THREATENING (LT) CONDITIONS

HUD's definition of LT conditions includes specific conditions under 10 categories, as described in the January 18, 2017, implementation notice: This list applies to all HQS inspections. Initial, annuals, specials and quality control inspections.

(1) Gas (natural or liquid petroleum) leak or fumes
(2) Electrical hazards that could result in shock or fire
(3) Inoperable or missing smoke detector
(4) Interior air quality (inoperable or missing carbon monoxide detector, where required)
(5) Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting
(6) Lack of alternative means of exit in case of fire or blocked egress
(7) Other interior hazards (missing or damaged fire extinguisher, where required)
(8) Deteriorated paint surfaces in a unit built before 1978 and to be occupied by a family with a child under 6 years of age
(9) Any other condition subsequently identified by HUD as life-threatening in a notice published in the Federal Register 4
(10) Any other condition identified by the administering PHA as life-threatening in the PHA's administrative plan prior to April 18, 2017 (the effective date of the January 18, 2017, implementation notice).

Table 1 lists the specific LT conditions identified in the January 18, 2017, implementation notice under each of the 10 categories.
Only the specific conditions listed in the second column of Table 1 are life-threatening conditions for the purposes of implementing the NLT provision.
The third column of Table 1 provides the relevant inspection item number from form HUD-52580 or 52580-A for each the LT conditions. As described in Part 4. C. below, PHAs must document the presence of any LT conditions on form HUD-52580, HUD-52580-A, or successor form.

Table 1. Life-Threatening Conditions and Where to Record on HUD Inspection Form

CATEGORY	LIFE-THREATENING CONDITIONS	WHERE TO RECORD ON HUD-52580 OR HUD-52580-A
(1) Gas (natural or liquid petroleum) leak or fumes	• A fuel storage vessel, fluid line, or connection that supplies fuel to a HVAC unit that is leaking. • A strong odor detected with potential for explosion or fire, or that results in health risk if inhaled	7.2 or 8.9
(2) Electrical hazards that could result in shock or fire	• A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed • A light fixture is hanging by its wires • A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day to day use of the unit • A receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed • A receptacle (outlet) or switch has a missing or damaged cover plate and electrical connections or wire are exposed • An open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses • A cover is missing from any electrical device box, panel box, switch gear box, control panel, etc and there are exposed electrical connections • Any nicks, abrasions, or fraying of the insulation that expose conducting wire • Exposed bare wires or electrical connections • Any condition that results in openings in electrical panels or electrical control device enclosures • Water leaking or ponding near any electrical device • Any condition that poses a serious risk of electrocution or fire and poses an immediate life threatening condition	**1.3, 2.3, 3.3, 4.3 or 5.3**
(3) Inoperable or missing smoke detector	• The smoke detector is missing • The smoke detector does not function as it should	4.10

(4) Interior air quality (inoperable or missing carbon monoxide detector)	• The carbon monoxide detector (where required) is missing • The carbon monoxide does not function as it should	8.9
(5) gas/oil fired water heater or heating, ventilation or colling system, damaged, improper, or misaligned chimney or venting	• The chimney or venting system on a fuel fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gases • A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside • A fuel fired space heater is not properly vented or lacks available combustion air • A non-vented space heater is present • Safety devices on a fuel fired space heater are missing or damaged • The chimney or venting system on a fuel fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged which may cause improper or dangerous venting of gases	7.2, 7.4 or 8.9
(6) Lack of alternative means of exit in case of fire or blocked egress	• Any of the components that affect the function of the fire escape are missing or damaged • Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency. • The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency.	8.2
(7) Other interior hazards (missing or damaged fire extinguisher, where required)	• A fire extinguisher (where required) that is missing, damaged, discharged, overcharged, or expired. (This applies only if the PHA has adopted an acceptability criteria variation to the HQS to require fire extinguishers.)	8.7
(8) Lead-Based Paint	• Deteriorated paint surfaces in a unit built before 1978 and to be occupied by a family with a child under 6 years of age.	1.9, 2.9, 3.9, 4.9, or 6.6
(9) Any other condition subsequently identified by HUD in a notice published in the Federal Register	N/A	N/A

(10) Any other condition identified by the PHA (ECC/HANH)	• Any other condition identified by the administering PHA (ECC/HANH) as life-threatening in the PHA's (ECC/HANH) administrative plan prior to April 18, 2017.	Per PHA (ECC/HANH) policy

Most of the categories of life-threatening conditions are self-explanatory. The following additional guidance may be helpful for categories 7 through 10:

• **Category (7): Other interior hazards (missing or damaged fire extinguisher, where required).** PHAs may adopt, with HUD approval, acceptability criteria variations to the HQS. A PHA may have adopted an acceptability criteria variation to the HQS to require fire extinguishers in HCV units. If the PHA using the NLT provision requires fire extinguishers, then if a required fire extinguisher is missing, damaged, discharged, overcharged, or expired, it **must** be considered a life-threatening condition per HUD's definition, even if the PHA had previously considered such a condition to be non-life-threatening.

If the PHA has not adopted an acceptability criteria variation to the HQS to require fire extinguishers in HCV units, this category does not apply.

• **Category (8): Deteriorated paint surfaces of a unit built before 1978 and to be occupied by a child under 6 years of age.** The presence of deteriorated paint surfaces in a unit built before 1978 and where a child under 6 years of age resides or is expected to reside is a life-threatening condition only for determining whether the family can move into the unit. The presence of such hazards during the initial HQS inspection means a PHA may not approve the tenancy, execute the HAP contract and make assistance payments until lead hazard reduction is complete. However, in the case where the deficiency is identified for a unit under HAP contract during a regular or interim HQS inspection, lead hazard reduction need not be completed within 24 hours. Instead, PHAs and owners **must** follow the requirements in 24 CFR part 35.

• **Category (9): Any other condition subsequently identified by HUD.** At a future date, HUD may add to the list any other condition(s) that HUD identifies as life-threatening. If HUD makes such changes, HUD will publish the changes in a Federal Register notice and notify PHAs.

• **Category (10): Any other condition identified by the PHA.** PHAs that adopt the NLT provision may add any other condition (not covered by the LT conditions on HUD's list) that the PHA defined as life-threatening in its HCV Administrative Plan prior to April 18, 2017. The PHA may not add its own conditions to HUD's definition of LT conditions after April 18, 2017. The reason for this restriction is that HUD wants to avoid inconsistent definitions of LT conditions for the purposes of implementing this provision of

EXHIBIT 17-2: PBV DEVELOPMENT INFORMATION

(Fill out one for each development)

Date: [Enter the date on which this form was completed]

DEVELOPMENT INFORMATION

Development Name: [Insert name of PBV development]

Address: [Insert full address of PBV development]

Owner Information: [Insert PBV development owner name and contact information. If development is PHA-owned, enter "PHA-owned."]

Property Management Company: [Insert property management company name and contact information, or enter "None"]

PHA-Owned: [Enter "Yes" or "No." If yes, enter name of independent entity]

Mixed Finance Development: [Enter "Yes" or "No." If yes, list other types of funding (i.e., LIHTC, HOME, etc.) and units to which other funding applies.]

HAP CONTRACT

Effective Date of Contract: [Enter start date of HAP contract]

HOTMA Requirements: [If HAP contract was signed prior to April 18, 2017, enter "Pre-HOTMA." If HAP contract was signed on or after April 18, 2017, enter "Post-HOTMA."]

Term of HAP Contract: [Enter term from HAP contract]

Expiration Date of Contract: [Enter expiration date from HAP contract]

PBV UNITS

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	Total
# of Units							
Initial Contract Rent	$	$	$	$	$	$	

Structure Type: [Identify the structure type, i.e. Single Family Detached, Duplex or Two Family, Row House or Town House, Low Rise (3,4 Stories, including Garden Apartment), Highrise (5 or more stories)

Housing Type: [Identify if the units are an Independent Group Residence or Single Room Occupancy]

UTILITY RESPONSIBILITY

[Enter in Accordance with the HAP Exhibit C]

Utility	**Fuel Type (Gas, Electric, Oil, Coal, Other)**	**Paid By (Tenant/Owner)**	**Provided By (Tenant/Owner)**
Heating	Electric	Tenant	Owner
Cooking	Electric	Tenant	Owner
Water Heating	Electric	Tenant	Owner
Other Electric		Tenant	Owner
Water		Owner	Owner
Sewer		Owner	Owner
Trash Collection		Owner	Owner
Air Conditioning		Tenant	Owner
Refrigerator			
Range/Microwave			
Other (specify)			

Accessible Units and Features: [Identify which units are accessible and describe accessibility features or enter "None"]

Target Population: [Describe targeted population in accordance with HAP contract or enter "None"]

Excepted Units: [Identify excepted unit types below or enter "None"]

- **Supportive Services:** [Enter "Yes, see Exhibit D of HAP Contract" or enter "No"]
- **Elderly Units**: [Enter "Yes" or "No." If yes, identify which units are elderly units.]
- **Disabled Units** (only for HAP contracts executed prior to April 18, 2017) [Enter "Yes" or "No." If yes, identify which units are for persons with disabilities.]
- **FUPY/FYI Units:** [Enter "Yes" or "No." If yes, identify which units are FUP units]
- **Are units excepted because they are located in a low-poverty census tract area?:** [Enter "Yes" or "No"]

WAITING LIST AND SELECTION

Waiting List Type: [Enter "Site-based waiting list," "Combined with HCV," "Waiting list for entire PBV program," or "Merged with another assisted housing program"]

Preferences: [Enter "Same as HCV; see Chapter 4" or describe preferences offered. If different from HCV, also note in Section 17.1.B of this policy.]

Preference Verification: [Enter "Same as HCV; see Chapter 7" or describe for each preference listed above. If different from HCV, note in Section 17.1.B of this policy.]

For the PBV program, is the income limit the same as the HCV program? (Note: In mixed finance developments, other income limits may also apply.) [Enter "Same as HCV; see Chapter 3" or clearly describe. If different from HCV, note in Section 17.1.B of this policy.]

OCCUPANCY

Subsidy Standards: [Enter "Same as HCV; see Chapter 5" or describe. If different from HCV, note in Section 17.1.B of this policy]

Vacancy Payments: [Enter in accordance with HAP contract Part 1, e, 2 and Section 17-V.F. within this chapter]

EXHIBIT 17-2: Special Provisions Applying to TPVs Awarded as Part of a Voluntary Conversion of Public Housing Units in Projects that Include RAD PBV Units

[24 CFR Part 972.200; Notice PIH 2019-05; Notice PIH 2019-23]

Under certain circumstances, HUD allows small PHAs to reposition a public housing project (or portion of a project) by voluntarily converting units to tenant-based housing choice voucher assistance. In order to preserve affordable housing for residents of the project, the PHA is given priority to receive replacement tenant protection vouchers (TPVs). As part of the voluntary conversion, the PHA has the option to continue to operate it as rental housing. If so, the PHA or subsequent owner must allow existing families to remain in their units using the TPV in the form of tenant-based assistance. In this situation, however, the PHA may choose to project-base these TPVs in the former public housing project. Families must still be provided with the option to remain in their unit using tenant-based assistance. In order for the PHA to project-base the assistance and include these units on the PBV HAP contract, the family must voluntarily consent in writing to PBV assistance following the requirements in Appendix A of Notice PIH 2019-05. If the family fails to consent to PBV assistance and chooses to remain using tenant-based assistance, the family's unit is excluded from the PBV HAP contract until the family moves out or consents to switching to PBV assistance. In general, all applicable program regulations and guidance for the standard PBV program apply to these units.

The PHA may also convert units in the same former public housing project to the PBV program under the rental assistance demonstration (RAD) program. The RAD statute authorizes HUD to waive certain statutory and regulatory provisions governing the standard PBV program and specify alternative requirements. In order to facilitate the uniform treatment of residents and units at the project, Notice PIH 2019-23 extended some of the alternative requirements to non-RAD PBV units in the converted project (i.e., the TPV units in the project). As such, while PBV TPV units in the converted project generally follow the requirements for the standard PBV program listed in this chapter, where HUD has specified alternative requirements for non-RAD PBV units in the project, PBV TPV units will instead follow the requirements outlined in Chapter 18 of this policy for the RAD PBV program.

RAD Requirements Applicable to Non-RAD units in the Project

Alternative Requirement under RAD as Listed in Notice PIH 2019-23	Standard PBV Policy That Does Not Apply	Applicable Policy in Chapter 18
1.6.A.4. Site Selection – Compliance with PBV Goals	17-II.G. SITE SELECTION STANDARDS applies with the exception of deconcentration of poverty and expanding housing and economic opportunity requirements.	18-II.F. SITE SELECTION STANDARDS

1.6.B.5.d. PBV Site-Specific Utility Allowances	Alternative requirement under RAD. No corresponding policy in Chapter 17.	18-VII.C. UTILITY ALLOWANCES
1.6.C.1. No Rescreening of Tenants upon Conversion	Policies contained in Chapter 3 relating to eligibility do not apply to existing tenants who receive TPVs.	18-V.B. PROHIBITED RESCREENING OF EXISTING TENANTS UPON CONVERSION
1.6.C.2. Right to Return	Alternative requirement under RAD. No corresponding policy in Chapter 17.	18-I.D. RELOCATION REQUIREMENTS
1.6.C.3. Phase-in of Tenant Rent Increases	Alternative requirements under RAD. No corresponding policy in Chapter 17.	18-VIII.D. PHASE-IN OF TENANT RENT INCREASES
1.6.C.4. Family Self Sufficiency (FSS) and Resident Opportunities and Self-Sufficiency Service Coordinator (ROSS-SC) Programs	Not covered in administrative plan.	18-VI.C. PUBLIC HOUSING FSS AND ROSS PARTICIPANTS
1.6.C.5. Resident Participation and Funding	Alternative requirement under RAD. No corresponding policy in Chapter 17.	18-VI.D. RESIDENT PARTICIPATION AND FUNDING
1.6.C.6. Resident Procedural Rights	Policies related to hearings in Chapter 16 apply, with added procedural rights and notice requirements as outlined in Chapter 18.	18-VI.H. RESIDENTS' PROCEDURAL RIGHTS
1.6.C.7. Earned Income Disregard (EID)	Alternative requirements under RAD for in-place residents. New admissions follow policies in Chapter 6.	18-VI.G. EARNED INCOME DISALLOWANCE
1.6.C.8. Jobs Plus	Not covered in administrative plan.	No corresponding policy.

1.6.C.9. When Total Tenant Payment Exceeds Gross Rent	Alternative requirements under RAD for in-place residents. New admissions follow policies in 17-VII.B. LEASE, Continuation of Housing Assistance Payments.	18-VI.B. LEASE, Continuation of Housing Assistance Payments
1.6.C.10. Under-Occupied Unit	Alternative requirements under RAD for in-place residents. New admissions follow 17-VII.C. MOVES, Overcrowded, Under-Occupied, and Accessible Units	18-VI.E. MOVES, Overcrowded, Under-Occupied, and Accessible Units
1.6.D.4. Establishment of Waiting List	Alternative requirements under RAD for initial establishment of the waiting list. Once waiting list is established, follow 17-VI.D. SELECTION FROM THE WAITING LIST	18-V.D. ORGANIZATION OF THE WAITING LIST
1.6.D.10. Initial Certifications and Tenant Rent Calculations	Alternative requirements under RAD for in-place residents. No corresponding policy in Chapter 17.	18-VIII.C. TENANT RENT TO OWNER, Initial Certifications

Note, while Notice PIH 2019-05 states that the PHA must screen families for eligibility for a tenant protection voucher and that families must be below the low-income limit (80 percent of AMI), Notice PIH 2019-23 waives these requirements for residents in projects that include RAD PBV units.

Chapter 18

EMERGENCY HOUSING VOUCHERS

Notice PIH 2021-15 (HA)

SECTION I

OVERVIEW OF THE PROGRAM AND PLAN

OVERVIEW

Per Notice PIH 2021-15 (HA), issued May 5, 2021

The Emergency Housing Voucher (EHV) program is available through the. **American Rescue Plan Act of 2021 (P.L. 117-2) (ARP).**

The U.S. Department of Housing and Urban Development (HUD) has awarded 37 of Emergency Housing Vouchers (EHVs) to the ECC/HANH to be used to assist individuals and families who are:

(1) homeless;

(2) at risk of homelessness;

(3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or

(4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability. NOTE: Recently homeless individuals and families must always be referred by the CoC or it's designee.

HUD has established an alternative requirement under which ECC/HANH must enter into a Memorandum of Understanding (MOU), to establish a partnership with the Continuum of Care (CoC) or other homeless or victim service providers, to assist qualifying families through a direct referral process for the administration of the EHVs. The specific services that the CoC will provide is outlined in the MOU.

The MOU must include at a minimum:

(1) ECC/HANH and the CoC commitment to a partnership in administering the EHVs

(2) The goals and standards of success in administering the EHVs

(3) The staff position that will serve as a liaison for each organization

(4) A statement that all parties agree to cooperate with any program evaluation efforts, including compliance with HUD evaluation protocols and data sharing requests, undertaken by HUD or a HUD approved contractor

(5) The specific eligible population that will be referred by the CoC

(6) The services that will be provided to EHV applicants and participants and who will provide them, to include financial assistance

(7) The roles and responsibilities of ECC/HANH and the CoC, to including the direct referral process to ECC/HANH

The CoC will be responsible for:

- prioritizing individuals and families for EHV assistance,
- determining the homelessness eligibility,
- referring individuals and families through the CoC's coordinated entry (CE) system,
- supporting individuals and families in processing voucher applications,
- supporting the housing search process,
- planning for and coordinating the delivery of supportive services to support the housing stability of EHV participants.

After September 30, 2023, ECC/HANH may not reissue any previously leased EHV, regardless of when the assistance for the formerly assisted family ends or ended.

ECC/HANH Eligibility

In order to be eligible to receive the EHV funding allocation, ECC/HANH must currently administer the HCV program through an existing Consolidated Annual Contributions Contract (CACC).

Administrative Fees and Funding for Other Eligible Expenses

The ARP provides funding for fees for the costs of administering the EHVs and other eligible expenses. Administrative fee funding has been allocated for EHV administrative costs and other eligible expenses and may only be used for EHV administration and other eligible expenses and must not be used for or applied to other ECC/HANH program or vouchers. ECC/HANH must maintain separate financial records from the regular HCV funding for both HAP and Administrative fees.

The allocated administrative fees are below:

Preliminary Fee

ECC/HANH will receive a single, one-time preliminary fee which will support the anticipated immediate start up costs that ECC/HANH will incur in implementing the EHV alternative requirements, such as outreach to and coordination with the CoC and any other partnering agencies.

This fee may be used for eligible administrative expenses and used to pay the for eligible activities under the EHV services fee.

Placement Fee/Expedited Issuance Reporting Fee

This fee will support the initial lease up costs to include the direct referral process, expedited income determinations, family briefings and voucher issuance and the costs to report the voucher issuance to HUD.

On-going Administrative Fee

ECC/HANH will be allocated an administrative fee for each EHV that is under a HAP contract on the first day of the month**.**

Service Fees

ECC/HANH will be allocated a one-time service fee to support its efforts in implementing and operating an effective EHV services program that will best address the needs of EHV eligible individuals and families in its jurisdiction.

Eligible uses for service fees are listed below.

- Housing Search Assistance.
- Security Deposit/Utility Deposit/Rental Application/Holding Fee Uses
- Owner-related uses.
- Moving expenses (including move-in fees and deposits)
- Tenant-readiness services.
- Essential household items.
- Renter's insurance if required by the lease

Any amounts not expended for these eligible uses when the ECC/HANH EHV program ends, must be remitted to HUD.

Section 3202(b)(1) of the ARP provides that EHVs "shall be tenant-based assistance under section 8(o) of the United Stated Housing Act of 1937".

Policies within this chapter that are consistent with the ECC/HANH Tenant Based Voucher (TBV) program will state, "No changes to this section."

Policies within this chapter that differ will be stated accordingly.

Chapter 18

SECTION II

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

No changes to this section

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

No changes to this section.

2-I.B. NONDISCRIMINATION

No changes to this section.

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

No changes to this section

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

No changes to this section

2-II.C. REQUEST FOR AN ACCOMMODATION

No changes to this section

2-II.D. VERIFICATION OF DISABILITY

No changes to this section.

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION

No changes to this section.

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

No changes to this section.

2-II.G PHYSICAL ACCESSIBILITY

No changes to this section.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

No changes to this section.

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

No changes to this section

2-III.A. OVERVIEW

No changes to this section.

2-III.B. ORAL INTERPRETATION

No changes to this section.

2-III.C. WRITTEN TRANSLATION

No changes to this section.

2-III.D. IMPLEMENTATION PLAN

No changes to this section.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

No changes to this section

Chapter18

SECTION III

ELIGIBILITY

INTRODUCTION

No changes to this section

Added for the EHV program:

In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

- Homeless
- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

The verification that the individual or family meets one of these four eligibility categories is conducted by the CoC, who will make direct referrals to ECC/HANH. The CoC must provide supporting documentation to ECC/HANH of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance and ECC/HANH must retain the documentation as part of the file.

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

No changes to this section

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982.201(c); FR Notice 02/03/12; Notice PIH 2014-20]

No changes to this section.

3-I.C. FAMILY BREAKUPS AND REMAINING MEMBER OF TENANT FAMILY

No changes to this section

3-1.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

No changes to this section.

3-1.E. SPOUSE, COHEAD, AND OTHER ADULT

No changes to this section.

3-1.F. DEPENDENT [24 CFR 5.603]

No changes to this section.

3-1.G. FULL-TIME STUDENT [24 CFR 5.603; HCV GB, p. 5-29]

No changes to this section

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403, FR Notice 02/03/12]

No changes to this section.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

No changes to this section.

3-I.J. GUESTS [24 CFR 5.100]

No changes to this section.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

No changes to this section

3-I.L. ABSENT FAMILY MEMBERS

No changes to this section

3-I.M. LIVE-IN AIDE

No changes to this section

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

No changes to this section

Definition of Income Limits

No changes to this section

Changes for the EHV Program

Using Income Limits for Targeting [24 CFR 982.201]

Alternative requirement- Waiver of section 16(b) of the United Stated Housing Act of 1937 and 982.201(b)(2)

The income targeting requirements of section 16(b) of the United States Housing Act of 1937 and § 982.201(b)(2) are waived and do not apply for EHV families so that ECC/HANH can effectively serve individuals and families in all the eligibility categories under the ARP who may be at a variety of income levels, including low-income families. ECC/HANH still chooses to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted. ECC/HANH will not deny admission to a family with zero income and must consider hardship circumstances before charging minimum rent in accordance with 5.630(b).

Alternative requirement- Waiver of third party-income verification requirements

ECC/HANH Policy

ECC/HANH is waiving the third-party income verification requirements for EHV applicants and, alternatively, allowing ECC/HANH to consider self-certification as the highest form of income verification at admission. Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of ECC/HANH's request.

Once HUD makes the EIV data available to ECC/HANH under this waiver and alternative requirement, ECC/HANH must: review the EIV Income and Income Validation Tool (IVT) Reports to confirm/validate family-reported income within 90 days of the PIC submission date; print and maintain copies of the EIV Income and IVT Reports in the tenant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, ECC/HANH must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search. ECC/HANH may deny assistance to household members already receiving assistance from another program.

ECC/HANH will incorporate additional procedures to remind families of the obligation to provide true and complete information and will be responsible for addressing material discrepancies that may arise later and must take necessary enforcement actions if the tenant was never eligible due to income, as well as initiate HUD-compliant payment

plans for those whose unreported income was unintentional and do not make the tenant ineligible for the program accordingly.

The adoption of this waiver does not authorize any ineligible family to receive assistance and if ECC/HANH later determines that an ineligible family received assistance, ECC/HANH must take steps to terminate the family from the program.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

Alternative requirement –

HUD is waiving the requirement to obtain and verify documentation to provide evidence of eligible noncitizen status before admitting the family to the EHV program.

For families unable to provide citizenship documentation during the initial eligibility determination. such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless ECC/HANH provides an extension based on evidence from the family or confirmation from the CoC that the family has made a good-faith effort to obtain the documentation.

ECC/HANH will be responsible for addressing any material discrepancies that may arise later and take necessary enforcements actions accordingly. The adoption of this waiver does not authorize and ineligible family to receive assistance under these programs. If ECC/HANH determines that and ineligible family received assistance, ECC/HANH must take steps to terminate the family from the program.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2012-10]

Alternative Requirement

HUD is waiving the requirement to obtain and verify the SSN documentation before admitting the family to the EHV program.

For Families unable to provide SSN documentation during the initial eligibility determination. such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the ECC/HANH provides an extension based on evidence from the family or confirmation from the CoC that the family has made a good-faith effort to obtain the documentation.

ECC/HANH will be responsible for addressing any material discrepancies that may arise later and take necessary enforcements actions accordingly. The adoption of this waiver does not authorize and ineligible family to receive assistance under these programs. If ECC/HANH determines that and ineligible family received assistance, ECC/HANH must take steps to terminate the family from the program.

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230; HCV GB, p. 5-13

No changes to this section

3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612, FR Notice 4/10/06]

No changes to this Section

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

The HCV program regulations at § 982.552 and § 982.553 cover the grounds under which ECC/HANH may deny an applicant admission to the program and in certain cases is required to do so.

HUD is waiving §982.552 and § 982.553 in part and establishing an alternative requirement with respect to mandatory and permissive prohibitions of admissions for EHV applicants

Forms of Denial

No changes to this section

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

No changes to this section

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

Alternative Requirement –

Mandatory prohibitions

(1) ECC/HANH must apply the standards it established under § 982.553(a)(1)(ii)(c) that prohibit admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants.

(2) ECC/HANH must apply the standards it established under § 982.553(a)(2)(i) that prohibit admission to the program if any member of the household is subject to a lifetime registration

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

Alternative Requirement –

Permissive prohibitions

ECC/HANH may deny admission of a family for the grounds stated below and ECC/HANH must consult with the CoC partner regarding these permissive prohibitions and must take the CoC's recommendations into consideration. Determinations must be made based on an individualized assessment of relevant mitigating information.

The permissive prohibitions are:

(1) If the ECC/HANH determines that any household member is currently engaged in, or has engaged in within the previous 12 months:

a. Violent criminal activity.

b. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.14

(2) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program within the previous 12 months.

(3) If the family engaged in or threatened abusive or violent behavior toward ECC/HANH personnel within the previous 12 months.

ECC/HANH must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by CFR 982.552(b)(3)

Alternative Requirement – Waiver of part of 982.552 and 982.553

Unlike regular HCV admissions, ECC/HANH may not deny an EHV applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing.
- ECC/HANH has ever terminated assistance under the program for any member of the family
- The family currently owes rent or other amounts to the ECC/HANH or to another ECC/HANH in connection with Section 8 or public housing assistance under the 1937 Act.
- The family has not reimbursed any ECC/HANH for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- The family breached an agreement with ECC/HANH to pay amounts owed to ECC/HANH, or amounts paid to an owner by ECC/HANH
- The family would otherwise be prohibited admission under alcohol abuse standards established by ECC/HANH in accordance with §982.553(a)(3).
- ECC/HANH determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

3-III.D. SCREENING

Screening for Eligibility

ECC/HANH is eliminating permissive prohibitions for EHV admissions for drug-related criminal activity.

Screening for Suitability as a Tenant [24 CFR 982.307]

No changes to this section

3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE

Evidence [24 CFR 982.553(c)]

No changes to this section.

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

No changes to this section.

Removal of a Family Member's Name from the Application

No changes to this section.

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

No changes to this section.

3-III.F. NOTICE OF ELIGIBILITY OR DENIAL

No changes to this section

3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

No changes to this section.

Chapter 18

SECTION IV

EHV REFERRAL AND ADMISSIONS

PART I: THE APPLICATION/REFERRAL PROCESS

4-I.A. OVERVIEW

No changes to this section.

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

Alternative Requirement – Waiver of 982.204(a)

ECC/HANH must accept referrals for EHVs directly from the Coordinated Entry (CE) System to ensure that families are able to get assistance quickly and to eliminate the administrative burden on ECC/HANH regarding the determination as to whether the family meets the definition of a qualifying individual or family for EHV assistance. CoC partners may also support applicants through the application process and attend meetings with applicants and ECC/HANH to aid individuals and families through the admissions process. Direct referrals for EHVs are not added to ECC/HANH's regular HCV waiting list.

EHV families are issued EHVs as the result of either:

(1) the direct referral process from the CoC CE System and/or

(2) a situation where ECC/HANH makes an EHV available in order to facilitate an emergency transfer in accordance with the Violence Against Women Act (VAWA) as outlined in ECC/HANH Emergency Transfer Policy. ECC/HANH will utilize the EHV as a resource to effectuate emergency transfers for a victim of domestic violence, dating violence, sexual assault, or stalking, as part of their Violence Against Women Act (VAWA) Emergency Transfer Policy.)

Other than cases, where a family is requesting an emergency transfer in accordance with the VAWA as outlined in the ECC/HANH Emergency Transfer Plan, ECC/HANH must refer a family that is seeking EHV assistance to the CoC or the other referring agency for initial intake, assessment and possible referral for EHV assistance.

Applicants that have a VAWA preference on an ECC/HANH waiting list, must be referred to the CoC or applicable partnering agency to determine if the family is eligible based on the definition for EHV assistance.

ECC/HANH must also take direct referrals from outside the CoC CE system if:

(1) the CE system does not have a sufficient number of eligible families to refer to ECC/HANH, or

(2) the CE system does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

In these instances, ECC/HANH must enter into a partnership to receive direct referrals from another entity (I.e. a Victim Services provider or anti-trafficking service provider, if the CE system is not referring victims fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human tracking) or another homeless services provider (if there are not enough direct referrals coming through the CE system).

ECC/HANH must inform families on the HCV Waiting list of the availability of the EHVs by posting the information on the ECC/HANH website and social network platforms.

The notice must describe the eligible population and clearly state that the availability of the EHVs is managed through a direct referral process and advise the family to contact the CoC if the family believes they may be eligible for the EHV assistance.

The notice will also ensure effective communication for persons with disabilities or limited English proficiencies.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

No changes to this section.

4-I D. PLACEMENT ON THE WAITING LIST

No changes to this section

PART II: MANAGING THE WAITING LIST

4-II. A. OVERVIEW

No changes to this section.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

Alternative requirement – Waiver of CFR 982.204(a), 982.204(f)

HUD is waiving 982.204(a) which requires that except for Special Admission, participants must be selected from the ECC/HANH waiting list and selected in accordance with admission policies.

ECC/HANH shall maintain a separate waiting list for EHV referrals/applicants to help expedite the leasing process, both at initial leasing and for any turnover vouchers that may be issued prior to the September 30, 2023, turnover voucher cut-off date.

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Alternative requirement – Waiver of CFR 982.206

Closing the Waiting List

The EHV waiting list is based on direct referrals or requests through the ECC/HANH VAWA emergency transfer plan and not applications from the general public which would require ECC/HANH to give public notice when closing the waitlist.

Under this alternative requirement, ECC/HANH will work directly with the CoC or other partnering agency to manage the number of referrals and the EHV waiting list.

Reopening the Waiting List

The EHV waiting list is based on direct referrals or requests through the ECC/HANH VAWA emergency transfer plan and not applications from the general public, therefore there is no requirement to reopen the EHV waiting list.

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

Alternative requirement – Ensure Housing Search Assistance

ECC/HANH has ensured housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the ECC/HANH or through the CoC or another partnering agency.

ECC/HANH Policy

Housing assistance search will be provided by the CoC. ECC/HANH will provide additional housing search assistance if needed.

Housing search assistance is a broad term which can include many activities, but with respect to this requirement it must at a minimum

(1) help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods,

(2) provide transportation assistance and directions to potential units,

(3) conduct owner outreach,

(4) assist with the completion of rental applications and ECC/HANH forms, and

(5) help expedite the EHV leasing process for the family. Other recommended, but not required, housing search activities include helping individual families identify barriers to leasing (e.g., low credit score, evictions history) and strategies to address these barriers, workshops on how to conduct an effective housing search, enhanced support for portability processing, regular proactive check-ins for families searching with a voucher, regular reminders to the family of their voucher expiration date and extension policies, and a dedicated landlord liaison for EHV voucher families.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

The family will report changes in family circumstances to ECC/HANH and the CoC.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

Purging the Waiting List

ECC/HANH will purge the HCV in consultation with the CoC.

Removal from the Waiting List

ECC/HANH will remove families from the waiting list in consultation with the CoC when they no longer meet the eligibility criteria.

PART III: SELECTION FOR HCV ASSISTANCE

4-III.B. SELECTION AND FUNDING SOURCES

Special Admissions

No changes to this section

Targeted Funding [24 CFR 982.204€]

EHV Housing Assistance Payment (HAP) funding (both the initial funding allocation and subsequent renewals) and both forms of administrative fee funding have been appropriated separate and apart from the regular HCV program appropriations provided through HUD's annual appropriations acts. The ARP limits the use of all EHV funding by time and purpose. Consequently, ARP EHV funding HAP and administrative fee funding (including services fees) covered by this notice may only be used for the EHVs and may not be for ECC/HANH's regular HCVs or other special purpose vouchers (including Mainstream vouchers).

4-III.C. SELECTION METHOD

The CoC will be responsible for prioritizing individuals and families for EHV assistance, determining the homelessness eligibility, referring individuals and families through the CoC's coordinated entry system, supporting individuals and families in processing voucher applications, supporting the housing search process, and planning for and coordinating the delivery of supportive services to support the housing stability of EHV participants.

Local Preferences

Alternative Requirement – Waiver of 982.207(a), 982.207(b)

Local preferences established by the ECC/HANH for HCV admissions do not apply to EHVs. ECC/HANH will not establish any local preferences for the EHV waiting list, including any residency preferences for EHV applicants.

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

Order of Selection

Alternative requirement- Waiver of section 16(b) of the United Stated Housing Act of 1937 and 982.201(b)(2)

The income targeting requirements of section 16(b) of the United States Housing Act of 1937 and § 982.201(b)(2) are waived and do not apply for EHV families so that ECC/HANH can effectively serve individuals and families in all the eligibility categories under the ARP who may be at a variety of income levels, including low-income families. ECC/HANH still chooses to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted. ECC/HANH will not deny admission to a family with zero income and must consider hardship circumstances before charging minimum rent in accordance with 5.630(b).

4-III.D NOTIFICATION OF SELECTION

Alternative requirement- Waiver of section 16(b) of the United Stated Housing Act of 1937 and 982.201(b)(2)

As stated above.

4-III.E THE APPLICATION INTERVIEW

No changes to this section

4-III.F COMPLETING THE APPLICATION PROCESS

No changes to this section

SECTION V

BRIEFINGS AND VOUCHER ISSUANCE

INTRODUCTION

No changes to this section

PART I: BRIEFINGS AND FAMILY OBLIGATIONS

5-I.A. OVERVIEW

No changes to this section

5-I.B. BRIEFING [24 CFR 982.301] [24 CFR 983.252]

No change to this section

Oral Briefing (24 CFR 983.252(a))

Briefing Packet [24 CFR 983.252(b)]

5-I.C. FAMILY OBLIGATIONS

Time Frames for Reporting Changes Required By Family Obligations

No changes to this section.

Family Obligations [24 CFR 982.551]

PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE

5-II.A. OVERVIEW

5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402] [24 CFR 983.253(b)]

No changes to this section

5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS

No changes to this section.

5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]

No changes to this section

5-II.E. VOUCHER TERM, EXTENSIONS, AND SUSPENSIONS

Voucher Term [24CFR 982.303]

Alternative requirement – Waiver of CFR 982.303(a)

ECC/HANH is waiving the initial search term voucher of 60 days and will issue initial search term voucher for an EHV applicant for 120 days. Any extensions, suspensions, and progress reports will remain under the policies in the ECC/HANH administrative plan but will apply after the minimum 120-day initial search term. ECC/HANH must grant reasonable accommodation request to extend the housing search term that may be necessary for individuals with disabilities.

Extension of Voucher Term [24 CFR 982.303(b)

No changes to this section

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

No changes to this section

Expiration of Voucher Term

No changes to this section

Chapter 18

SECTION VI

INCOME AND SUBSIDY DETERMINATIONS

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

INTRODUCTION

No changes to this section

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

No changes to this section

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

No changes to this section,

Temporarily Absent Family Members

No changes to this section

Absent Students

No changes to this section

Absences Due to Placement in Foster Care

No changes to this section

Absent Head, Spouse, or Co-head

No changes to this section

Family Members Permanently Confined for Medical Reasons

No changes to this section

Joint Custody of Dependents

No changes to this section

Caretakers for a Child

No changes to this section

6-I.C. ANTICIPATING ANNUAL INCOME

No changes to this section

Basis of Annual Income Projection

No changes to this

6-I.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages, including military pay and Related Compensation

No changes to this section

Temporary, Nonrecurring, or Sporadic Income **[24 CFR 5.609(c)(9)]**

No changes to this section

Income of a Live-in Aide

No changes to this section.

Income Earned under Certain Federal Programs

No changes to this section.

Federal, State and Local Employment Training Programs – may be PARTIALLY or fully excluded. Therefore, report and exclude

No changes to this section.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

No changes to this section

Business Expenses

No changes to this section.

Business Expansion

No changes to this section.

Capital Indebtedness

No changes to this section.

Negative Business Income

No changes to this section.

Withdrawal of Cash or Assets from a Business

No changes to this section.

Co-owned Businesses

No changes to this section.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

No changes to this section.

General Policies

No changes to this section

Income from Assets

No changes to this section.

Valuing Assets

No changes to this section.

Lump-Sum Receipts

No changes to this section.

Imputing Income from Assets [24 CFR 5.609(b)(3), Notice PIH 2012-29]

No changes to this section

Determining Actual Anticipated Income from Assets

No changes to this section.

Withdrawal of Cash or Liquidation of Investments

No changes to this section.

Jointly Owned Assets

No changes to this section.

Assets Disposed for Less than Fair Market Value [24 CFR 5.603(b)]

No changes to this section.

Minimum Threshold

No changes to this section.

Separation or Divorce

No changes to this section.

Foreclosure or Bankruptcy

No changes to this section.

Family Declaration

No changes to this section.

Types of Assets

Checking and Savings Accounts

No changes to this section

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

No changes to this section.

Equity in Real Property or Other Capital Investments

No changes to this section.

Trusts

No changes to this section.

Retirement Accounts

Company Retirement/Pension Accounts

No changes to this section

IRA, Keogh, and Similar Retirement Savings Accounts

No changes to this section.

Personal Property

No changes to this section.

Life Insurance

No changes to this section.

6-I.H. PERIODIC PAYMENTS

No Changes to this section

Periodic Payments <u>Included</u> in Annual Income

No changes to this section.

Lump-Sum Payments for the Delayed Start of a Periodic Payment

No changes to this section

Treatment of Overpayment Deductions from Social Security Benefits

No changes to this section.

Periodic Payments <u>Excluded</u> from Annual Income

No changes to this section

6-I.I. PAYMENTS IN LIEU OF EARNINGS

No changes to this section.

6-I.J. WELFARE ASSISTANCE

Overview

No changes to this section.

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

No changes to this section

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Alimony and Child Support

No changes to this section.

Regular Contributions or Gifts

No changes to this section

6-I.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9) and FR 5/20/14]

Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9) and FR 4/10/06]

No changes to this section.

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

No changes to this section.

6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

No changes to this section

PART II: MONTHLY INCOME TIERED RENT AND TOTAL TENANT PAYMENT

6-II.A. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

No changes to this section

6-II.B. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

No changes to this section

Earned Income Limit on the Disability Assistance Expense Deduction

No changes to this section

Eligible Disability Expenses

No changes to this section

Eligible Auxiliary Apparatus

No changes to this section

Eligible Attendant Care

No changes to this section

Payments to Family Members

No changes to this section

Necessary and Reasonable Expenses

No changes to this section

Families That Qualify for Both Medical and Disability Assistance Expenses

No changes to this section

6-II.C. CHILD CARE EXPENSE DEDUCTION

No changes to this section

Clarifying the Meaning of *Child* for This Deduction

No changes to this section

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

No changes to this section

Seeking Work

No changes to this section

Furthering Education

No changes to this section

Being Gainfully Employed

No changes to this section

Earned Income Limit on Child Care Expense Deduction

No changes to this section

Eligible Child Care Expenses

No changes to this section

PART III: CALCULATING FAMILY SHARE AND ECC/HANH SUBSIDY

No changes to this section

6-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

Family Share [24 CFR 982.305(a)(5)]

No changes to this section

ECC/HANH Subsidy [24 CFR 982.505(b)]

No changes to this section

Utility Reimbursement [24 CFR 982.514(b)]

No Changes to this section

6-III.B. APPLYING PAYMENT STANDARDS [24 CFR 982.505]

No changes to this section

6-III.C. APPLYING UTILITY ALLOWANCES [24 CFR 982.517]

Overview

No changes to this section

Reasonable Accommodation

No changes to this section.

Utility Allowance Revisions

No changes to this section.

6-III.D. PRORATED ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.520]

No changes to this Section

Chapter 18

SECTION VII

VERIFICATION

24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, Notice PIH 2010-19, HUD Handbook 4350.3 REV-1, 8823 Guide, State of Connecticut's LIHTC compliance manual]

INTRODUCTION

No changes to this section

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230]

Consent Forms

No changes to this section

Penalties for Failing to Consent [24 CFR 5.232]

No changes to this section

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [Notice PIH 2010-19]

HUD has waived the third-party income verification requirements for EHV applicants and, therefore allowing to consider self-certification as the highest form of income verification at admission.

Requirements for Acceptable Documents

Applicants must submit an affidavit attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination. Additionally, applicants may provide third-party documentation which represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the ECC/HANH's request.

Verification of Family Income of less than $5,000

No change to this section

File Documentation

No change to this section.

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

No changes to this section.

Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)

HUD waived the third-party income verification requirements for EHV applicants and, alternatively, Therefore, ECC/HANH will consider self-certification as the highest form of income verification at admission.

Upfront Income Verification Using Non-HUD Systems (Optional)

HUD waived the third-party income verification requirements for EHV applicants and, alternatively, Therefore, ECC/HANH will consider self-certification as the highest form of income verification at admission.

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD waived the third-party income verification requirements for EHV applicants and, alternatively, Therefore, ECC/HANH will consider self-certification as the highest form of income verification at admission.

7-I.E SELF-CERTIFICATION

HUD waived the third-party income verification requirements for EHV applicants and, alternatively, Therefore, ECC/HANH will consider self-certification as the highest form of income verification at admission.

Chapter 18

SECTION VIII

HOUSING QUALITY STANDARDS AND RENT REASONABLE DETERMINATIONS [24 CFR 982 Subpart I and 24 CFR 982.507]

INTRODUCTION

No changes to this section

PART I: PHYSICAL STANDARDS

8-I.A. GENERAL HUD REQUIREMENTS

No changes to this section

8-I.B. ADDITIONAL LOCAL REQUIREMENTS

No changes to this section

8-I.C. LIFE-THREATENING CONDITIONS [24 CFR 982.404(a)]

No changes to this section.

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

Family Responsibilities

No changes to this section

8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL [24 CFR 35.1225]

No changes to this section

8-I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.401, 24 CFR 982.403]

No changes to this section

PART II: THE INSPECTION PROCESS

8-II.A. OVERVIEW [24 CFR 982.405]

Types of Inspections

No changes

Inspection Costs

No changes to this section

Notice and Scheduling

No changes to this section

Owner and Family Inspection Attendance

No changes to this section

8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timing of Initial Inspections

For the EHV program

To expedite the leasing process, ECC/HANH may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units. If an EHV family selects a unit that passed a HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (form HUD-52517), the unit may be approved as long as it meets all other conditions under § 982.305. However, the family must be free to select their unit and cannot be required to accept a pre-screened unit.

Inspection Results and Reinspections

No changes to this section

Utilities

No changes to this section

Appliances

No changes to this section

8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS [24 CFR 982.405(a)]

No changes to this section

8-II.D. SPECIAL INSPECTIONS [HCV GB, p. 10-30]

No changes to section

8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b); HCV GB, p. 10-32]

No changes to section

8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT

No changes to this section

8-II.G. ENFORCING OWNER COMPLIANCE

HAP Abatement

No changes to this section

HAP Contract Termination

No changes to this section

8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]

No changes to section

PART III: RENT REASONABLENESS [24 CFR 982.507]

No Changes to this section

8-III.A. OVERVIEW

No changes to this section

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

Owner-Initiated Rent Determinations

No changes to this section

ECC/HANH- and HUD-Initiated Rent Reasonableness Determinations

No changes to this section

8-III.C. HOW COMPARABILITY IS ESTABLISHED

No changes to this section

Units that Must Not Be Used as Comparable

No changes to this section

Rents Charged for Other Units on the Premises

No changes to this section

8-III.D. ECC/HANH RENT REASONABLENESS METHODOLOGY

No changes to this section

Chapter 18

SECTION IX

GENERAL LEASING POLICIES

INTRODUCTION

No changes to this section

PART I: LEASING POLICIES

9-I.A. TENANT SCREENING

No changes to this section

9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]

No changes to this section

9-I.C. OWNER PARTICIPATION

No changes to this section.

9-I.D. ELIGIBLE UNITS

No Changes to this section

Duplicative Assistance [24 CFR 982.352(c)]

No changes to this section

Housing Quality Standards (HQS) [24 CFR 982.305 and 24 CFR 982.401]

No changes to this section

Unit Size

No changes to this section

Rent Reasonableness [24 CFR 982.305 and 24 CFR 982.507]

No changes to this section

9-I.E. LEASE AND TENANCY ADDENDUM

No changes to this section

Lease Form and Tenancy Addendum [24 CFR 982.308]

No changes to this section

Term of Assisted Tenancy

To provide a greater range of housing opportunities for EHV families, the initial lease term for an EHV family may be less than 12 months.

Security Deposit [24 CFR 982.313 (a) and (b)]

Security Deposit will be provided by the CoC. ECC/HANH may provide security deposit assistance for the family to fill a gap from CoC funding or if CoC no longer has funding available. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. ECC/HANH may pay the security deposit assistance directly to the owner. ECC/HANH will require the owner to return the security deposit assistance to the ECC/HANH at the end of the family's tenancy (less any amounts retained by the owner in accordance with the lease).

Security deposit assistance returned to ECC/HANH must be used for either services fee eligible uses or other EHV administrative costs.

Separate Non-Lease Agreements between Owner and Tenant

No changes to this section

ECC/HANH Review of Lease

No changes to this section.

9-I.F. TENANCY APPROVAL [24 CFR 982.305]

No changes to this section.

9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305]

No changes to this section.

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

No changes to this section.

Chapter 18

SECTION X

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

INTRODUCTION

PORTABILITY

Alternative Waiver – CFR 982.353(3)

In order to provide maximum housing choice for the targeted populations, ECC/HANH is removing the restriction, if neither the household head nor spouse of an assisted family already had a "domicile' (legal residence) in the jurisdiction at the time the family first submitted an application for participation in the program, the family does not have any right to portability during the 12-month period from when the family is admitted to the program. The EHV nonresident applicant can immediately move under portability.

PORTABILITY BILLING AND ABSORBTION

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA does or does not currently administer EHVs under its own ACC. If the EHV family moves under portability to another PHA that administers EHVs under its own ACC:

- The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do). If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.

- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies, although neighboring PHAs and PHAs in the same metro area or region are strongly encouraged to work collaboratively to align EHV policies and facilitate portability moves between jurisdictions.

- As the initial PHA, ECC/HANH must inform the family how portability works and how it may impact the special EHV services and assistance that may be available to the family. ECC/HANH is required to inform the family of this requirement in writing taking reasonable steps to ensure meaningful access for LEP persons.
- If the portability move is the initial lease up, ECC/HANH must consult and coordinate on the EHV services and assistance that will be available for the family

Portability Billing

No changes to this section.

Chapter 18

SECTION XI

REEXAMINATIONS

INTRODUCTION

ECC/HANH required to reexamine each family's income and composition and to adjust the family's level of assistance accordingly.

ECC/HANH has received approval to implement the following rent simplification flexibilities to the Emergency Housing Vouchers.

- Rent simplification activities, consisting of:
  - Multi-year recertification cycles (triennial for elderly or disabled households and biennial for work-able households)
  - Simplified rent tiers with elimination of standard deductions, and $1,000 income bands beginning at $2,500
  - Exceptional expense tiers, allowing households with exceptional medical, disability, or childcare expenses to request a rent reduction
  - $50 minimum rent, with a hardship exemption for households unable to pay minimum rent
  - Transition period of one year from current income-based rent to the tiered-rent structure and minimum rent to avoid hardships
- Rent simplification/cost stabilization measures, consisting of:
  - HQS inspections on a biennial and triennial schedule, matching recertification schedule and allowing participants and landlords to request a special inspection at any point if deficiencies are suspected
  - Self-certification for curing failed inspections if failed items are unrelated to health and safety issues
  - Limiting landlord rent increases to only the time of the household's recertification

Please refer to sections below.

PART I: BI/TRIENNIAL REEXAMINATIONS [24 CFR 982.516]

11-I.A. OVERVIEW

No changes to this section

11-I.B. SCHEDULING BI/TRIENNIAL REEXAMINATIONS

No changes to this section

Notification of and Participation in the Annual Reexamination Process

No changes to this section

11-I.C. CONDUCTING BI/TRIENNIAL REEXAMINATIONS

No changes to this section

11-I.D. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]

No changes to this section

11-I.E. EFFECTIVE DATES

No changes to this section

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

No changes to this section

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

No changes to this section

11-II.C. CHANGES AFFECTING INCOME OR EXPENSES

No changes to this section

11-II.D. PROCESSING THE INTERIM REEXAMINATION

No changes to this section

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

11-III.A. OVERVIEW

No changes to this section

11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

No changes to this section

11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

No changes to this section

Chapter 18

SECTION XII

TERMINATION OF ASSISTANCE AND TENANCY

PART I: GROUNDS FOR TERMINATION OF ASSISTANCE

12-I.A. OVERVIEW

No changes to this section.

12-I.B. FAMILY NO LONGER REQUIRES ASSISTANCE [24 CFR 982.455]

No changes to this section

12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE

No changes to this section.

12-I.D. MANDATORY TERMINATION OF ASSISTANCE

No changes to this section.

Failure to Provide Consent [24 CFR 982.552(b)(3)]

No changes to this section.

Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]

Alternative requirement – Waiver 24 CFR 982.552(b)(4)

ECC/HANH is waiving the requirement to obtain and verify Citizenship documentation before admitting the family to the EHV program. Required documentation must be submitted within 180 days of admission to be eligible for continued assistance, pending verification, unless ECC/HANH provides an extension based on evidence from the family or confirmation from the CoC that the family has made a good-faith effort to obtain the documentation.

Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), Notice PIH 2012-10]

ECC/HANH is waiving the requirement to obtain and verify Citizenship documentation before admitting the family to the EHV program. Required documentation must be submitted within 180 days of admission to be eligible for continued assistance, pending verification, unless ECC/HANH provides an extension based on evidence from the family or confirmation from the CoC that the family has made a good-faith effort to obtain the documentation.

Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]

No changes to this section.

Lifetime Registered Sex Offenders [Notice PIH 2012-28]

No changes to this section.

Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]

No changes to this section.

Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]

No changes to this section.

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

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

No changes to this section.

Use of Illegal Drugs and Alcohol Abuse

No changes to this section.

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

No changes to this section.

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

No changes to this section.

Family Absence from the Unit [24 CFR 982.312]

No changes to this section.

Insufficient Funding [24 CFR 982.454]

No changes to this section

PART II: APPROACH TO TERMINATION OF ASSISTANCE

12-II.A. OVERVIEW

No changes to this section.

12-II.B. METHOD OF TERMINATION [24 CFR 982.552(a)(3)]

No changes to this section.

12-II.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE

Change in Household Composition

No changes to this section.

Repayment of Family Debts

No changes to this section.

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

Evidence

No changes to this section.

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

No changes to this section.

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

No changes to this section.

12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

No changes to this section.

Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]

No changes to this section.

Documentation of Abuse [24 CFR 5.2007]

No changes to this section.

Terminating the Assistance of a Domestic Violence Perpetrator

No changes to this section.

12-II.F. TERMINATION NOTICE

No changes to this section.

PART III: TERMINATION OF TENANCY BY THE OWNER

12-III.A. OVERVIEW

No changes to this section.

12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310, 24 CFR 5.2005(c), and Form HUD-52641-A, Tenancy Addendum]

No changes to this section.

Serious or Repeated Lease Violations

No changes to this section.

Violation of Federal, State, or Local Law

No changes to this section.

Criminal Activity or Alcohol Abuse

No changes to this section.

Evidence of Criminal Activity

No changes to this section.

Other Good Cause

No changes to this section.

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

No changes to this section.

12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h), 24 CFR 982.310(h)(4)]

No changes to this section.

12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY'S ASSISTANCE

No changes to this section.

EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS

No changes to this section.

Chapter 18

SECTION XIII

OWNERS

INTRODUCTION

No changes to this section

PART I. OWNERS IN THE HCV PROGRAM

13-I.A. OWNER RECRUITMENT AND RETENTION

For EHV Program

ECC/HANH may offer landlords that are new to the HCV program who offer units in non-impacted areas, a onetime incentive fee based on the census tract and size of the unit placed under contract. The incentive fees are payable at the initial lease execution. The decision whether to offer an incentive fee is at the discretion of ECC/HANH. This option is not a requirement and should be reviewed closely before making the decision to offer this incentive to any one landlord. No landlord who previously or currently has received HAP payments under the section 8 program qualifies for this incentive.

Unit Size	Amount
1 Bedroom	$175
2 Bedroom	$275
3 Bedroom	$475
4+ Bedroom	$550

13-I.B. BASIC HCV PROGRAM REQUIREMENTS

No changes to this section

13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452]

No changes to this section

13-I.D. OWNER QUALIFICATIONS

Owners Barred from Participation [24 CFR 982.306(a) and (b)]

No changes to this section

Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]

No changes to this section

Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19]

No changes to this section

Owner Actions That May Result in Disapproval of a Tenancy Request [24 CFR 982.306(c)]

No changes to this section

Legal Ownership of Unit

No changes to this section

13-I.E. NON-DISCRIMINATION [HAP Contract – Form HUD-52641]

No changes to this section

PART II. HAP CONTRACTS

13-II.A. OVERVIEW

13-II.B. HAP CONTRACT CONTENTS

Alternative Requirement – Section 8(o)(7)(A) of the United State Housing Act and CFR 982.309(a)(2)(ii)

The initial lease term for an EHV family may be less than 12 months regardless of whether the shorter term is a prevailing market practice.

13-II.C. HAP CONTRACT PAYMENTS

General

No changes to this section.

Owner Certification of Compliance

No changes to this section.

Late HAP Payments [24 CFR 982.451(a) (5)]

No changes to this section.

Termination of HAP Payments [24 CFR 982.311(b)]

No changes to this section.

13-II.D. BREACH OF HAP CONTRACT [24 CFR 982.453]

No changes to this section.

13-II.E. HAP CONTRACT TERM AND TERMINATIONS

No changes to this section.

13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]

No changes to this section.

Chapter 18

SECTION XIV

PROGRAM INTEGRITY

INTRODUCTION

No changes to this section

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

14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

No changes to this section.

14-I.B. DETECTING ERRORS AND PROGRAM ABUSE

No changes to this section.

Independent Audits and HUD Monitoring

No changes to this section.

Individual Reporting of Possible Errors and Program Abuse

No changes to this section.

14-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When ECC/HANH Will Investigate

No changes to this section.

Consent to Release of Information [24 CFR 982.516]

No changes to this section.

Analysis and Findings

No changes to this section.

Consideration of Remedies

No changes to this section.

Notice and Appeals

No changes to this section.

PART II: CORRECTIVE MEASURES AND PENALTIES

14-II.A. SUBSIDY UNDER- OR OVERPAYMENTS

Corrections

No changes to this section.

Reimbursement

No changes to this section.

14-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

No changes to this section.

Family Reimbursement to ECC/HANH [HCV GB pp. 22-12 to 22-13]

No changes to this section.

ECC/HANH Reimbursement to Family [HCV GB p. 22-12]

No changes to this section.

Prohibited Actions

No changes to this section.

Penalties for Program Abuse

No changes to this section.

14-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE

No changes to this section.

Owner Reimbursement to ECC/HANH

No changes to this section.

Prohibited Owner Actions

No changes to this section.

Remedies and Penalties

No changes to this section.

14-II.D. ECC/HANH-CAUSED ERRORS OR PROGRAM ABUSE

No changes to this section

Repayment to the ECC/HANH

No changes to this section

Prohibited Activities

No changes to this section.

14-II.E. CRIMINAL PROSECUTION

No changes to this section.

14-II.F. FRAUD AND PROGRAM ABUSE RECOVERIES

No changes to this section.

Chapter 18

SECTION XV

(INTENTIONALLY LEFT BLANK)

Chapter 18

SECTION XVI

PROGRAM ADMINISTRATION

PART I: ADMINSTRATIVE FEE RESERVE

(DOES NOT APPLY)

PART II: SETTING PROGRAM STANDARDS AND SCHEDULES

16-II.A. OVERVIEW

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

No changes to this section.

16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]

No changes to this section

Air Conditioning

No changes to this section.

Reasonable Accommodation

No changes to this section.

Utility Allowance Revisions

No changes to section

PART III: INFORMAL REVIEWS AND HEARINGS

16-III.A. OVERVIEW

No changes to this section

16-III.B. INFORMAL REVIEWS

No changes to this section.

Notice to the Applicant [24 CFR 982.554(a)]

No changes to this section.

Scheduling an Informal Review

No changes to this section.

Informal Review Procedures [24 CFR 982.554(b)]

No changes to this section.

Informal Review Decision [24 CFR 982.554(b)]

No changes to this section.

16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555]

No changes to this section.

Decisions Subject to Informal Hearing

No changes to this section.

Informal Hearing Procedures

Notice to the Family **[24 CFR 982.555(c)]**

No changes to this section.

Scheduling an Informal Hearing **[24 CFR 982.555(d)]**

No changes to this section.

Pre-Hearing Right to Discovery **[24 CFR 982.555(e)]**

No changes to this section.

Participant's Right to Bring Counsel **[24 CFR 982.555(e) (3)]**

No changes to this section.

Informal Hearing Officer **[24 CFR 982.555(e) (4)]**

No changes to this section.

Attendance at the Informal Hearing

No changes to this section.

Conduct at Hearings

No changes to this section.

Evidence **[24 CFR 982.555(e) (5)]**

No changes to this section.

Hearing Officer's Decision **[24 CFR 982.555(e) (6)]**

No changes to this section.

Procedures for Rehearing or Further Hearing

No changes to this section.

ECC/HANH Notice of Final Decision **[24 CFR 982.555(f)]**

No changes to this section.

16-III.D. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

No changes to this section.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

No changes to this section.

USCIS Appeal Process [24 CFR 5.514(e)]

No changes to this section.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

No changes to this section.

Informal Hearing Officer

No changes to this section.

Evidence

No changes to this section.

Representation and Interpretive Services

No changes to this section.

Recording of the Hearing

No changes to this section.

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

No changes to this section.

Retention of Documents [24 CFR 5.514(h)]

No changes to this section.

PART IV: OWNER OR FAMILY DEBTS TO ECC/HANH

16-IV.A. OVERVIEW

No changes to this section.

16-IV.B. REPAYMENT POLICY

No changes to this section.

Owner Debts to ECC/HANH

No changes to this section.

Family Debts to ECC/HANH

ECC/HANH will not deny an EHV family if the family currently owes rent or other amounts to the ECC/HANH or to another PHA in connection with Section 8 or public housing assistance

Repayment Agreement [24 CFR 792.103]

No changes to this section.

General Repayment Agreement Guidelines for Families

Down Payment Requirement

No changes to this section.

Payment Thresholds

No changes to this section.

Execution of the Agreement

No changes to this section.

Due Dates

No changes to this section.

Late or Missed Payments

No changes to this section.

No Offer of Repayment Agreement

No changes to this section.

Repayment Agreements Involving Improper Payments

No changes to this section.

PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

This Section does not apply to MTW HCV program (EHV Program)

16-V.A. OVERVIEW

No changes to this section.

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

No changes to this section.

HUD Verification Method

No changes to this section.

16-V.C. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648]

No changes to this section.

PART VI: RECORD KEEPING

16-VI.A. OVERVIEW

No changes to this section

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

No changes to this section

16-VI.C. RECORDS MANAGEMENT

No changes to this section.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

No changes to this section.

Upfront Income Verification (UIV) Records

No changes to this section.

Criminal Records

No changes to this section.

Medical/Disability Records

No changes to this section.

Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

No changes to this section.

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

16-VII.A. OVERVIEW

No changes to this section.

16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e)]

No changes to this section.

16-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]

No changes to this section.

PART VIII: DETERMINATION OF INSUFFICIENT FUNDING

16-VIII.A. OVERVIEW

No changes to this section

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

16-IX.A. OVERVIEW

No changes to this section.

16-IX.B. DEFINITIONS [24 CFR 5.2003]

No changes to this section.

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

Notification to Public

No changes to this section.

Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]

No changes to this section.

Notification to Owners and Managers [24 CFR 5.2005(a)(2)]

No changes to this section.

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

No changes to this section.

Conflicting Documentation [24 CFR 5.2007(e)]

No changes to this section.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

No changes to this section.

Failure to Provide Documentation [24 CFR 5.2007(c)]

No changes to this section.

16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

No changes to this section.

Chapter 19

MIXED FINANCE DEVELOPMENTS INCLUDING RENTAL ASSISTANCE DEMONSTRATION/PROJECT-BASED VOUCHER (RAD/PBV)

PROJECT DESCRIPTION MIXED DEVELOPMENTS

OVERVIEW

Mixed-Finance public housing allows HUD to mix public, private, and non-profit funds to develop and operate housing developments. New developments may be made up of a variety of housing types: HCV/PBV, homeownership, private, subsidized, and public housing. These new communities are provided for residents with a wide range of incomes and are designed to fit into the surrounding community.

Under its MTW Plan, ECC/HANH has increased the percentage of Housing Choice Voucher budget authority for the Agency that is permitted to project-base to 25%.

ECC/HANH may attach funding to mixed-finance developments which include Project-Based Section 8 units (the "PBV units"). These PBV units may be owned and managed by entities other than ECC/HANH. ECC/HANH may delegate certain admissions and occupancy functions as discussed within the Administrative Plan to the owners and/or managers of those mixed-finance developments. Such admissions and occupancy functions must be performed in accordance with this Administrative Plan and applicable HUD and ECC/HANH requirements.

Mixed-finance developments may be subject to Low-Income Housing Tax Credit (LIHTC) and/or Affordable Housing Program (AHP) Requirements. For purposes of this Administrative Plan:

- Tax Credit Requirements shall mean any and all matters required by Section 42 of the Internal Revenue Code of 1986 and regulations there under (Section 42), the Connecticut Housing Finance Agency (CHFA) or any agreement with a condition of receipt of tax credits, whether or not such requirement is explicitly stated in Section 42, or CHFA requirements; and
- AHP Requirements shall mean any and all matters required by the Federal Housing Finance Board Affordable Housing Program regulations at 12 CFR 951.

In order to ensure compliance with LIHTC and/or AHP Requirements, ECC/HANH will not impose any policy within this Administrative Plan upon any mixed-finance development if such policies would create non-compliance with Tax Credit Requirements and/or AHP Requirements.

Policies within this chapter that are consistent with the HANH TBV and standard PBV program will state, "No changes to this section." Please refer to the corresponding chapter.

Policies within this chapter that differ will be stated accordingly.

ECC/HANH will not disapprove Owner policies required for compliance with LIHTC and AHP Requirements, unless mandated by PBV Requirements.

- Examples of policies that may differ than the Administrative Plan include the requirement for annual re-certifications (to the extent required by LIHTC Requirements) and different income tier requirements.

In the event of a conflict between any PBV contract requirements and this Administrative Plan, those deal-specific documents shall control as long as in compliance with PBV Requirements.

- "PBV Requirements" refers to 24 CFR HUD regulations, any HUD-approved waivers of regulatory requirements, and federal laws, notices and Executive Orders pertaining to Project-Based Section 8 Units, including future waivers or amendments.

ECC/HANH's PBV/RAD program is designed to ensure that PBV assistance is used to support goals that may not be able to be equally achieved through the use of tenant-based voucher assistance.

ECC/HANH's PBV/RAD program is committed to the following priorities:

1. Supportive housing for families and persons with disabilities;

2. Accessible housing for persons with mobility limitations;

3. Affordable housing opportunities in mixed-income developments and in neighborhoods that underserve low-income families, including neighborhoods with low minority concentrations and low concentrations of poverty

4. Neighborhood revitalization projects, including ECC/HANH's public housing community redevelopment projects

5. Assisting families in imminent danger of homelessness

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, ECC/HANH is not required to reduce the number of these units if the amount of budget authority is subsequently reduced. However, ECC/HANH is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC [24 CFR 983.6].

RAD/PBV developments

RAD/PBV allows projects funded under the public housing program to convert their assistance to long-term, project-based Section 8 rental assistance contracts. Under this component of RAD, public housing agencies (PHAs) may choose between two forms of Section 8 Housing

Assistance Payment (HAP) Contracts: project-based vouchers (PBVs) or project-based rental assistance (PBRA). ECC/HANH will administer PBVs.

RAD provides the opportunity to test the conversion of public housing and other HUD-assisted properties to long-term, project-based Section 8 rental assistance to achieve certain goals, including the preservation and improvement of these properties through enabling access by ECC/HANH and owners to private debt and equity to address immediate and long-term capital needs. RAD is also designed to test the extent to which residents have increased housing choices after the conversion, and the overall impact on the subject properties.

Under RAD/PBV, the HAP Contract will be administered ECC/HANH and managed by a separate entity. Contract rents will be established and the initial contract will be for a period of at least 15 years and up to 20 years upon approval of ECC/HANH. At expiration of the initial contract and each renewal contract, the ECC/HANH shall offer, and the Project Owner shall accept, a renewal contract.

Each project with a PBV HAP Contract will also be subject to a RAD Use Agreement that will renew with the HAP Contract. ECC/HANH will provide a Choice-Mobility option to residents of Covered Projects. With the exception of provisions identified in PIH-2012-32 (HA) H-2017-03, Rev-3 (as well as retained flexibilities of Moving to Work (MTW) agencies), all regulatory and statutory requirements of the PBV program in 24 CFR part 983, and applicable standing and subsequent Office of Public and Indian Housing guidance, including related handbooks, shall apply.

Chapter 19

SECTION I

OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

No changes to this section.

PART I: THE PHA (ECC/HANH)

1-I.A. OVERVIEW

No changes to this section.

1-I.B. ORGANIZATION AND STRUCTURE OF ECC/HANH

No changes to this section.

1-I.C. ECC/HANH MISSION

No changes to this section.

1-I.D. ECC/HANH'S PROGRAMS

No changes to this section.

1-I.E. ECC/HANH'S COMMITMENT TO ETHICS AND SERVICE

No changes to this section.

PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

For the standard PBV program:

In Section 232 of the Fiscal Year 2001 Appropriations Act, Congress authorized the project-based voucher program (PBV). The PBV program is a discretionary component of ECC/HANH's housing choice voucher (HCV) program. There are no appropriations for this program, instead funding comes directly from funds already obligated by HUD to ECC/HANH under its HCV Annual Contributions Contract (ACC). ECC/HANH may use up to 20 percent of its HCV budget authority for project-based vouchers.

For the RAD PBV program:

RAD is intended to assess the effectiveness of converting public housing, moderate rehabilitation properties, and units under the rent supplement and rental assistance payments programs to long-term, project-based Section 8 rental assistance. The program's four primary objectives are to:

- Preserve and improve public and other assisted housing.
- Standardize the administration of the plethora of federally subsidized housing programs and rules. The conversions are intended to promote operating efficiency by using a Section 8 project-based assistance model that has proven successful and effective for over 30 years. In other words, RAD aligns eligible properties more closely with other affordable housing programs.
- Attract private market capital for property renovations. Through the use of this model, properties may be able to leverage private debt and equity to make capital repairs.
- Increase tenant mobility opportunities.

ECC/HANH or owner can select one of two major sub-programs under RAD:

- Project-based rental assistance (PBRA)
- Project-based vouchers (PBVs)

HUD's Office of Multifamily Housing Programs administers the PBRA component, whereas HUD's Office of Public and Indian Housing administers the PBV component.

This chapter will focus on public housing conversions to the PBV program. In order to distinguish between requirements, we will refer to the standard PBV program and the RAD PBV programs.

For the LIHTC program:

The Low-Income Housing Tax Credit (LIHTC) program was enacted by Congress as part of the Tax Reform Act of 1986 to provide the private market with incentives for construction, rehabilitation, or acquisition of low-income affordable rental housing. These federal tax credits are allocated by the Internal Revenue Service (IRS) to state allocating agencies based, in part, on the state's population. In exchange for the investment in low-income housing, the owner receives tax credits for a period of ten years provided the owner maintains program compliance for at least 30 years.

1-II.B. HCV PROGRAM BASICS

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

For a description of the PBV program, see HANH's Administrative Plan**, Chapter 17 Project-Based Vouchers.**

1-II.C. THE HCV PARTNERSHIPS

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

For a description of the PBV program, see HANH's Administrative Plan**, Chapter 17 Project-Based Vouchers.**

1-II.D. APPLICABLE REGULATIONS

For the standard PBV program:

The regulations are contained at 24 CFR 983. 24 CFR Part 982 applies to the PBV program, with the exception of sections that are not applicable as described in 24 CFR Part 983.

For the RAD PBV program

RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Pub. L. No. 112-55, approved November 18, 2011), as amended by the Consolidated Appropriations Act, 2014 (Public Law 113-76, approved January 17, 2014) and the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235, approved December 6, 2014), collectively, the "RAD Statute." RAD requirements may be found in PIH-2012-32 (HA), REV-2, RAD Quick Reference Guide (10/14), The Welcome Guide for New Awardees: RAD 1st Component (3/15), and RAD FAQs.

For the LIHTC program:

The applicable regulations are found at Section 42 of the Internal Revenue Code of 1986, as amended ("Section 42"). The state-specific LIHTC compliance manual outlines state policies and procedures as well as timelines and required forms for the LIHTC program. The manual for the state of Connecticut may be accessed at: http://www.spectrumlihtc.com/states/connecticut/.

PART III: THE HCV ADMINISTRATIVE PLAN

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

HANH's administrative plan already establishes guidelines for staff to follow to determine eligibility and continued occupancy for HANH's tenant-based HCV program. Selected parts of the administrative plan also apply to the standard and RAD PBV programs. On the whole, regulations for both the standard and RAD PBV programs generally closely follow the regulations for the tenant-based HCV program. While PBV regulations generally follow the tenant-based HCV voucher regulations, they are not identical. Further, RAD PBV rules further deviate from and waive specific standard PBV regulations. In other words, the standard PBV program follows many of the same regulations as the tenant-based HCV program, but not all of them and the RAD PBV

program follow many of the same regulations as the standard PBV program, but not all of them. Where applicable, the HCV policies in this document continue to govern the administration of the both the standard and RAD PBV programs, regardless of whether the units are in mixed-finance developments or not. In cases where HCV requirements are to be followed, no changes are made to the administrative plan. This additional chapter is development-specific and intended to address standard and RAD PBV requirements as well as those for the LIHTC program.

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

No changes to this section.

1-III.C. ORGANIZATION OF THE PLAN

No changes to this section.

1-III.D. UPDATING AND REVISING THE PLAN

No changes to this section.

Chapter 19

SECTION II

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Federal fair housing law imposes on the Department of Treasury and state housing finance agencies (HFAs), including the Connecticut Housing Finance Authority, an obligation to affirmatively further fair housing. Although the LIHTC program is an IRS program, in 2000 the IRS entered into a Memorandum of Understanding (MOU) with the HUD and the Department of Justice (DOJ) to enforce fair housing laws. HUD is generally charged with enforcing the Fair Housing Act and may refer cases to the DOJ.

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

All units in the building must be for use by the general public (as defined in Regulation at section 1.42-9 and further clarified in section 42(g)(9)), including the requirement that no finding of discrimination under the Fair Housing Act occurred for the building.

LIHTC properties are also subject to Title VIII of the Civil Rights Act of 1968, which makes it unlawful to discriminate in any aspect relating to the sale, rental, or financing of dwellings because of race, color, religion, sex, or national origin. The Fair Housing Act of 1988 expanded coverage of Title VIII to include familial status and disabilities. Notifications of administrative and legal actions in regards to the Fair Housing Act will be reported by CHFA to the IRS using Form 8823.

Since 2013, the Violence Against Women Act of 2013 (VAWA) applies to LIHTC properties.

While all of the laws listed in this chapter do not apply to the LIHTC program since tax credit owners are not considered recipients of federal financial assistance. However, since all units discussed in this policy are combined PBV/LIHTC units, the owner/agent must follow the more stringent requirements for the PBV program.

2-I.B. NONDISCRIMINATION

No changes to this section.

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

No changes to this section

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A reasonable accommodation can be a physical modification to a unit or a relaxation to a rule/procedure that will assist an otherwise eligible applicant/resident with a disability to have equal opportunity to use and enjoy their housing or participate in housing services.

2-II.C. REQUEST FOR AN ACCOMMODATION

No changes to this section.

2-II.D. VERIFICATION OF DISABILITY

No changes to this section.

2-II.E. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION

No changes to this section.

2-II.F. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS

No changes to this section.

2-II.G PHYSICAL ACCESSIBILITY

No changes to this section.

2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

No changes to this section.

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

No changes to this section for the standard or RAD PBV programs.

2-III.A. OVERVIEW

No changes to this section.

2-III.B. ORAL INTERPRETATION

No changes to this section.

2-III.C. WRITTEN TRANSLATION

No changes to this section.

2-III.D. IMPLEMENTATION PLAN

No changes to this section.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

No changes to this section

PART IV: VIOLENCE AGAINST WOMEN ACT (VAWA)

VIOLENCE AGAINST WOMEN ACT (VAWA) POLICY (Act Includes Men)

1. Purpose and Applicability

The purpose of Owner's Policy pursuant to the Violence Against Women Act (VAWA) is to implement the applicable provisions of the Violence Against Women and Department of Justice Reauthorization Act of 2013 (Pub. L. 113-4) and more generally to set forth Owner's policies and procedures regarding domestic violence, dating violence, and stalking, as hereinafter defined. Notwithstanding its title, this policy is gender-neutral, and its protections are available to males who are victims of domestic violence, dating violence, or stalking as well as female victims of such violence. This section of the Administrative Plan sets forth those provisions of Owner's VAWA Policy which apply to the Residents of Owner's Rental Assistance Demonstration.

The purposes of these provisions are as follows:

a. To maintain compliance with all applicable legal requirements imposed by VAWA;

b. To ensure the physical safety of victims of actual or threatened domestic violence, dating violence, or stalking who are assisted by Owner;

c. To providing and maintain housing opportunities for victims of domestic violence, dating violence, or stalking;

d. To create and maintain collaborative arrangements between Owner, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence and stalking, who are assisted by Owner; and

e. To take appropriate action in response to an incident or incidents of domestic violence, dating violence, or stalking, affecting individuals assisted by Owner.

2. Definitions

a. *Domestic Violence* – The term 'domestic violence' includes:

(A) felony or misdemeanor crimes of violence (including verbal, emotional, psychological, physical and sexual acts of abuse) committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or

(B) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction."

b. *Sexual assault* – Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.

c. *Dating Violence* – means violence committed by a person:

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

d. *Stalking* – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's individual safety or the safety of others; or

(B) Suffer substantial emotional distress

e. *Affiliated Individual* - means, with respect to an individual:

(A) a spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands *in loco parentis*; or

(B) any individual, tenant, or lawful occupant living in the household of that individual.

f. *Perpetrator* – means person who commits an act of domestic violence, sexual assault, dating violence or stalking against a victim.

3. Admissions and Screening

a. *Non-Denial of Assistance*

Owner will not deny admission to public housing to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.

b. *Admissions Preference*

Applicants for housing assistance from HANH will receive a preference in admissions by virtue of their status as victims of domestic violence, sexual assault, dating violence or stalking.

c. *Mitigation of Disqualifying Information*

When so requested in writing by an applicant for assistance whose history includes incidents in which the applicant was a victim of domestic violence, HANH shall take such information into account in mitigation of potentially disqualifying information, relevant to the domestic violence such as poor credit history or previous damage to a dwelling. If requested by an applicant to take such mitigating information into account, HANH shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history of domestic violence

and its probable relevance to the potentially disqualifying information. HANH will not disregard or mitigate potentially disqualifying information if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence.

4. Termination of Tenancy or Assistance in connection with VAWA.

a. *VAWA Protections*

Under VAWA, public housing residents and persons assisted under the Section 8 rental assistance program have the following specific protections, which will be observed by Owner:

1. An incident or incidents of actual or threatened domestic violence, sexual assault, dating violence, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

2. In addition to the foregoing, tenancy or assistance will not be terminated by Owner as a result of criminal activity, if that criminal activity is directly related to domestic violence, sexual assault, dating violence or stalking engaged in by a member of the assisted household, a guest or another person under the resident's control, and the resident or an immediate family member is the victim or threatened victim of this criminal activity.

However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:

(a) Nothing contained in this paragraph shall limit any otherwise available authority of Owner to terminate tenancy, evict, or to terminate assistance, as the case may be, for any violation of a lease or program requirement not premised on the act or acts of domestic violence, sexual assault, dating violence, or stalking in question against the resident or a member of the resident's household. However, in taking any such action, Owner shall not apply a more demanding standard to the victim of domestic violence, sexual assault, dating violence or stalking than that applied to other residents.

(b) Nothing contained in this paragraph shall be construed to limit the authority of Owner to evict or terminate from assistance any resident or lawful applicant if Owner, can demonstrate an actual and imminent threat to other residents or to those employed at or providing service to the property, if the resident is not evicted or terminated from assistance.

b. *Removal of Perpetrator/Lease Bifurcation*

Owner may bifurcate a lease, or remove a household member or lawful occupant from a lease to evict, remove, terminate occupancy rights, or terminate assistance to such member who engage in criminal activity directly related to domestic violence, sexual assault, dating violence, or stalking against an affiliated individual or other individual. , Such action against the perpetrator of such violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the resident or a

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, or local law applicable to terminations of tenancy.

5. Verification of Domestic Violence, Dating Violence or Stalking

a. *Requirement for Verification*

The law allows, but does not require, HANH to verify that an incident or incidents of actual or threatened domestic violence, sexual assault, dating violence, or stalking claimed by a resident or other lawful occupant is *bona fide* and meets the requirements of the applicable definitions set forth in this policy. Subject only to waiver as provided below in paragraph 5, Owner shall require verification in all cases where an individual claims protection against an action involving such individual, proposed to be taken by Owner.

Verification of a claimed incident or incidents of actual or threatened domestic violence, sexual assault, dating violence or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* - by providing to Owner a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, sexual assault, dating violence or stalking that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator only if known by the victim.
2. *Other documentation* - by providing to Owner documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence or stalking, or the effects of the abuse, described in such documentation. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this policy. The victim of the incident or incidents of domestic violence, dating violence or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
3. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, sexual assault, dating violence, or stalking
4. *Time allowed to provide verification/ failure to provide* - An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, sexual assault, dating violence or stalking, and is requested by Owner to return the completed application with supporting documentation, i.e. police reports, courts records, etc, within 14 business days of the date the application was requested. Failure to provide verification, in proper

form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

5. *Waiver of verification requirement* - The President of HANH, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. Such waiver may be granted in the sole discretion of the Executive Director. Any such waiver must be in writing. Waiver in a particular instance or instances shall not operate as precedent for, or create any right to, waiver in any other case or cases, regardless of similarity in circumstances.

6. Confidentiality

a. *Right of confidentiality*

All information (including the fact that an individual is a victim of domestic violence, sexual assault, dating violence or stalking) provided to Owner in connection with a verification required or provided in lieu of such verification where a waiver of verification is granted, shall be retained by Owner in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:

1. requested or consented to by the individual in writing, or
2. required for use in an eviction proceeding as permitted in VAWA, or
3. otherwise required by applicable law.

b. *Notification of rights*

All residents of shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

7. Transfer to New Residence

a. *Application for transfer*

In situations that involve significant risk of violent harm to an individual as a result of previous incidents or threats of domestic violence, sexual assault, dating violence, or stalking, Owner will, if an approved unit size is available at a location that may reduce the risk of harm, approve transfer by a LIHTC/RAD/PBV resident to a different unit in order to reduce the level of risk to the individual and/or family. Transfer from one LIHTC, ACC, PBV or RAD/PBV site will be allowed subject to approved LIHTC income guidelines for that site. VAWA transfer requests will be placed on a centralized transfer list for LIHTC/RAD/PBV/LIPH residents with the applicable preference.

A resident who requests transfer must attest in such application that the requested transfer is necessary to protect the health or safety of the resident or another member of the household who is or was the victim of domestic violence dating violence or stalking and who reasonably believes that the resident or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

b. *Action on applications*

Owner will act upon such an application within ten (10) calendar days.

c. *No right to transfer*

Owner will make every effort to accommodate requests for transfer when suitable alternative vacant units are available, and the circumstances warrant such action. However, the decision to grant or refuse to grant a transfer shall lie within the sole discretion of Owner, and this policy does not create any right on the part of any applicant to be granted a transfer.

d. *Family rent obligations*

If a family moves before the expiration of the lease term in order to protect the health or safety of a household member, the family will remain liable for the rent during the remainder of the lease term unless released by HANH. In cases where HANH determines that the family's decision to move was reasonable under the circumstances, HANH may wholly or partially waive rent payments and any rent owed shall be reduced by the amounts of rent collected for the remaining lease term from a resident subsequently occupying the unit.

8. Court Orders/Family Break-up

a. *Court orders*

It is HANH's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted by HANH. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

b. *Family break-up*

Other HANH policies regarding family break-up are contained in HANH's VAWA Policy, in HANH's Annual MTW Plan and in HANH's Section 8 Administrative Plan.

9. Relationships with Service Providers

It is the policy of Owner to cooperate with organizations and entities, both private and governmental that provides shelter and/or services to victims of domestic violence. If Owner staff becomes aware that an individual assisted by Owner is a victim of domestic violence, sexual assault, dating violence or stalking, Owner may refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring Owner either to maintain a relationship with any particular provider of shelter or services to victims or domestic violence or to make a referral in any particular case.

(a) Notification

Owner shall provide written notification to applicants and residents, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance and, termination of tenancy or assistance.

Chapter 19

SECTION III

ELIGIBILITY

INTRODUCTION

No changes to this section for the standard PBV program.

For the RAD PBV program:

ECC/HANH may not re-screen existing public housing tenants upon conversion. Current households are not subject to rescreening, income eligibility or income targeting. Current households are grandfathered in for conditions that occurred prior to conversion. They are, however, subject to any ongoing eligibly requirements for actions that occur after conversion.

When determining the eligibility of new admissions, the RAD PBV program follows the same eligibility criteria as the HCV program.

Under RAD, "involuntary permanent relocation" is prohibited and each resident must be able to exercise his or her right to retuned to the RAD project. ECC/HANH or the Owner is permitted to offer a resident alternative housing options when a resident is considering his or her future housing plans, provided that all times prior to the resident's decision, ECC/HANH and the Project Owner's preserve the resident's ability to exercise his or her right of return to the RAD project.

Alternative housing option package may include a variety of housing options including but not limited to:

- Transfer to public housing
- Admission to other affordable housing properties subject to the program rules applicable to such properties
- Housing Choice Vouchers (HCVs) subject to standard HCV program administration requirements. ECC/HANH must operate their HVC programs, including any HCVs offered as alternative housing options, in accordance with their approved policies as documented in their Section 8 Administrative Plan and HUD regulations at 24 CFR part 982.

For the LIHTC program:

Managing eligibility in a tax credit project is a critical component in maintaining the credits. Unlike in the PBV program, the LIHTC program has no requirements to verify the citizenship status or social security number of any family member. Nor are there any requirements to deny applicants based on certain types of criminal activity. In order to be eligible for a LIHTC unit, the applicant household must:

- Have an income at or below the applicable MTSP income limit
- Be in compliance with the LIHTC student rule
- Meet the owner's screening criteria (if any)

- Pay a restricted rent

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC program uses the HUD Handbook 4350.3, REV-1 to define members of the household.

3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982.201(c); FR Notice 02/03/12; Notice PIH 2014-20]

No changes to this section.

3-I.C. FAMILY BREAKUPS AND REMAINING MEMBER OF TENANT FAMILY

No changes to this section for PBV.

For the LIHTC program:

Original Household No Longer Occupied Unit (8823 Guide, Chapter 4)

A LIHTC household may continue to add members as long as at least one member of the original low-income household continues to live in the unit. Once all the original tenants have moved out of the unit, the remaining tenants must be certified as a new income-qualified household unless the remaining tenants were independently income qualified at the time they moved into the unit.

3-1.D. HEAD OF HOUSEHOLD [24 CFR 5.504(b)]

No changes to this section.

3-1.E. SPOUSE, COHEAD, AND OTHER ADULT

No changes to this section.

3-1.F. DEPENDENT [24 CFR 5.603]

No changes to this section.

3-1.G. FULL-TIME STUDENT [24 CFR 5.603; HCV GB, p. 5-29]

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Definition of full-time student: IRC §152(f)(2) defines, in part, a “student” as an individual, who during each of five calendar months during the calendar year in which the taxable year of the taxpayer begins, is a full-time student at an educational organization described in IRC §170(b)(1)(A)(ii) or is pursuing a full-time course of

institutional on-farm training under the supervision of an accredited agent of an educational organization described in IR §170(b)(1)(A)(ii) or of a state or political subdivision of a state. Treas. Reg. §1.151-3(b) further provides that the five calendar months need not be consecutive.

The determination of student status as full or part-time should be based on the criteria used by the educational institution the student is attending.

An educational organization, as defined by IRC §170(b)(1)(A)(ii), is one that normally maintains a regular faculty and curriculum, and normally has an enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term "educational organization" includes elementary schools, junior and senior high schools, colleges, universities, and technical, trade and mechanical schools. It does not include on-the-job training courses.

3-I.H. ELDERLY AND NEAR-ELDERLY PERSONS, AND ELDERLY FAMILY [24 CFR 5.100 and 5.403, FR Notice 02/03/12]

No changes to this section.

3-I.I. PERSONS WITH DISABILITIES AND DISABLED FAMILY [24 CFR 5.403, FR Notice 02/03/12]

No changes to this section.

3-I.J. GUESTS [24 CFR 5.100]

No changes to this section.

3-I.K. FOSTER CHILDREN AND FOSTER ADULTS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Foster children and foster adults who are living with an applicant or who have been approved by the owner/agent to live with a participant family are considered household members but not family members. The unearned income of foster children and unearned and earned income of adults is counted in family annual income for the LIHTC program. Foster children/adults do not qualify for a dependent deduction [24 CFR 5.603; HUD-50058 IB, p. 13; HUD Handbook 4350.3 REV-1, CHG-4)

3-I.L. ABSENT FAMILY MEMBERS

No changes to this section for the standard or RAD PBV programs.

This section applies to the LIHTC program with the following exceptions:

- A head, spouse or co-head who is absent because of military duty is considered temporarily absent. A son or daughter on active military duty is considered temporarily absent only if the person leaves dependents or a spouse in the unit.

- Add a definition of Family Members Permanently Confined for Medical Reasons that reads:

  Family Members Permanently Confined for Medical Reasons

  If a family member is confined to a nursing home or hospital on a permanent basis, the family decides whether or not the person continues to be a household member.

3-I.M. LIVE-IN AIDE

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program, the policy is amended to read:

ECC/HANH Policy

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family must submit a new, written request-subject to HANH verification-at each annual reexamination.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

No changes to this section for the standard PBV program.

For the RAD PBV program:

Existing residents are not subject to income eligibility requirements. An over-income household at the time of conversion would continue to be treated as an assisted unit under RAD requirements. Once the family moves out of the unit, the unit must then be leased to an income eligible family. All new admissions after conversion must also be income eligible and follow standard PBV requirements.

For the LIHTC program:

The paragraph on income limits is amended to read:

Income Limits

HUD establishes income limits for all areas of the country and publishes them annually in the *Federal Register*. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section.

HUD publishes separate income limits for LIHTC projects called the Multifamily Tax Subsidy Income Limits. Multifamily Tax Subsidy Projects (MTSP) Income Limits were developed to meet the requirements established by the Housing and Economic Recovery Act (HERA) of 2008 (Public Law 110-289) that allows 2007 and 2008 projects to

increase over time. The MTSP income limits are used to determine qualification levels as well as set maximum rental rates for projects funded with tax credits.

Definitions of the Income Limits [24 CFR 5.603(b)]

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

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

50% MTSP income limit: The initial 50 percent income limit for each Non-Impacted MTSP is the Section 8 VLIL. In subsequent years, the income limit for each MTSP may not decline and will be the highest Section 8 VLIL obtained throughout the project's qualifying period.

60% MTSP income limit: The 60 percent income limit for MTSPs is calculated by multiplying the MTSP VLIL by 1.2 (IRS Revenue Ruling 89-24)

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

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

Using Income Limits for Eligibility [24 CFR 982.201]

For units with LIHTCs blended with either standard PBV or RAD PBV new admissions after conversion:

Income eligibility is determined by comparing the annual income of an applicant family to the applicable income limit for their family size. In order to be income eligible, an applicant family's anticipated income must be under the *lower* of the following income limits:

- The *very low-income* limit (50% Section 8 income limit); and
- The applicable 60% MTSP income limit

For LIHTC units blended with RAD PBV with existing residents at the time of the conversion:

The LIHTC program does not recognize protections for existing residents. In order for a unit to qualify as an LIHTC unit, the family must be under the applicable MTSP income limit.

Using Income Limits for Targeting [24 CFR 982.201]

For all new admissions, when using income limits for income targeting, use the lower of:

- The *extremely low-income* low Section 8 income limit); and
- The applicable 60% MTSP income limit

For the RAD PBV program:

The income targeting requirement does not apply to existing residents at the time of conversion. Subsequent new admissions count towards ECC/HANH's calculation.

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, Subpart E]

No changes to this section for the standard PBV program or new admissions to the RAD PBV program.

For the RAD PBV program:

Existing residents at the time of conversion are not re-screened for their citizenship status.

This section does not apply to the LIHTC program.

3-II.C. SOCIAL SECURITY NUMBERS [24 CFR 5.216 and 5.218, Notice PIH 2012-10]

No changes to this section for the standard PBV program or new admissions to the RAD PBV program.

For the RAD PBV program:

Existing residents at the time of conversion do not have their social security numbers re-verified.

This section does not apply to the LIHTC program.

3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230; HCV GB, p. 5-13

No changes to this section for the standard PBV program.

This section does not apply to the LIHTC program.

The state of Connecticut's LIHTC compliance manual requires that an authorization of release of information accompany verification requests.

3-II.E. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612, FR Notice 4/10/06]

For units with LIHTCs blended with either standard PBV or RAD PBV, both the HUD student rule and the LIHTC student rule must be satisfied. The following section is amended to read:

HUD student rule for combined LIHTC/PBV Units:

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established new restrictions on the eligibility for PBV of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving PBV assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive PBV

assistance. If, however, a student in these circumstances is determined independent from his/her parents in accordance with ECC/HANH policy, the income of the student's parents will not be considered in determining the student's eligibility.

The new law does not apply to students who reside with parents who are applying to receive PBV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

Definitions

No changes to this section for the standard or RAD PBV programs.

Dependent Child

No changes to this section for the standard or RAD PBV programs.

Independent Student

No changes to this section for the standard or RAD PBV programs.

Institution of Higher Education

No changes to this section for the standard or RAD PBV programs.

Parents

No changes to this section for the standard or RAD PBV programs.

Person with Disabilities

No changes to this section for the standard or RAD PBV programs.

Veteran

No changes to this section for the standard or RAD PBV programs.

Determining Student Eligibility

No changes to this section for the standard or RAD PBV programs.

Determining Parental Income Eligibility

No changes to this section for the standard or RAD PBV programs.

In addition, the above HUD student rule, all units with LIHTCs combined with standard PBV or RAD PBV must also comply with the LIHTC student rule. The following section is added:

The LIHTC Student Rule

Units comprised of full-time students (as defined by IRC §152(f)(2)) do not qualify as LIHTC units, unless the applicant household meets one or more of the following exceptions:

Exceptions: A unit would not be disqualified for tax credits if it is occupied as specified in Section 42(i)(3)(D):

(i) By an individual who is:

I. A student and receiving assistance under title IV of the Social Security Act; or

II. A student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or Part E of title IV of the Social Security Act (foster care), or

III. A student enrolled in a job training program receiving assistance under the Job Training Partnership Act or under other similar Federal, State, or local laws; or

(ii) Entirely by full-time students if such students are:

I. Single parents and their children and such parents are not dependents (as defined in section 152) and the children are not dependents of another individual other than the parents, or

II. Married and file a joint return.

PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither the IRS nor the Connecticut Housing Finance Agency require that applicants be denied based on certain types of drug abuse or criminal activity. The owner/agent may develop fair, reasonable screening criteria in the LIHTC program. The owner/agent's authority in this area is limited by the Violence against Women Act of 2013 (VAWA), which expressly prohibits the denial of admission to an otherwise qualified applicant on the basis that the applicant is or has been the victim of domestic violence, dating violence, sexual assault, or stalking. Since units are combined LIHTC/PBV units, the more stringent PBV requirements should be followed.

Addition:

LIHTC and RAD/PBV Owners will deny admission based on ECC/HANH Denial of Assistance and may establish additional screening criteria for admissions to the property

Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35]

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

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

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

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

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

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

Criminal Activity [24 CFR 982.553]

No changes to this section

Addition:

The Owner will follow the Intent to Deny procedure as established by ECC/HANH, thereby giving the applicant household an opportunity to review and explain the criminal background, before any further action is taken.

Previous Behavior in Assisted Housing [24 CFR 982.552(c)]
No changes to this section

3-III.D. SCREENING

Screening for Eligibility

No changes to this section.

Screening for Suitability as a Tenant [24 CFR 982.307]
No changes to this section

3-III.E. CRITERIA FOR DECIDING TO DENY ASSISTANCE

Evidence [24 CFR 982.553(c)]

No changes to this section.

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

No changes to this section.

Removal of a Family Member's Name from the Application

No changes to this section.

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

No changes to this section.

3-III.F. NOTICE OF ELIGIBILITY OR DENIAL

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

There is no requirement for a written denial notice nor for an informal review. However, since units are combined PBV/LIHTC, the more stringent PBV requirements should be followed.

3-III.G. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

No changes to this section.

Chapter 19

SECTION IV

APPLICATIONS, WAITING LIST, TENANT SELECTION AND TRANSFER POLICY

INTRODUCTION

No changes to this section for the standard PBV program.

For the RAD PBV program:

RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed. As part of the conversion process, ECC/HANH must consider the best way to transition families who are already on the existing public housing waiting list to the new RAD/PBV waiting list. Considerations vary depending on whether the current public housing waiting list is system-wide or site-based and on what type of waiting list ECC/HANH will adopt once units are converted. While special consideration must be given when initially establishing the RAD PBV waiting list, once the waiting list is established, requirements are the same in RAD PBV as in the regular PBV program.

For the LIHTC program:

Neither the state of Connecticut nor the IRS Code requires owner/agents to maintain a written waiting list or adopt a written tenant selection plan. An Application for Housing is included in the state of Connecticut's LIHTC compliance manual and must be used as part of the application process.

PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]

ECC-HANH currently has one TBV wait list for use by all PBV and PBV RAD developments. Once the TBV list is exhausted each development will maintain a site-based waiting list. Applications for assistance will be processed by the Management Agent/Owner responsible for each development.

At the time of the approval of the financial plan, applicants on the TBV waitlist shall be contacted to determine if they are interested in being placed on the PBV RAD waitlist. Applicants will be given 14 days from the date of the letter to respond. The order that

applicants will be placed on the new waitlist will be based of the application date on their HCV Tenant Based application.

The Application for Housing included in the Tax Credit compliance manual for the state of Connecticut must be used for all LIHTC/PBV units. The information furnished on the fully completed application must be reviewed along with supplementary historical documents submitted with the application.

ECC/HANH Policy

When opening the waiting list, ECC/HANH will publicly announce the accepting of applications (see Section 4-II-C).

Applicants may apply for the wait list through the ECC/HANH Applicant portal at https://ecc.myhousing.com. If the applicant needs a reasonable accommodation to complete the pre-application, the applicant may contact the Reasonable Accommodation Manager. Application forms can also be obtained at the ECC/HANH website at www.elmcitycommunities.org or United Way's 211 Info line at http://www.cthcvp.org.

A family may request to pick up an application form at the agency offices or to have the application mailed to them as a reasonable accommodation.

All applications received via mail will be date and time stamped. Mailed applications will be added to the waitlist based on the date and time that they are stamped as received.

Only one application will be accepted per family; duplicate applications will not be accepted and will be discarded.

Applications received after the published deadline date will not be accepted.

Completed applications must be submitted via the Wait List portal. Applications must be complete in order to be accepted by the ECC/HANH for processing.

The Applicant Portal does not allow incomplete applications to be submitted through the portal. If a pre-application submitted in any way other than the portal is incomplete, the ECC/HANH will not accept the application but will instead notify the applicant by mail or email, if applicable, that the application is incomplete and has been denied.

An applicant whose application has been denied for being incomplete or for not meeting the published application criteria will be provided with the opportunity to appeal ECC/HANH's decision that the application was incomplete or for not meeting the published application criteria within 10 business days of the notice of application denial.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

No changes to this section.

4-I D. PLACEMENT ON THE WAITING LIST

No changes to this section

PART II: MANAGING THE WAITING LIST

4-II. A. OVERVIEW

No changes to this section.

4-II.B. ORGANIZATION OF THE WAITING LIST [24 CFR 982.204 and 205]

ECC-HANH currently has one TBV wait list for use by all PBV and PBV RAD developments. Once the TBV list is exhausted each development will maintain a site-based waiting list. Applications for assistance will be processed by the Management Agent responsible for each development.

At the time of the approval of the financial plan, applicants on the TBV waitlist shall be contacted to determine if they are interested in being placed on the PBV RAD waitlist. Applicants will be given 14 days from the date of the letter to respond. The order that applicants will be placed on the new waitlist will be based of the application date on their HCV Tenant Based application.

ECC/HANH's HCV waiting list must be organized in such a manner to allow ECC/HANH to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Applicant address
- Family unit size;
- Date and time of application;
- Qualification for any local preference.
- Racial or ethnic designation of the head of household.
- Date of birth

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Closing the Waiting List

No changes to this section.

Reopening the Waiting List

If the waiting list has been closed, it cannot be reopened until ECC/HANH publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice must comply with HUD fair housing requirements and must specify who may apply, and where and when applications will be received.

ECC/HANH Policy

ECC/HANH will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

ECC/HANH will give public notice by publishing the relevant information in suitable media outlets including the following newspapers, minority publications, and media entities:

New Haven Register, Inner City, The City of New Haven's Office on Disabilities, and the State of Connecticut website.

The notice will contain:

- When the waiting list will be open;
- The deadline for receipt of applications;
- How and where to apply (see Section 4-I.B);
- The programs for which applications will be taken;
- A brief description of the program;
- ECC/HANH's preferences; and,
- Limitations, if any, on who may apply.

ECC/HANH's waiting list will always remain open for the following families who have the preferences listed below.

Note: This is not a preference hierarchy

- **Displaced by Government Action**

  i. Displacement as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)

  ii. Displacement as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons;

  iii. Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

- **Reasonable Accommodation**

  Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing unit who require an accessible unit as a reasonable accommodation where ECC/HANH is unable to accommodate the need through the transfer to another ECC/HANH public housing unit.

- **Violence Against Women Act (VAWA)**

  Violence Against Women Act (VAWA) for applicants on the LIPH waitlist and LIPH residents who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA), See the VAWA preference policy for more information;

- **Documented Witness Protection Program**
  For persons or families that are in a documented Witness Protection Program. Documentation to be provided by the appropriate law enforcement agency.

- **LIPH Emergency – Health and Safety Dwelling**

  Currently residing in an ECC/HANH public housing unit where dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants and the transfer to another public housing unit is not available, where necessary repairs cannot be made within a reasonable time, or a unit does not meet the needs of the family.

- **LIPH – Crime and Safety**

  An individual or family currently residing in an ECC/HANH public housing unit, who are in a situation involving crime and safety, where transfer of a current Low Income Public Housing family to another public housing development does not meet the needs of the family, due to other situations involving crime and safety.

- **Homeless**
  For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) for project-based developments with homeless requirements.

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]

No changes to this section.

4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES

No changes to this section.

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

No changes to this section.

Purging the Waiting List

No changes to this section.

<u>ECC/HANH Policy</u>

The waiting list will be updated as needed, at least annually, to ensure that all applicants and applicant information is current and timely.

ECC/HANH will consider the following factors when deciding to purge/update the waiting list and may decide to purge a portion of the Waiting List at a given time.

- The number of applicants expected to be selected within a reasonable time, i.e 12-24 months

- Removing families who are no longer interested or eligible to participate in the HCV program

To purge the waiting list, ECC/HANH may send purge letter notifications via the Applicant Portal, electronic or first-class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the HCV program.

The-purge letter will be sent to the last electronic or mailing address that ECC/HANH has on record for the family. The-purge letter will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

Applicants must verify and update all the information needed for remaining on the applicable waiting list. The applicant must indicate that they wish to remain on the specific waiting list or if they wish to be removed.

The family's response must be in writing and may be delivered in person or by applicant portal, first class or electronic mail., Responses should be postmarked or received by ECC/HANH not later than 15 business days from the date of ECC/HANH's letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice. A copy of the letter shall be maintained in the file with a note indicating the date and reason for removing the applicant from the Waiting List.

If the notice is returned by the post office marked undeliverable or with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The address will be updated accordingly. The family will have 15 business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice. The returned mail must be filed in the file.

When a family is removed from the waiting list during the purge process for failure to respond, no informal hearing will be offered. Such failures to act on the part of the applicant prevent ECC/HANH from making an eligibility determination; therefore, no informal hearing is required.

If a family is removed from the waiting list for failure to respond, ECC/HANH may reinstate the family if the lack of response was due to ECC/HANH error, or to circumstances beyond the family's control to include but not limited to, hospitalization, delayed mail delivery, or other reasonable accommodation circumstances.

The removal must be documented in the file. A copy of the original letter should be included in the file with a note indicating the date and reason for the removal.

Due to the length of the waiting list, it may not be cost effective to purge the entire waiting list at one time. ECC/HANH will have the discretion to purge a portion of the waiting list in order to have current information on those applicant families that may be likely to reach the top of the waiting list in the next 12 months.

ECC/HANH may determine to conduct a purge with in-house staff or contracting out the service to complete the function.

Removal from the Waiting List

No changes to this section.

PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

4-III.B. SELECTION AND HCV FUNDING SOURCES

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

4-III.C. SELECTION METHOD

Applicants who will occupy units with PBV or PBV/RAD assistance must be selected according to the corresponding Admission and Continued Occupancy Plan (ACOP) and/or Housing Choice Voucher Administrative Plan (Admin Plan) for each development. Once those Waiting Lists have been exhausted, the development will establish a site based PBV or PBV/RAD Waiting List. Separate waiting lists will be maintained for LIPH units and PBV units according to the development Tenant Selection Plan.

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

ECC/HANH is permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. HUD also permits ECC/HANH to establish other local preferences, at its discretion. Any local preferences established must be consistent with the ECC/HANH Moving to Work Annual Plan and the City of New Haven's Consolidated Plan and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

ECC/HANH offers preferences to families in the order stated below. These preferences apply to the non-Rental Assistance Development (RAD)LIHTC/PBV and LIPH units only.

For the RAD units, please refer to the applicable Resident Selection Plans.

1.) **Displaced by Government Action**
Persons displaced by government action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or formally

recognized pursuant to Federal disaster relief laws. 24 CFR 5.403(b). This preference will be prioritized in the following:

a. Displacement of residents living in ECC/HANH developments as the result of ECC/HANH planned development/demolition/disposition activity, including from buildings condemned for health and safety reasons, and including from ECC/HANH public housing units undergoing demolition/disposition, if such action is under a Uniform Relocation Act (URA)
b. Displacement of residents living in ECC/HANH developments as the result of a local natural disaster and/or condemnation of a property or dwelling for health and safety reasons; i.e. Fire Dept., LCI
c. Displacement as defined by US Department of Housing and Urban Development as the result of a natural disaster or event defined Emergency event resulting in the displacement of persons needing housing assistance.

2.) Reasonable Accommodation

Reasonable Accommodation for disability issues under the Fair Housing Act for residents currently residing in an ECC/HANH public housing, PBV or RAD/PBV unit who require a transfer as a reasonable accommodation where a vacant unit would meet a resident's disability-related need(s).

3.) Violence Against Women Act (VAWA)

Violence Against Women Act (VAWA) for applicants who are victims of domestic violence, dating violence, sexual assault or stalking including LIPH resident and applicant families claiming protections under the Violence Against Women Act (VAWA), See the VAWA preference policy for more information.

**This preference applies if an applicant is already on the site-based waitlist as a result of having previously applied for site-based waitlist. The preference will be applied, and the applicant will be repositioned on the waitlist based on the date of the approval date.*

An applicant who is not yet on the RAD/PBV site-based waitlist will be added only to the LIPH applicant site-based waitlist as outlined in the ACOP.

4.) Documented Witness Protection

For individuals or families that are in a documented Witness Protection Program. Documentation to be provided by the appropriate law enforcement agency.

5.) Emergency – Health and Safety Dwelling

For individuals and families currently residing in an ECC/HANH public housing unit where dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants and the transfer to another public housing unit is not available, where necessary repairs cannot be made within a reasonable time, or a unit does not meet the needs of the family.

6.) LIPH – Crime and Safety

Currently residing in an ECC/HANH public housing unit, who are in a situation involving crime and safety, where transfer of a current Low-Income Public Housing family to another public housing development does not meet the needs of ECC/HANH public housing residents due to other situations involving crime and safety.

7.) Homeless

For individuals and families who meet the HUD definition of homeless and are direct referrals from the Coordinated Access Network (CAN) for project-based developments with homeless requirements.

Note:

For families with a Reasonable Accommodation preference in the LIHTC/PBV and RAD/PBV units:

1) For LIHTC/PBV or RAD/PBV units with accessible features,
    a. selection will be given to existing residents (per the Tenant Selection Plan) who have been approved for a reasonable accommodation transfer and who need the accessibility features of the available accessible unit.
    b. selection will be given to residents from LIPH, PBV and RAD/PBV units who have been placed on the ECC/HANH Reasonable Accommodation Transfer List because they require an accessible unit.
    c. selection will be given to applicant families from the ECC/HANH agency wide Accessible Waiting List

2) For families with a Reasonable Accommodation preference for a non-accessible unit
    a. selection will be given to existing residents (per the Tenant Selection Plan) who have been approved for a reasonable accommodation transfer and whose disability-related needs would be met by a transfer to that particular vacant unit.
    b. selection will be given to residents from LIPH, PBV and RAD/PBV units who have been placed on the ECC/HANH Reasonable Accommodation Transfer List and whose disability-related needs would be met by a transfer to that particular unit.
    c. selection will be given to applicant families from the ECC/HANH agency wide Accessible Waiting List

3) A family may request a transfer as a reasonable accommodation for a disability. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer for a person with a mobility impairment, a unit with a bed and bath on the first floor or a transfer to a unit with accessible features.

4) Once a family's reasonable accommodation has been approved, the family will be placed on the Reasonable Accommodation Transfer List based on the date of such reasonable accommodation request and bedroom size. Approved families will be offered an

available unit that meets their disability related needs in a Low-Income Public Housing (LIPH), Project Based Voucher (PBV) or RAD/PBV development/portfolio accordingly.

5) Once it has been determined that ECC/HANH cannot accommodate the family in the LIPH, PBV or RAD/PBV portfolio, the family will be added to the HCV/TBV Reasonable Accommodation List for an opportunity for a Tenant Based Voucher (TBV). The family will be given the option for a TBV or may choose to remain on the Reasonable Accommodation Transfer list until a unit that meets their needs becomes available. *(See Local Preference no. 2 listed above)*

6) The Property Manager for each development within the ECC/HANH portfolio will notify the Reasonable Accommodation Manager of all tenants approved for a reasonable accommodation transfer and such persons will placed on the Reasonable Accommodation Transfer List based on date of approval and bedroom size so they may be accommodated accordingly and timely.

All other selections (not related to reasonable accommodations) occur as follows. Each site shall maintain a site-based waiting list. Prior existing lists shall be exhausted in the following order with subsequent selections being made from site-based waiting lists.

Development	**Waiting List Selection**
Eastview Terrace I - RAD	1) Eastview Terrace Right to Return Residents 2) Eastview Terrace I Public Housing Waiting List 3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) Eastview Terrace RAD Site Based Waiting List
Eastview Terrace - PBV	1) HCV Waiting List 2) Eastview Terrace PBV Site Based Waiting List
Fair Haven - RAD (Eastview and Chatham)	1) Farnam Right to Return Residents 2) Farnam Public Housing Waiting List 3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) Fair Haven RAD Site Based Waiting List
Wilmont Crossing - RAD	1) West Rock Right to Return Residents 2) Wilmont Crossing Public Housing Waiting List 3) Applicants on the HCV Waiting List as of the the issuance of the RCC 4) Wilmont Crossing RAD Site Based Waiting List

Wilmont Crossing - PBV	1) HCV Waiting List 2) Wilmont Crossing PBV Site Based Waiting List
Wilmont Crossings - Elderly Only Units	1) Wilmont Crossing Elderly Only Site Based Waiting List
Mill River Crossings/Farnam - RAD	1) Farnam Right to Return Residents 2) Farnam Public Housing Waiting List 3) Applicants on the HCV Waiting List as of the issuance of the RCC 4) Mill River RAD Site Based Waiting List
Ribicoff/ Twin Brook – RAD	1) Ribicoff Returning Residents 2) Public Housing Ribicoff Site Based Waiting Lists 3) Applicants on the HCV Waiting List as of the issuance of the RCC 4)Twin Brook RAD Site Based Waiting List
Brookside I & II PBV	1) Returning West Rock Residents 2) HCV Waiting List 3) Brookside PBV Site Based Waiting List
Rockview I - PBV	1) Returning West Rock Residents 2) HCV Waiting List 3) Rockview PBV Site Based Waiting List
Rockview II - RAD	1) Returning West Rock Residents 2) Westville Manor Site Based Waiting List 3) HCV Waiting List 4) Rockview RAD Site Based Waiting List
Quinnipiac Terrace I, II, III - PBV	1) Quinnipiac Terrace Right to Return Residents 2) HCV Waiting List 3) Quinnipiac PBV Site Based Waiting List
Trinity Rowe - PBV	1) Trinity Rowe Right to Return Residents 2) Trinity Rowe LIPH Wait List 3) HCV Waiting List 4) Trinity Rowe PBV Site Based Waiting List
Monterey Place-RAD	1) Current Monterey LIPH Wait List 2) HCV Wait List

	3) Monterey RAD Site Based Wait List
RAD Group I – Constance Baker Motley (CB Motley)	1) CB Motley Right to Return Residents 2) CB Motley LIPH Site Based Waiting List 3) CB Motley RAD Site Based Waiting List
RAD Group I – Katherine Harvey Terrace	1) Katherine Harvey Terrace Right to Return Residents 2) Katherine Harvey Terrace LIPH Site Based Waiting List 3) Katherine Harvey Terrace RAD Site Based Waiting List
RAD Group I – Newhall Gardens	1) Newhall Gardens Right to Return Residents 2) Newhall Gardens LIPH Site Based Waiting List 3) Newhall Gardens RAD Site Based Waiting List
RAD Group I – Prescott Bush	1) Prescott Bush Right to Return Residents 2) Prescott Bush LIPH Site Based Waiting List 3) Prescott Bush RAD Site Based Waiting List
RAD Group II -Stanley Justice Landing	1) Stanley Justice Right to Return Residents (if applicable) 2) Scattered Site Wait List 3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) Scattered Site RAD Site Based Waiting List
RAD Group II - Fulton Park	1) Fulton Park Right to Return Residents (if applicable) 2) LIPH Scattered Site Wait List 3) HCV Waiting List 4) Scattered Site RAD Site Based Waiting List
RAD Group II – Waverly Townhouses	1) Waverly Townhouses Right to Return Residents (if applicable) 2) LIPH Scattered Site Wait List Applicants on the HCV Waiting List as of the date of the issuance of the RCC 3) Waverly Townhouses RAD Site Based Waiting List
RAD Group II - 76 Glen Haven	1) 76 Glen Haven Right to Return Residents (if applicable) 2) LIPH Scattered Site Wait List 3) HCV Waiting List 4) Scattered Site RAD Site Based Waiting List
RAD Group III - McQueeney Towers	1) McQueeney Towers Right to Return Residents (if applicable) 2) McQueeney Towers LIPH Wait List

	3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) McQueeney Towers RAD Site Based Waiting List
RAD Group III - Winslow Celentano	1) Winslow Celentano Right to Return Residents (if applicable) 2) Winslow Celentano LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) Winslow Celentano RAD Site Based Waiting List
RAD - Robert T Wolfe	1) Robert T. Wolfe Right to Return Residents (if applicable) 2) Robert T. Wolfe LIPH Wait List 3) HCV Waiting List 4) Robert T Wolfe Site Based Waiting List
RAD Group IV - Matthew Ruoppolo Manor	1) Matthew Ruoppolo Manor Right to Return Residents (if applicable) 2) Matthew Ruoppolo Manor LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) Matthew Ruoppolo Manor Site Based Waiting List
RAD Group IV - Fairmont Heights	1) Fairmont Heights Right to Return Residents (if applicable) 2) Fairmont Heights LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) Fairmont Heights RAD Site Based Waiting List
RAD Valley Townhouses	1) Valley Townhouses Right to Return Residents (if applicable) 2) Valley Townhouses LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) Valley Townhoused RAD Site Based Waiting List
RAD McConaughy Terrace	1) McConaughy Terrace Right to Return Residents (if applicable) 2) McConaughy Terrace LIPH Wait List 3) Applicants on the HCV Waiting List as of the date of the issuance of the RCC 4) McConaughy Terrace RAD Site Based Waiting List

Elderly Designated Unit Mix Prior to Conversion to Project-based Rental Assistance

Number of Bedrooms	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**Total**
Prescott Bush	20	25	5	0	0	0	0	50
Katherine Harvey Terrace	0	12	0	0	0	0	0	12
New Hall Gardens	0	23	0	0	0	0	0	23
C.B. Motley	8	34	0	0	0	0	0	42
Wilmot Crossing	0	25	1	0	0	0	0	26
Total	**28**	**119**	**6**	**0**	**0**	**0**	**0**	**153**

The Owner may not establish a limit on the number of Elderly families or Disabled families who may be accepted for occupancy in a development that was Mixed Population development prior to conversion. In selecting Elderly families and Disabled families to occupy units in mixed population developments, the owner must first offer units that have special accessibility features for persons with disabilities to families who include persons with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of this Part 24 CFR)."

Waiting Lists for Converted Units

The Owner shall use the ECC/HANH site-based waiting for each development list used by it prior to conversion for the selection of occupants post-conversion, except for units that have special accessibility features for persons with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of Part 24 CFR)."

First priority: Subject to preference for families residing in the existing developments (right to return families) on the date of the financial plan approval.

Second priority: Interested applicants on the site-based waiting lists for the properties at the time of approval of the date of the financial plan approval, over all other applicants based on their position on the existing site-based waiting lists.

Third priority: At the time of the approval of the financial plan, applicants on the ECC Housing Choice Voucher Wait List shall also be contacted to determine if they are interested in being placed on the Development Waiting List. Applicants on the existing HCV Waitlist will be given third priority over all other applicants based on their position on this list.

Fourth priority: Applicants on the RAD site-based waiting.

Occupants of units with accessibility features shall be selected from (1) a current occupant of another unit of the same project, or comparable projects under common control, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then (2) to an eligible qualified applicant on the Agency wide Accessible Waiting List having a disability requiring the accessibility features of the vacant unit.

With respect to units where preference for occupancy shall be to the elderly or to the elderly and disabled on an equal basis, ECC/HANH shall transfer each site-based waiting list to the owner and the Owner shall manage each list in accordance with the ECC/HANH-approved resident selection plan. The Owner shall select occupants from these lists until all applicants on these lists have been either offered a unit, withdrawn or removed, or rejected for admission. The Owner shall maintain its site-based waiting list once these requirements have been met.

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

No changes to this section with the exception of LIHTC developments.

LIHTC developments are subject to the published LIHTC Income guidelines.

Order of Selection

No changes to this section.

4-III.D. NOTIFICATION OF SELECTION

At the time of the approval of the financial plan, applicants on the ECC/HANH Housing Choice Voucher Wait List shall also be contacted to determine if they are interested in being placed on the Development Waiting List.

ECC/HANH Policy

ECC/HANH will notify the family by first class mail, or email if applicable when it is selected from the waiting list. The notice will inform the family of the following:

Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Who is required to attend the interview

Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

Documents that must be provided at the interview to document eligibility for a preference, if applicable

Other documents and information that should be brought to the interview

If a notification letter is returned with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family's address of record, as well as to any known alternate address.

Applicants who fail to attend their scheduled interview or who cannot be contacted to schedule an interview will be scheduled for a second interview. Applicants who cannot be contacted after a second attempt or who fail to show for a second interview shall have their applications withdrawn, subject to reasonable accommodation for people with disabilities.

4-III.E. THE APPLICATION INTERVIEW

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual requires an applicant interview. The applicant interview must include an interview with all adult household members to review the application and historical documents and clarify any discrepancies or missing information. The interview must be documented with the required Interview Checklist included in the State of Connecticut's LIHTC Tax Credit compliance manual for the state of Connecticut. This checklist must be signed and dated by management and all adult applicants.

4-III.F. COMPLETING THE APPLICATION PROCESS

No changes to this section

PART IV. VAWA APPLICANT WAITLIST & TRANSFER WAITLIST PREFERENCE

4-IV.A OVERVIEW

No changes to this section

Addition:

Resident transfer is allowable from one LIHTC/RAD/PBV development to another subject to applicable LIHTC income guidelines.

This includes the LIPH/ACC units.

4-IV.B. PREFERENCE QUALIFICATIONS

No changes to this section

4-IV.C TRANSFERS FOR CURRENT ECC RESIDENTS APPROVED FOR VAWA PROTECTIONS TO ANOTHER ECC/HANH OWNED SITE

No changes to this section

PART V: RESIDENT TRANSFER POLICY

4-V.A. OVERVIEW

This section explains the transfer policy, based on HUD regulations, HUD guidance, and ECC/HANH policy decisions.

This section describes HUD regulations and ECC/HANH policies related to transfers in three parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: ECC/HANH Required Transfers. This part describes types of transfers that may be required by ECC/HANH, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

ECC/HANH may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation or protection under VAWA.

ECC/HANH must have specific policies in place to deal with acceptable transfer requests.

Preferences for Resident Transfers are as follows: (Applies to LIHTC ACC, PBV and RAD/PBV).

1) Emergency
2) Urgent- Non-VAWA Crime and Safety related transfers

3) Reasonable Accommodation for Accessible Units
4) Reasonable Accommodation for other than those needing accessible units or units with accessible features
5) Transfers mandated by modernization projects
6) VAWA transfers
7) Transfers due to over and under housing by more than two degrees
8) Other administrative transfers

Transfers from one LIHTC ACC, PBV or RAD/PBV development to another LIHTC ACC, PBV, RAD/PBV or LIPH development are allowable for all preferences, subject to LIHTC income guidelines and applicable Tenant Selection Plans.

The transfer list is an agency-wide transfer list and not a site-based list. One out of every ten offers will be made to a resident-requested transfer.

Per the development Resident Selection Plan, a resident who resides in a development and requires a different unit size or type will have a priority over other households on the Site based Waitlist for the unit that has become vacant in that Development.

4-V.B EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, ECC/HANH must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

ECC/HANH Policy

Emergency transfers must be approved by the Owner or designee.

The Owner is not required to give prior notice of an emergency transfer.

Emergency conditions that occur due to abuse or neglect will be grounds for emergency transfer, however resident will be charged for the damages caused to the apartment.

The following is considered an emergency circumstance warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours.
- Examples of such unit or building conditions would include: a gas leak; no heat in the building during the winter; no water; toxic contamination; and serious water leaks.

4-V.C. EMERGENCY TRANSFER PROCEDURES

ECC/HANH Policy

If the transfer is necessary because of maintenance or other life-threatening conditions defined above, and an appropriate unit is not immediately available, Owner will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location.

If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, Owner will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers are mandatory for the tenant. Refusal of a resident to accept an emergency transfer is grounds for termination of assistance or lease termination and eviction.

In cases where ECC/HANH does not have a unit available for an emergency transfer ECC/HANH can transfer the resident to one of its affiliated entities.

Emergency transfers from one LIHTC/RAD/PBV/LIPH development are allowable for Emergencies that cannot be immediately mediated and are subject to applicable LIHTC income guidelines. Emergency transfers will be placed on a centralized transfer list for LIHTC/RAD/PBV/LIPH residents.

4-V.D. COSTS OF TRANSFER

ECC/HANH Policy

Owner will bear the reasonable costs of temporarily accommodating the tenant and of long-term transfers, if any, due to emergency conditions.

The reasonable cost of transfers includes the cost of packing, moving, and unloading.

Owner will move the family at Owner's expense.
All amounts owed under tenancy will follow the family regardless of transfer.

4-V.E. TYPES OF ECC/HANH REQUIRED TRANSFERS

ECC/HANH may require that a resident transfer to another unit under some circumstances. For example, ECC/HANH may require a resident to transfer to make an accessible unit available to a disabled family, or may transfer a resident in order to maintain occupancy standards based on family composition, or may transfer residents in order to demolish or renovate the unit.

A transfer that is required by ECC/HANH is an adverse action, and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

The types of transfers that may be required by the Owner, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers as discussed in Part I of this chapter.

Transfers required by the Owner are mandatory for the tenant.

Transfers to Make an Accessible Unit Available

When a family is given an accessible unit, but does not require the accessible features, ECC/HANH may require the family to agree to move to a non-accessible unit when it becomes available.

ECC/HANH Policy

When a non-accessible unit becomes available, Owner will transfer a family living in an accessible unit that does not require the accessible features to an available unit that is not accessible. Owner may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the unit. The Property Manager will give the family a 30-day notice to move, with the right to request a grievance hearing and a reasonable accommodation to remain in the unit if applicable.

Occupancy Standards Transfers

ECC/HANH may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to ECC/HANH policy. On some occasions, ECC/HANH may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition

ECC/HANH Policy

Owner will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

For purposes of the transfer policy, overcrowded and over-housed are defined as follows:
Overcrowded: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the sleeping room. For example, 5 persons could occupy a two-bedroom unit if the family wishes.

> *Over-housed:* the family no longer qualifies for the bedroom size in which they are living based on ECC/HANH's occupancy standards as described in Section 5-I.B.

Owner may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on Owner's occupancy standards, when Owner determines there is a need for the transfer.

Owner may elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move because of family size will be advised by Owner that a transfer is necessary and that the family has been placed on the transfer list.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) will only be required to transfer if it is necessary to comply with the approved exception.

Scattered site in-house transfers supersede scattered site wait list applicants.

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers

ECC/HANH Policy

Owner will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. ECC/HANH's relocation plan may or may not require transferring affected families to other available public housing units. These transfers may be subject to Uniformed Relocation Act (URA) Guidelines.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list.

In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

4V.F. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]

An ECC/HANH required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, ECC/HANH may not act on the transfer until the conclusion of the grievance process.

PART VI: TRANSFERS REQUESTED BY TENANTS

4-VI.A. OVERVIEW

HUD provides ECC/HANH with discretion to consider transfer requests from tenants. The only requests that ECC/HANH is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of ECC/HANH. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by ECC/HANH.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

4-VI.B. TYPES OF RESIDENT REQUESTED TRANSFERS

ECC/HANH Policy

The types of requests for transfers that the Owner will consider are limited to requests for transfers to alleviate a serious or life threatening medical condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the Owner's occupancy standards, and transfers to a location closer to employment.

4-VI.C. HIGH PRIORITY RESIDENT REQUESTED TRANSFERS

ECC/HANH Policy

The Owner will consider the following as high priority transfer requests with an applicable preference:

- Reasonable Accommodation –
  When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature

  When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first floor unit for a person with mobility impairment, or a transfer to a unit with accessible features

- VAWA –
  To qualify for the VAWA preference, the incident must have taken place no more than 90 calendar days prior to date of the Owner's receipt of transfer request and verified with the Reasonable Accommodation Manager through the VAWA process.

- Urgent –
  When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the Owner's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, a hate crime, or domestic violence, dating violence, sexual assault, or stalking. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may also be established through documentation or by any proof accepted by the Owner.

  In the event of an urgent transfer, involving violence or criminal activity against a family, the family will be placed on the transfer list with Crime and Safety preference and moved to an appropriately sized unit accordingly.

  Such circumstances will include:

  - Targeted violence- a family member is the actual or potential victim of a criminal attack, retaliation for testimony or hate crime and the threat of violence is verified by a law enforcement professional and/or agency.
  - Inadvertent violence- to protect a family member from criminal activity that is occurring at the property of the community in which they are not the targeted victim but request to be transferred for their safety and the threat of violence is verified by a law enforcement professional or agency.

4-VI.D. REGULAR PRIORITY RESIDENT-REQUESTED TRANSFERS

ECC/HANH Policy

Existing elderly families shall be given preference to elderly-designated properties.

Other than the above, the regular priority resident requested transfer list is maintained in a first-come, first-served basis.

Transfers requested by the tenant are considered optional for the tenant.

4-VI.E. ELIGIBILITY FOR TRANSFER

ECC/HANH Policy

Except for emergency transfers or for purposes of reasonable accommodation, Owner will only consider transfer requests from residents that meet the following requirements:

- Have not engaged in criminal activity that threatens the health and safety or residents and staff
- Owe no back rent or other charges, or have a pattern of late payment
- Have no housekeeping lease violations or history of damaging property
- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the Owner's advantage to make the transfer. Exceptions may also be made when ECC/HANH determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking and who provides documentation of abuse.
If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of one year from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

4-VI.F. SECURITY DEPOSITS

ECC/HANH Policy

When a family transfers from one unit to another, the Owner will transfer their security deposit to the new unit. The tenant will be billed for any maintenance or other charges due for the "old" unit.

4-VI.G. TRANSFER

ECC/HANH must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2010-26].

ECC/HANH Policy

The resident will bear all of the costs of transfer s/he requests. However, Owner will bear the transfer costs when the transfer is done as a reasonable accommodation.

4-VI.H. HANDLING OF REQUESTS

ECC/HANH Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the Owner will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the Owner will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The Owner will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault, or stalking or taking no action when sufficient information to make a determination is not provided.

If the family does not meet the "good record" requirements, the manager will address the problem and, until resolved, the request for transfer will be denied.
The Owner will respond within 10 business days of the submission of the family's request. If Owner denies the request for transfer, the family will be informed of its grievance rights.

4-VI.I. COST OF TRANSFER

ECC/HANH must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2010-26].

ECC/HANH Policy

The resident will bear all of the costs of transfer s/he requests. However, the Owner will bear the transfer costs when the transfer is done as a reasonable accommodation.

4-VI.J. HANDLING OF REQUESTS

ECC/HANH Policy

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the Owner will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the Owner will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The Owner will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the

family, such as documentation of domestic violence, dating violence, sexual assault, or stalking.

If the family does not meet the "good record" requirements, the manager will address the problem and, until resolved, the request for transfer will be denied.

The Owner will acknowledge the receipt of the transfer request within 10 business days. If ECC/HANH denies the request for transfer, the family will be informed of its grievance rights. Reasonable Accommodation requests will be verified by a 3rd party professional and ECC/HANH will respond within 10 business days of the approval of the reasonable accommodation request.

4-VI.K REFUSAL FOR GOOD CAUSE

ECC/HANH Policy

Examples of good cause for refusal of a unit offer include, but are not limited to:

- The family demonstrates to ECC/HANH's satisfaction that accepting the unit offer will require an adult family member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
- The family demonstrates to ECC/HANH's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.
- A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal family member.
- The unit is inappropriate for the applicant's disabilities or approved reasonable accommodation, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.
- The unit has lead-based paint and the family includes children under the age of six.
- Other compelling reasons as approved by ECC/HANH.

ECC/HANH will require documentation of good cause for unit refusals.

PART 4-VII: EFFORT TO END HOMELESSNESS

HOMELESS PREFERENCE/WAITING LIST SET-ASIDES

ECC/HANH is adding a homeless admissions preference/set-aside for applicants for the project-based and tenant-based Effort to End Homelessness Initiatives.

This preference/set-aside applies to families or individuals who are:

(1) homeless;

(2) at risk of homelessness;

(3) fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking; or

(4) recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.

The HUD definition of Homeless is listed in 4 categories:

Category 1

Literally homeless individuals/families

Individuals and families who lack a fixed, regular, and adequate nighttime residence, which includes one of the following:

- Place not meant for human habitation
- Living in a shelter (Emergency shelter, hotel/motel paid by government or charitable organization)
- Exiting an institution (where they resided for 90 days or less AND were residing in emergency shelter or place not meant for human habitation immediately before entering institution)

Category 2

Individuals/families who will imminently (within 14 days) lose their primary nighttime residence, which includes ALL of the following:

- Have no subsequent residence identified AND
- Lack the resources or support networks needed to obtain other permanent housing

Category 3

Unaccompanied youth (under 25 years of age) or families with children/youth who meet the homeless definition under another federal statute and includes ALL of the following:

- Have not had lease, ownership interest, or occupancy agreement in permanent housing at any time during last 60 days

- Have experienced two or more moves during last 60 days
- Can be expected to continue in such status for an extended period of time because of chronic disabilities, OR chronic physical health or mental health conditions, OR substance addiction, OR histories of domestic violence or childhood abuse (including neglect) OR presence of a child or youth with a disability, OR two or more barriers to employment

Category 4

Individuals/families fleeing or attempting to flee domestic violence, dating violence, violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or family member and includes ALL of the following:

- have no identified residence, resources or support networks
- Lack the resources and support networks needed to obtain other permanent housing

Source: http://www.hudhre.info/documents/HEARTH_HomelessDefinition_FinalRule

ECC/HANH Policy

ECC/HANH has established a homeless preference and set-aside waiting lists for individuals and families that meet the HUD definition of homelessness.

There will be a set-aside waiting lists for families and individuals who will be housed in the PBV and TBV supportive housing programs and set-aside waiting lists for families and individuals who will be housed in the -Effort to End Homelessness Initiatives.

The homeless preference will also apply to applicants to the ECC/HANH PBV and RAD/PBV developments.

Current applicants on the HCV waiting list will be notified of the new admissions preference/set-aside waiting lists and will be instructed on the necessary procedure to qualify. They will need to contact the Coordinated Access Network (CAN) for an assessment and referral to ECC/HANH.

They will be granted a first right to an available unit under the preference should they meet the above definition of homeless.

Notice to persons on the HCV waiting list will be done by mail no later than thirty (30) days prior to the effective date of the preference. This preference will be effective November 1, 2022.

In order to be eligible for the preference, an applicant must be a direct referral from the Coordinated Access Network (CAN).

ECC/HANH must have a Memorandum of Understanding (MOU) with the CAN for vouchers under the ECC/HANH MTW Homeless Voucher initiative. ECC/HANH must have a MOU with the CAN specific to the homeless preference.

The CAN will conduct an applicant assessment through their Coordinated Entry system and will send the referral to ECC/HANH.

Once the referral has been received, the applicant will be placed on the Homeless Preference/Set-Aside Waiting List.

The referral must include a commitment by the homeless service provider to supportive services to help the household transition from homelessness to permanent housing, including tenant selection, eligibility and lease requirements.

When a unit becomes vacant in a PBV or RAD/PBV development the applicant who meets the criteria of the admissions preference and who is on the existing waiting list will be selected for eligibility determination and unit offer.

When tenant-based vouchers are offered, the applicant who meets the criteria of the admissions preference and who is on the existing waiting list will be selected first for eligibility determination and a voucher offer.

All applicants must comply with current admissions requirements at the specific property, including income and background screening criteria.

Applicants must also comply with the ECC eligibility and background screening criteria as stated in Chapter 3 (Eligibility) of this Admin Plan.

Applicants who do not pass the eligibility criteria will be provided with the basis of the intent to deny or denial in writing and will be notified of their right to request a meeting to review the information or right to request an informal hearing. (Chapter 16, Informal Reviews and Hearings.)

If the intent to deny review or informal review meeting is favorable to the applicant, the applicant will be returned to the waiting list with the homeless preference and offered the next available unit or voucher.

Note: This preference can be amended as needed and/or removed with proper notification of such to all affected parties, including written notification to HUD.

ECC/HANH has also allocated vouchers to supportive housing providers and the CAN in an effort to end homelessness.

Applicants are assessed by the supportive housing provider, prioritized and referred to ECC/HANH accordingly.

The applicant is placed on the appropriate provider set aside waiting list. When a unit or allocated voucher becomes available the applicant is notified by ECC/HANH for an eligibility appointment.

Applicants must also comply with the ECC eligibility and background screening criteria as stated in Chapter 3 (Eligibility) of this Admin Plan, unless specifically stated in the MOU.

Applicants who do not pass the eligibility criteria will be provided with the basis of the intent to deny or denial in writing and will be notified of their right to request a meeting

to review the information or right to request an informal hearing. (Chapter 16, Informal Reviews and Hearings.)

If the intent to deny review or informal review meeting is favorable to the applicant, the applicant will be returned to the waiting list with the homeless preference and offered the next available unit or voucher.

Chapter 19

SECTION V

BRIEFINGS AND VOUCHER ISSUANCE

INTRODUCTION

For the standard and RAD PBV programs:

Like in the HCV program, families who are to receive assistance in a PBV unit must be briefed by ECC/HANH; however, the required briefing topics and materials differ for PBV assistance.

Regulations pertaining to voucher issuance do not apply to the PBV program since families are not issued vouchers for project-based assistance.

This chapter does not apply to the LIHTC program.

PART I: BRIEFINGS AND FAMILY OBLIGATIONS

5-I.A. OVERVIEW

For the standard and RAD PBV programs, this section is amended to read:

HUD regulations require ECC/HANH to conduct mandatory briefings for applicant families who qualify for assistance in a PBV unit. The briefing provides a broad description of owner and family responsibilities and ECC/HANH's procedures. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

5-I.B. BRIEFING [24 CFR 982.301] [24 CFR 983.252]

No changes to this section, with the exception that ECC/HANH includes staff for the particular PBV/RAD development.

Notification and Attendance

No changes to this section, with the following exception:

"If the applicant family wishes to add or remove a member(s) at the time of the initial briefing, the family will be referred Development staff".

Oral Briefing (24 CFR 983.252(a))

For standard and RAD PBV units only the first two bullets apply:

- A description of how the program works; and
- Family and owner responsibilities

Briefing Packet [24 CFR 983.252(b)]

For standard and RAD PBV units, the regulations only require that the following items must be included in the briefing packet:

- How the ECC/HANH determines the total tenant payment for a family;
- Family obligations under the program; and
- Applicable fair housing information

5-I.C. FAMILY OBLIGATIONS

Time Frames for Reporting Changes Required By Family Obligations

No changes to this section.

Family Obligations [24 CFR 982.551]

For the standard and RAD PBV programs, this section is amended to read:

Obligations of the family are described in the housing choice voucher (HCV) regulations and on the PBV Statement of Family Responsibility. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. ECC/HANH must inform families of these obligations during the oral briefing, and the same information must be included in the briefing packet. When an offer of PBV assistance is made, the family must meet those obligations in order to participate in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE

5-II.A. OVERVIEW

For the standard and RAD PBV programs, this section is amended to read:

While ECC/HANH must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions for the regular HCV program, subsidy standards are not used to determine maximum subsidy in PBV units. Rather, subsidy standards in the PBV program are only used to determine the appropriate unit size for the family. This part presents the policies that will be used to determine the family unit size, and the policies that govern making exceptions to those standards.

5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402] [24 CFR 983.253(b)]

For the standard and RAD PBV programs, this section is amended to read:

This section applies except that family size is not entered on the family's voucher since there is no voucher in PBV. Provisions relating to maximum subsidy based on family size and family's ability to lease a larger or smaller unit than their voucher size do not

apply. The contract unit leased to the family must be appropriate for the size of the family based on ECC/HANH's subsidy standards.

5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS

No changes to this section.

5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]

This section does not apply to the standard or RAD PBV programs.

5-II.E. VOUCHER TERM, EXTENSIONS, AND SUSPENSIONS

This section does not apply to the standard or RAD PBV programs.

Chapter 19

SECTION VI

INCOME AND SUBSIDY DETERMINATIONS

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

INTRODUCTION

A family's income determines eligibility for assistance and is also used to calculate the family's payment and ECC/HANH'S subsidy. ECC/HANH will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations.

Addition:

For LIHTC/PBV and RAD/PBV, rent redetermination will be completed annually in compliance with LIHTC guidelines.

PART I: ANNUAL INCOME

6-I.A. OVERVIEW

No changes to this section:

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

No changes to this section, with the following exception:

Full-time students 18 years of age or older (not head, spouse, or co-head) All employment income is excluded, except $480 [24 CFR 5.609(c)(11)].

Temporarily Absent Family Members

No changes to this section

Absent Students

No changes to this section

Absences Due to Placement in Foster Care

No changes to this section

Absent Head, Spouse, or Co-head

No changes to this section

Family Members Permanently Confined for Medical Reasons

No changes to this section

Joint Custody of Dependents

No changes to this section

Caretakers for a Child

No changes to this section

6-I.C. ANTICIPATING ANNUAL INCOME

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC file should instead follow the HUD Handbook 4350.3, REV-1, Chapter 5 as the reference guide to be used for identifying income to be included or excluded when determining annual household income. Additionally, guidance in the Tax Credit Compliance Manual for the state of Connecticut must be considered.

Basis of Annual Income Projection

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

For LIHTC files, the policies in this section of the administrative plan do not apply. The LIHTC program follows HUD Handbook 4350.3 REV-1 as the reference guide to be used for identifying income to be included or excluded when determining annual household income. Additionally, guidance in the Tax Credit Compliance Manual for the state of Connecticut must be considered. Generally, the most conservative calculation of anticipated household income should be made to ensure that there is no doubt that a family is income eligible. If a lesser number is warranted, a detailed explanation written in the LIHTC file is encouraged.

For example: A written third-party employment verification that states an individual works between 15 and 25 hours per week. In the LIHTC program, 25 hours would generally be used to annualize income, which would be the most conservative approach. Further, interim recertifications for changes in household income may not be conducted in the LIHTC program. All income for the entire year must be accounted for at the time of the initial certification or annual recertification.

HUD's Enterprise Income Verification (EIV) system and all associated reports may never be present in the LIHTC file. EIV Income Reports may never be used to verify income in the LIHTC program.

6-I.D. EARNED INCOME

Types of Earned Income Included in Annual Income

Wages, including military pay and Related Compensation

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC file should follow HUD Handbook 4350.3 REV-1 as the reference guide to be used for identifying income to be included or excluded when determining annual household income. Additionally, guidance in the Tax Credit Compliance Manual for the state of Connecticut must be considered. Generally, the most conservative calculation of anticipated household income should be made to ensure that there is no doubt that a family is income eligible. If a lesser number is warranted, a detailed explanation written in the LIHTC file is encouraged.

All regular pay, special pay and allowances of a member of the Armed Forces, with the exception of hostile fire pay, are included in income. Military basic housing allowances are generally included as income, however, there is an exception if the building is located in any county, or adjacent county, in which a qualified military installation is located. Qualified bases are listed in IRS Notice 2008-79.

***Temporary, Nonrecurring, or Sporadic Income* [24 CFR 5.609(c)(9)]**

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Temporary Income: Temporary income is generally considered excluded income.

Sporadic or Zero Income: The IRS states that "the best way to determine whether a prospective tenant is income-qualified is to conduct a detailed interview with the tenant. An interview can be used to follow up on information disclosed on the application, surface information that would not otherwise be known, and help the property manager make an informed decision." A tenant does not need to have income every month, but each month should be accounted for with either an anticipated amount of income, or an explanation of why no income is anticipated and how that month's expenses will be covered. A prior year's tax return and/or paycheck stubs should be used to provide support for the anticipated income amount. Households with zero income must complete the Unemployed or Zero Income Statement (TC-100F) found in the state of Connecticut's LIHTC compliance manual for the LIHTC file.

Children's Earnings

No changes to this section.

Income of a Live-in Aide

No changes to this section.

Income Earned under Certain Federal Programs

No changes to this section.

Federal, State and Local Employment Training Programs – may be PARTIALLY or fully excluded. Therefore, report and exclude

No changes to this section.

6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program, the following should be added:

Self-Employed Individuals: A tax return must be filed for all self-employed individuals who will reside in a LIHTC unit who operate sole-proprietorship businesses or otherwise report income on Schedule C, regardless of whether the taxpayer is reporting a profit or a loss. If the person is not eligible to get an SSN, which is needed to file a tax return, an individual taxpayer identification number (ITIN) can be obtained using IRS Form W-7.

Include the net income from a business, including self-employment. Net income is gross income less allowable business expenses, interest on loans, and straight-line depreciation. The owner should include any salaries or assets withdrawn from the business, unless the withdrawal is a reimbursement.

If a tenant is using a portion of their LIHTC unit to provide daycare services, the tenant must have applied for (and not have been rejected), be granted (and still have in effect), or be exempt from having a license, certification, registration, or approval as a daycare facility or home under state law. See IRS Form 8829, Expense for Business Use of Your Home and Publication 587, Business Use of Your Home for more information.

Business Expenses

No changes to this section.

Business Expansion

No changes to this section.

Capital Indebtedness

No changes to this section.

Negative Business Income

No changes to this section.

Withdrawal of Cash or Assets from a Business

No changes to this section.

Co-owned Businesses

No changes to this section.

6-I.G. ASSETS [24 CFR 5.609(b)(3) and 24 CFR 5.603(b)]

Overview

No changes to this section.

General Policies

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The owner/agent must verify all known income and assets that affect eligibility. However, if the total assets for a household are $5,000 or less, the applicants may satisfy the asset requirement by signing a statement attesting to such fact.

Income from Assets

No changes to this section.

Valuing Assets

No changes to this section.

Lump-Sum Receipts

No changes to this section.

Imputing Income from Assets [24 CFR 5.609(b)(3), Notice PIH 2012-29]

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5 for Calculating Income from Assets for the LIHTC program. The owner/agent will not include income from assets unless the total market value of all assets for the family equals **$5,000 or more.** The owner/agent will then include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income.

The passbook rate is .06% for the LIHTC program.

Determining Actual Anticipated Income from Assets

No changes to this section.

Withdrawal of Cash or Liquidation of Investments

No changes to this section.

Jointly Owned Assets

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5 for Calculating Income from Assets for the LIHTC program. If assets are owned by more than one person, prorate the assets according to the percentage of ownership. If no percentage is specified or provided by a state or local law, prorate the assets evenly among all owners.

If an asset is not effectively owned by an individual, do not count it as an asset. As asset is not effectively owned when the asset is held in an individual's name, but (a) the asset and any income it earns accrue to the benefit of someone else who is not a member of the family, and (b) that other person is responsible for income taxes incurred on income generated by the assets.

Determining which individuals have ownership of an asset requires collecting as much information as is available and making the best judgment possible based on that information.

Assets Disposed for Less than Fair Market Value [24 CFR 5.603(b)]

No changes to this section.

Minimum Threshold
No changes to this section.

Separation or Divorce

No changes to this section.

Foreclosure or Bankruptcy

No changes to this section.

Family Declaration

No changes to this section.

Types of Assets

Checking and Savings Accounts

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5 for Types of Assets for the LIHTC file. For families with a total market value of assets of less than $5,000, an *Under $5,000 Asset Form* found in the state of Connecticut's LIHTC compliance manual may be used.

For the LIHTC file, in determining the value of a checking account, the owner/agent will use average 6-month balance.

In determining the value of a savings account, the owner/agent will use the current balance.

In determining the anticipated income from an interest-bearing checking or savings account, the owner/agent will multiply the value of the account by the current rate of interest paid on the account.

Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds

No changes to this section.

Equity in Real Property or Other Capital Investments

No changes to this section.

Trusts

No changes to this section.

Retirement Accounts

Company Retirement/Pension Accounts

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5 for Types of Assets for the LIHTC file. Unlike in the PBV program, the owner/agent does not consider whether or not the periodic payment from the asset is a reimbursement of the family's investment. Periodic payments from retirement/pensions accounts are counted as income once the family member retires.

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, ECC/HANH must know whether the money is accessible before retirement

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate. The balance in the account is counted as an asset only if it remains accessible to the family member.

IRA, Keogh, and Similar Retirement Savings Accounts

No changes to this section.

Personal Property

No changes to this section.

Life Insurance

No changes to this section.

6-I.H. PERIODIC PAYMENTS

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

Periodic Payments Included in Annual Income

No changes to this section.

Lump-Sum Payments for the Delayed Start of a Periodic Payment

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

While the regulation applies, since rents in the LIHTC program are not income-based, ECC/HANH policy on adjusting tenant rent does not apply to the LIHTC file.

Treatment of Overpayment Deductions from Social Security Benefits

No changes to this section.

Periodic Payments Excluded from Annual Income

No changes to this section for the standard or RAD PBV programs.

The LIHTC file should follow this section as written with the exception of payment received for the care of foster children or foster adults. In the LIHTC program only, include the unearned income of foster children and all income of foster adults. Exclude the earned income of foster children.

6-I.I. PAYMENTS IN LIEU OF EARNINGS

No changes to this section.

6-I.J. WELFARE ASSISTANCE

Overview

No changes to this section.

Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The full amount of welfare benefits received by the family are included as income. This section does not apply. Imputed welfare income is not considered in the LIHTC program.

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Alimony and Child Support

No changes to this section.

Regular Contributions or Gifts

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow the HUD Handbook 4350.3 REV-1, Chapter 5. The policy is amended to read:

Examples of regular contributions include: (1) regular payment of a family's bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) "in-kind" contributions such clothing provided to a family on a regular basis. Groceries provided directly by persons not living in the unit are excluded from annual income.

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

6-I.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9) and FR 5/20/14]

Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9) and FR 4/10/06]

No changes to this section.

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

No changes to this section.

6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

No changes to this section for the standard or RAD PBV programs.

Everything in this section applies to the LIHTC program with the exception of adoption assistance payments. The LIHTC program follows the regulation, not ECC/HANH policy for the PBV program. For the LIHTC file, the owner/agent should exclude amounts that exceed $480 from adoption assistance payments.

An additional exclusion for the LIHTC program should also be added:

- Federal Government/Uniformed Services pension funds paid directly to an applicant/tenant's former spouse pursuant to the terms of a court decree of divorce, annulment, or legal separation are excluded. See HUD Handbook 4350.3 REV-1, Chapter 5 for additional information.

PART II: MONTHLY INCOME TIERED RENT AND TOTAL TENANT PAYMENT

6-II.A. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program.

Anticipating Expenses

No changes to this section

Families That Qualify for Both Medical and Disability Assistance Expenses

No changes to this section

6-II.B. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program.

Earned Income Limit on the Disability Assistance Expense Deduction

No changes to this section

Eligible Disability Expenses

No changes to this section

Eligible Auxiliary Apparatus

No changes to this section

Eligible Attendant Care

No changes to this section

Payments to Family Members

No changes to this section

Necessary and Reasonable Expenses

No changes to this section

Families That Qualify for Both Medical and Disability Assistance Expenses

No changes to this section

6-II.C. CHILD CARE EXPENSE DEDUCTION

No changes to this section

Clarifying the Meaning of *Child* for This Deduction

No changes to this section

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

No changes to this section

Seeking Work

No changes to this section

Furthering Education

No changes to this section

Being Gainfully Employed

No changes to this section

Earned Income Limit on Child Care Expense Deduction

No changes to this section

Eligible Child Care Expenses

No changes to this section

PART III: CALCULATING FAMILY SHARE AND ECC/HANH SUBSIDY

Only specified parts of Part III apply to the standard and RAD PBV programs as indicated below.

This part does not apply to the LIHTC program.

6-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

Family Share [24 CFR 982.305(a)(5)]

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

ECC/HANH Subsidy [24 CFR 982.505(b)]

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-IX.C. Tenant Rent to Owner** for standard and RAD PBV requirements.

Utility Reimbursement [24 CFR 982.514(b)]

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-IX.C. Tenant Rent to Owner** for standard and RAD PBV requirements regarding utility reimbursement payments.

6-III.B. APPLYING PAYMENT STANDARDS [24 CFR 982.505]

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

6-III.C. APPLYING UTILITY ALLOWANCES [24 CFR 982.517]

Overview

This section does not apply to either the standard or RAD PBV programs or the LIHTC programs.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VIII.B. Rent Limits, Use of FMRs, Exception Payment Standards, and Utility Allowances** for standard and RAD PBV requirements.

Reasonable Accommodation

No changes to this section.

Utility Allowance Revisions

No changes to this section.

6-III.D. PRORATED ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.520]

No changes to this section for the standard or RAD PBV programs.

6-III.E. PHASE IN OF INCREASE IN TOTAL TENANT PAYMENT FOR RAD PROJECTS

Year 1: Any recertification (interim or annual) performed prior to the second -annual recertification after conversion – 20 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 2: Year 2 annual recertification and any interim recertification prior to year 3 annual recertification – 25 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 3: Year 3 annual recertification and any interim recertification prior to year 4 annual recertification – 33 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 4: Year 4 annual recertification and any interim recertification prior to year 5 annual recertification – 50percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

Year 5: Year 5 annual recertification and all subsequent recertifications – Full Calculated PBV TTP.

This section does not apply to the LIHTC program.

Chapter 19

SECTION VII

VERIFICATION

24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, Notice PIH 2010-19, HUD Handbook 4350.3 REV-1, 8823 Guide, State of Connecticut's LIHTC compliance manual]

INTRODUCTION

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program, this section is amended to read:

The owner/agent must verify all information that is used to establish the family's eligibility and is required to obtain written authorization from the family in order to collect the information. Applicants and residents must cooperate with the verification process. In blended LIHTC/PBV units, the owner/agent must not pass on the cost of verification to the family.

The owner/agent will follow the verification guidance provided by HUD Handbook 4350.3, REV-1, Chapter 5; The Guide for Completing Form 8823; and the State of Connecticut's LIHTC compliance manual.

Part I describes the general verification process. Part II provides more detailed requirements related to family information. Part III provides information on income and assets, and Part IV does not apply to the LIHTC program.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies of ECC/HANH.

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230]

Consent Forms

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

The state of Connecticut's LIHTC Compliance Manual requires that an authorization of release of information accompany verification requests.

Penalties for Failing to Consent [24 CFR 5.232]

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

There is no penalty in the LIHTC program for failure to complete a consent form. There is no required informal review or hearing in the LIHTC program either.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD's Verification Hierarchy [Notice PIH 2010-19]

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

The LIHTC program does not follow HUD's Verification Hierarchy. HUD's Enterprise Income Verification (EIV) System may never be used. EIV reports may never be a part of the LIHTC file.

Requirements for Acceptable Documents

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC Compliance Manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

Verification of Family Income of less than $5,000

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual and IRS Code require that all income be verified regardless of the amount.

File Documentation

Everything in this section applies to both the standard and RAD PBV programs and LIHTC program, with the exception of verification of deductions since these are not calculated in the LIHTC program.

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

No changes to this section.

Upfront Income Verification Using HUD's Enterprise Income Verification (EIV) System (Mandatory)

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

The LIHTC program does not follow HUD's Verification Hierarchy. HUD's Enterprise Income Verification (EIV) System may never be used. EIV reports may never be a part of the LIHTC file.

Upfront Income Verification Using Non-HUD Systems (Optional)

No changes to this section for the standard or RAD PBV programs.

With the exception of HUD's EIV system, using non-HUD UIV systems is acceptable for the LIHTC file.

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

Written Third-Party Verification Form

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC Compliance Manual provides mandatory written third-party verification forms for certain types of income.

The form should be mailed or faxed to the source and never hand-carried. The following forms are required for tenant certification:

- Tenant Application
- Interview Checklist
- Tenant Income Certification
- Unemployed or Zero Income Statement
- Re-certification Update
- Certification Worksheet
- Student Verification
- Lease Addendum (Mixed-Use or 100%)
- Employment Verification
- Under $5,000 Asset Certification or Asset Income Verification (Third Party)
- Self-Certification (for 100% properties)

All required forms are available in the state of Connecticut's LIHTC Compliance Manual, Chapter 6.

Oral Third-Party Verification [Notice PIH 2010-19]

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut LIHTC compliance manual states that ECC/HANH should pursue phone verification to clarify any missing or ambiguous information on the initial application or recertification form.

When Third-Party Verification is Not Required [Notice PIH 2010-19]

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Verification of all income and assets is required in the LIHTC program following the state of Connecticut's requirements identified in the LIHTC Compliance Manual. The only exception is that self-certification is acceptable in 100% LIHTC properties when an annual recertification is being conducted.

7-I.E. SELF-CERTIFICATION

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Self-certification is acceptable in 100% LIHTC properties when an annual recertification is being conducted.

PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither the IRS Code nor the state of Connecticut requires verification of legal identity. This section does not apply to the LIHTC program.

7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216, Notice PIH 2012-10]

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither the IRS Code nor the state of Connecticut's LIHTC compliance manual requires proof of or verification of social security numbers. This section does not apply to the LIHTC program.

7-II.C. DOCUMENTATION OF AGE

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither the IRS Code nor the state of Connecticut's LIHTC compliance manual requires documentation of age. This section does not apply to the LIHTC program.

7-II.D. FAMILY RELATIONSHIPS

No changes to this section.

Marriage

No changes to this section.

Separation or Divorce

No changes to this section.

Absence of Adult Member

No changes to this section.

Foster Children and Foster Adults

No changes to this section.

Guardianship of Minor Children

No changes to this section.

7-II.E. VERIFICATION OF STUDENT STATUS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Follow guidance located at **3-II.G of Chapter 19.** Student status is verified using the Student Verification in the state of Connecticut's LIHTC Compliance Manual.

Restrictions on Assistance to Students Enrolled in Institutions of Higher Education

No changes to this section for the standard or RAD PBV programs.

Independent Student

No changes to this section for the standard or RAD PBV programs.

7-II.F. DOCUMENTATION OF DISABILITY

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC program does not consider deductions from gross income. Therefore, verification that a person meets the HUD/Social Security definition of disability is not necessary in the tax credit program. A different definition of disability is used for

reasonable accommodation requests. Verification of SSA disability benefits must follow the state of Connecticut's LIHTC compliance manual.

Family Members Receiving SSA Disability Benefits

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program

Family Members Not Receiving SSA Disability Benefits

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

7-II.H. VERIFICATION OF PREFERENCE STATUS

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

PART III: VERIFYING INCOME AND ASSETS

7-III.A. EARNED INCOME

Tips

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Tips are verified using the Employment Verification form (TC-100D) in the state of Connecticut's LIHTC compliance manual, Chapter 6.

Wages

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone

is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

The owner/agent is required to verify employment income using the Employment Verification form (TC-100D) in the state of Connecticut's LIHTC compliance manual, Chapter 6.

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

A tax return must be filed for all self-employed individuals who will reside in a LIHTC unit who operate sole-proprietorship businesses or otherwise report income on Schedule C, regardless of whether the taxpayer is reporting a profit or a loss. If the person is not eligible to get an SSN, which is needed to file a tax return, an individual taxpayer identification number (ITIN) can be obtained using IRS Form W-7.

Include the net income from a business, including self-employment. Net income is gross income less allowable business expenses, interest on loans, and straight-line depreciation. The owner should include any salaries or assets withdrawn from the business, unless the withdrawal is a reimbursement.

If a tenant is using a portion of their LIHTC unit to provide daycare services, the tenant must have applied for (and not have been rejected), be granted (and still have in effect), or be exempt from having a license, certification, registration, or approval as a daycare facility or home under state law. See IRS Form 8829, Expense for Business Use of Your Home and Publication 587, Business Use of Your Home for more information.

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

Social Security/SSI Benefits

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

7-III.D. ALIMONY OR CHILD SUPPORT

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

7-III.E. ASSETS AND INCOME FROM ASSETS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The market value, cash value, and anticipated income for all assets, regardless of the amount, must be verified using third party documentation methods.

Assets Disposed of for Less than Fair Market Value

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Assets disposed of for less than fair market value during the two years preceding the date of application or the effective date of the recertification must be disclosed by the applicant/tenant. In accordance with the state of Connecticut's LIHTC Compliance Manual, if the cash value of the disposed asset exceeds the gross amount the family received by more than $1,000, the difference between the cash value of the asset and the amount received must be counted for two years.

7-III.F. NET INCOME FROM RENTAL PROPERTY

No changes to this section.

7-III.G. RETIREMENT ACCOUNTS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that written third party verifications are preferred. Verifications must be sent directly to the source and the source must return them directly to the owner. Verifications are valid for 120 days from date of receipt by the project owner/agent.

Verifications must not be hand-carried by the applicant/tenant to or from the source. If written verification is not possible, direct contact with the source, in person or by phone

is acceptable. This verbal verification must be documented in the tenant file and must obtain all information as requested on the written verification.

7-III.H. INCOME FROM EXCLUDED SOURCES

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither IRS Code nor the state of Connecticut's LIHTC Compliance Manual discusses verification of excluded income.

7-III.I. ZERO ANNUAL INCOME STATUS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Neither IRS Code nor the state of Connecticut's LIHTC compliance manual explicitly prohibits a zero-income applicant/tenant from residing in a LIHTC unit. Extreme caution should be taken, however, when renting to a zero-income household. The state of Connecticut requires a Certification of Zero Income (TC-100F) form be completed by all adult household members with no reported income. The IRS expects reasonable judgment to be used for estimating the income a household will receive during the year. If the applicant/tenant's income cannot be determined using current information, actual income received or earned within the 12-month period before the determination of annual income can be used.

7-III.J. STUDENT FINANCIAL ASSISTANCE

No changes to section.

7-III.K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS

No changes to section.

PART IV: VERIFYING MANDATORY DEDUCTIONS

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program. Deductions are not verified or considered in the LIHTC program.

Chapter 19

SECTION VIII

HOUSING QUALITY STANDARDS AND RENT REASONABLE DETERMINATIONS [24 CFR 982 Subpart I and 24 CFR 982.507] (State of Connecticut LIHTC compliance manual)

INTRODUCTION

For the standard and RAD PBV programs:

Housing Quality Standards (HQS) apply to the PBV program. Special HQS requirements for shared housing, manufactured home space rental and the homeownership program do not apply because these housing types are not assisted under the PBV program. Further, requirements for when inspections are conducted differ between the project-based and tenant-based programs.

Rent reasonableness also applies to the PBV program, although the requirements for when rent reasonableness is determined differ between the project-based and tenant-based programs.

For the LIHTC program:

Nothing in this chapter applies to the LIHTC program. HQS is not used for inspections and rent reasonableness determinations are not made for tax credit units.

When work is occurring under RAD, HUD requires that all units meet HQS no later than the date of completion of the Work as indicated in the RCC.

The IRS requires that the state allocating agency conduct a physical inspection of LIHTC properties at least once every three years. The state of Connecticut has identified Uniform Physical Condition Standards (UPCS) and State Building Codes as the inspection standard used for the LIHTC program. While the LIHTC programs use UPCS, REAC protocol is not used like in HUD programs that rely on UPCS.

PART I: PHYSICAL STANDARDS

8-I.A. GENERAL HUD REQUIREMENTS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

8-I.B. ADDITIONAL LOCAL REQUIREMENTS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

8-I.C. LIFE-THREATENING (LT) CONDITIONS [24 CFR 982.404(a)]

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Exigent health violations and safety and fire hazards require immediate attention from the owner because of their life-threatening potential. Exigent health and safety violations include exposed electrical wires or water leaks on or near electrical equipment; propane/natural gas/methane gas detected; emergency/fire exits that are blocked; unusable fire escapes; gas or oil-fired hot water heaters with missing or misaligned chimneys that pose carbon monoxide hazards. Fire safety hazards include missing or inoperative smoke detectors; fire extinguishers expired or window security bars preventing egress from a building.

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

Family Responsibilities

No changes to this section for the standard or RAD PBV programs.

Nothing in this section applies to the LIHTC program.

8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ENVIRONMENTAL INTERVENTION BLOOD LEAD LEVEL [24 CFR 35.1225]

No changes to this section for the standard or RAD PBV programs.

While the Lead Hazard Reduction Act of 1992 and certain parts of 24 CFR Part 35 applies to the LIHTC program, requirements listed here for tenant-based assistance programs do not apply to the LIHTC program.

8-I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.401, 24 CFR 982.403]

This section applies to the RAD and standard PBV program with the following exception: If ECC/HANH determines that a unit is overcrowded because of an increase in family size or a change in family composition.

Reference Chapter 17 of HANH's Administrative Plan at **Section 17-VIIC.MOVES** for how to handle overcrowded, under-occupied, and accessible units (24 CFR 983.260).

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

PART II: THE INSPECTION PROCESS

8-II.A. OVERVIEW [24 CFR 982.405]

Types of Inspections

Only selected parts of this section apply to the standard and RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VIII.D. INSPECTING UNITS** for the difference definitions of inspections conducted by ECC/HANH.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

Inspection of ECC/HANH-Owned Units [24 CFR 982.352(b)]

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-VIII.D. INSPECTING UNITS** for the requirements for inspecting ECC/HANH-owned units.

Inspection Costs

No changes to this section for standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum may bill the owner/agent for failure to have a site representative capable of keeping up with the Spectrum inspector present during all times of the inspection.

Notice and Scheduling

No changes to this section for standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect 20% of the units and all common areas in all buildings by December 31st of the second year after the last building places in service. Spectrum will notify the owner/agent at least 30 days in advance of the site visit.

Owner and Family Inspection Attendance

No changes to this section for standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum requires an owner/agent representative to accompany the ECC/HANH inspector at all times during the site inspection.

8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Timing of Initial Inspections

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of ECC/HANH's Administrative Plan at **Section 17-III.D. INSPECTING UNITS** for timing of initial inspections in the standard and RAD PBV programs.

For the RAD PBV program:

The RAD PBV program follows the same inspection requirements as the standard PBV program with the exception that RAD PBV units must meet HQS no later than the date of completion of initial repairs as indicated in the RAD Conversion Commitment (RCC).

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect 20% of the units and all common areas in all buildings by December 31st of the second year after the last building places in service. Spectrum will notify the owner/agent at least 30 days in advance of the site visit.

Pre-HAP Contract Inspections [24 CFR 983.103(b)]

Alternative Inspection Provision [Notice PIH 2017-20 (HA)]

ECC/HANH can approve assisted tenancy of a unit prior to the HQS inspection if the property has passed an alternative inspection within the past 24 months.

Under this provision, ECC/HANH approves the assisted lease term, conducts the initial within 15 days of receiving the Request for Tenancy Approval (RFTA) form. (Form HUD-52517)

If the unit has failed HQS deficiencies, the HAP is suspended until the HAP failed deficiencies have been corrected.

ECC/HANH then makes assistance payments retroactively, dating back to the effective date of the assisted lease term, once the unit has been inspected and found to meet HQS standards.

ECC/HANH Policy

A. Eligible Alternative Inspection Methods

The alternative inspection method **must** meet all the following requirements:

1) ECC/HANH must be able to obtain the results of the alternative inspection that occurred within the last 24 months.

2) If the alternative inspection method used sampling (a sample of the total number of units at the property), the unit in question must have been included in the universe of units from which the sample was drawn.

For example, if a 100-unit property includes 20 units that are occupied by an HCV-assisted family, then those 20 units must have been included in the universe of units from which the alternative inspection sample was pulled.

However, this does not mean that any or all of the 20 units would necessarily have to been part of the units that were originally inspected, only a part of the universe that the sample was originated from.

3) ECC/HANH may rely upon the following alternative inspections which would have occurred within the last 24 months:
   a. Housing assisted under the HOME Investment Partnerships (HOME) program
   b. Housing financed using Low Income Housing Tax Credits (LIHTCs), CHFA
   c. inspections performed by HUD, without prior HUD approval.

In order to use an alternative inspection method other than that used for HOME, LIHTC, or inspections performed by HUD, that method must be approved by HUD's Real Estate Assessment Center (REAC) and additional amendment must be made to this HCV Administrative Plan.

B. Timing of the Initial HQS Inspection

The alternative inspection provision does not eliminate the requirement for ECC/HANH to conduct the initial HQS inspection.

ECC/HANH must conduct the initial HQS inspection within 15 days of receiving the RFTA (Form HUD-52517).

C. Approval of Assisted Tenancy

ECC/HANH will approve the assisted tenancy and execution of the lease before the initial HQS inspection takes place and will inspect the unit within 15 days of receiving the RFTA.

1) At the time of voucher issuance, as part of the tenant package, ECC/HANH will provide the family with the list of conditions defined as life-threatening in this Administrative Plan.

2) The family will submit the RFTA for the unit.

3) ECC/HANH will determine if the property passed an inspection within the previous 24 months that qualifies as an alternative inspection.

4) ECC/HANH will obtain a copy of the alternative inspection report.

5) ECC/HANH will notify both the owner and the family that unit is eligible for approval based on alternative inspection.

6) ECC/HANH will explain to the family how the alternative inspection provision applies to the unit they have selected. The family may choose to:

a. accept the unit,

b. decline the unit until it has passed ECC/HANH's inspection, or

c. decline the unit and wait for another LIHTC PBV, RAD/PBV unit offer with their voucher.

7) ECC/HANH needs to ensure that the owner understands that they will not receive the initial HAP until ECC/HANH has inspected the unit and determined the unit meets HQS, even though the family's assisted tenancy has commenced and that the HAP payment will be paid retroactively to the date of the lease term.

8) If the unit has been accepted, ECC/HANH will determine that the rent to owner is reasonable and that the family share does not exceed 40 percent of monthly adjusted income (unless gross rent is equal or less than the payment standard), and that the lease includes the tenancy addendum.

9) ECC/HANH will approve occupancy and the family and owner will execute the lease (including HCV tenancy addendum and lead-based paint disclosure information as required).

10) ECC/HANN will conduct the initial HQS inspection (within 15 days of receiving the RFTA).

D. Housing Assistance Payment

Under the alternative inspection provision, no housing assistance payments will be made to the owner until the unit passes the initial HQS inspection. If the unit passes the HQS inspection, ECC/HANH will make housing assistance payments retroactively to the effective date of the lease.

Process for HAP Payment the Alternative Inspection Provision Only

- After the initial inspection, ECC/HANH will notify the owner and family in writing of the inspection results.
- If the unit passes HQS, ECC/HANH will begin making HAP payment retroactively to the start of the assisted lease term.
- If the unit fails the HQS inspection
    - ECC/HANH must require that life-threatening deficiencies be corrected within 24 hours and that non-life-threatening deficiencies be corrected within 30 days
    - If the deficiencies are corrected within the timeframes, noted above, and the unit passes the HQS inspection, ECC/HANH will make the HAP payment retroactive to the start of the assisted lease term
    - ECC/HANH <u>must</u> withhold HAP during the period that unit has failed deficiencies and will only make the HAP payment retroactively when the unit has passed the inspection
    - If the deficiencies are not corrected during the timeframe, ECC/HANH abate the HAP payment, per ECC/HANH abatement policy

- ECC/HANH must then follow the HAP termination process and issue a voucher to the family to move due to the owner non-compliance with HQS.

E. Notification of Owners and Tenants

ECC/HANH must notify owners and families of the new procedures and timeline for assistance payments

ECC/HANH must advise families of the list of the life-threatening deficiencies so the family can look for the items in the unit and notify ECC/HANH is the deficiencies are found or decline to enter into a lease with the owner. The list should be provided at the family briefing or voucher issuance meeting.

ECC/HANH will notify the family that is the family agrees to move into the unit and the unit does not pass the inspection, the family may be obligated to stay in the unit, in accordance with the lease, until the repairs are completed or ECC/HANH terminates the HAP contract for that unit in accordance with the HQS enforcement policy and that is the HAP contract for the unit is terminated, the family will have to move in order to retain the voucher.

Inspection Results and Reinspections

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of ECC/HANH's Administrative Plan at **Section 17-III.D. INSPECTING UNITS** for timing of initial inspections in the standard and RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will provide a written Owner's Report after review with CHFA. A 30-day period in which to reply will be given. Late submissions will be considered noncompliance by Spectrum.

The owner/agent's responses to the Owner's Report will be reviewed and, after review with CHFA, a notification to the owner/agent will be sent out informing the owner of their compliance status. If non-compliance is being reported, an unsigned copy of the generated IRS Form 8823 will be included as an attachment.

Utilities

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART III: Dwelling Units** for the standard and RAD PBV programs.

Appliances

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART III: Dwelling Units** for the standard and RAD PBV programs.

8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS [24 CFR 982.405(a)]

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

ECC/HANH Policy

Owner will follow its regular tenant-based program inspection requirements as outlined in Chapter 8.

If more than 20 percent of the sample of inspected contract units in a building, fail the initial inspection, ECC/HANH must reinspect 100 percent of the contract units in the building.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART III: Dwelling Units** for the standard and RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect 20% of the units, and all common areas in all buildings at least once every three years.

The owner/agent must certify annually that the buildings and units in an LIHTC project were suitable for occupancy.

8-II.D. SPECIAL INSPECTIONS [HCV GB, p. 10-30]

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b); HCV GB, p. 10-32]

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT

Notification of Corrective Actions

No changes to section for the standard and RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will provide a written Owner's Report, after review with CHFA. A 30-day period in which to reply will be given. Late submissions will be considered noncompliance by Spectrum.

The owner/agent's responses to the Owner's Report will be reviewed and, after review with CHFA, a notification to the owner/agent will be sent out informing the owner of his compliance status. If non-compliance is being reported, an unsigned copy of the generated IRS Form 8823 will be included as an attachment.

Extensions

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

Reinspections

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

8-II.G. ENFORCING OWNER COMPLIANCE

No changes to section for the standard and RAD PBV programs.

For the LIHTC program:

If non-compliance is being reported, an unsigned copy of the generated IRS Form 8823 will be included as an attachment

HAP Contract Termination

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART VI: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for HAP contract terminations in the standard and RAD PBV programs.

8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]

No changes to section for the standard and RAD PBV programs.

Nothing in this section applies to the LIHTC program.

PART III: RENT REASONABLENESS [24 CFR 982.507]

This part does not apply to the LIHTC program.

8-III.A. OVERVIEW

This section does not apply to the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART VIII.C: RENT REASONABLENESS** for how rent reasonableness is determined in the standard and RAD PBV programs.

ECC/HANH-Owned Units [24 CFR 982.352(b)]

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART VIII.C: RENT REASONABLENESS** for how rent reasonableness is determined in the standard and RAD PBV programs for ECC/HANH-owned units.

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

Owner-Initiated Rent Determinations

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17-PART VIII.B. RENT LIMITS and PART VIII.C: RENT REASONABLENESS** for when rent reasonableness is determined in the standard and RAD PBV programs.

ECC/HANH- and HUD-Initiated Rent Reasonableness Determinations

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17- PART VIII.B. RENT LIMITS and PART VIII.C: RENT REASONABLENESS** for when rent reasonableness is determined in the standard and RAD PBV programs.

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

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17- PART VIII.B. RENT LIMITS** for how to determine rent for LIHTC units in the standard and RAD PBV programs.

8-III.C. HOW COMPARABILITY IS ESTABLISHED

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17- PART VIII.B. RENT LIMITS and PART VIII.C: RENT REASONABLENESS** for when rent reasonableness is determined in the standard and RAD PBV programs.

Units that Must Not Be Used as Comparables

No changes to the standard or RAD PBV programs.

Rents Charged for Other Units on the Premises

No changes to the standard or RAD PBV programs.

8-III.D. ECC/HANH RENT REASONABLENESS METHODOLOGY

This section does not apply to either the standard or RAD PBV programs.

Please see chapter 17 of HANH's Administrative Plan at **Section 17- PART VIII.B. RENT LIMITS and PART VIII.C: RENT REASONABLENESS** for when rent reasonableness is determined in the standard and RAD PBV program.

Chapter 19

SECTION IX

GENERAL LEASING POLICIES

INTRODUCTION

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

PART I: LEASING POLICIES

9-I.A. TENANT SCREENING

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Tenant Screening in the standard PBV program and for new admissions after conversion to the RAD PBV programs is described in detail in Chapter 17 of HANH's Administrative Plan at **Section 17-VI.G. Tenant Screening (24 CFR 983.255).**

Owners are in the LIHTC and RAD/PBV sites are responsible for screening prospective tenants for admission based on their Property Management screening guidelines.

For the RAD PBV program:

ECC/HANH may not re-screen existing public housing tenants upon conversion. Current households are not subject to rescreening, income eligibility or income targeting. Current households are grandfathered in for conditions that occurred prior to conversion. They are, however, subject to any ongoing eligibly requirements for actions that occur after conversion.

When determining the eligibility of new admissions, including tenant screening, the PBV program follows the same eligibility criteria as the HCV program.

9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VI.E. Offer of PBV Assistance** for how PBV assistance is offered.

9-I.C. OWNER PARTICIPATION

No changes to this section.

9-I.D. ELIGIBLE UNITS

Ineligible Units [24 CFR 982.352(a)]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17.II.D. Prohibition of Assistance for Certain Units** for Ineligible Housing Types in the standard PBV program.

ECC/HANH-Owned Units [24 CFR 982.352(b)]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

HANH does engage in mixed-finance development and is a PBV-owner. HANH must comply with certain conditions identified in PIH Notice 2015-05.

Special Housing Types [24 CFR 982 Subpart M]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Ineligible special housing types for the standard PBV program include:

- Shared housing
- Manufactured housing
- Transitional housing
- For existing housing, a unit that is occupied by a person ineligible to participate in the PBV program
- Any units which construction or rehabilitation has commenced as defined in 24 CFR 983.152 after proposal submission and prior to execution of an AHA

Duplicative Assistance [24 CFR 982.352(c)]

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

Housing Quality Standards (HQS) [24 CFR 982.305 and 24 CFR 982.401]

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

Unit Size

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VI.E. Offer of PBV Assistance** for how standard and RAD PBV assistance is offered.

Rent Reasonableness [24 CFR 982.305 and 24 CFR 982.507]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VIII Determining Rent to Owner** for standard and RAD PBV rent reasonableness requirements.

Rent Burden [24 CFR 982.508]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

For the RAD PBV program:

While HCV rent burden requirements do not apply to the standard or RAD PBV programs, please see Chapter 17 of HANHs Administrative Plan **Part VIII: Determining Rent to Owner** for special rent phase-in requirements for RAD PBV units.

9-I.E. LEASE AND TENANCY ADDENDUM

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

Lease Form and Tenancy Addendum [24 CFR 982.308]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Part VII: Occupancy, Section 17-VII.B. Lease** for standard and RAD PBV lease requirements.

Lease Information [24 CFR 982.308(d)]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Part VII: Occupancy, Section 17-VII.B. Lease** for standard and RAD PBV lease requirements.

Term of Assisted Tenancy

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Part VII: Occupancy, Section 17-VII.B. Lease** for standard and RAD PBV lease requirements.

Security Deposit [24 CFR 982.313 (a) and (b)]

No changes to this section.

For the RAD PBV program:

Owners are permitted to recognize security deposit amounts that have been previously provided by tenants who are in-place at the time of the RAD conversion. Otherwise, the security deposit requirements for standard PBV apply.

Separate Non-Lease Agreements between Owner and Tenant

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC program requires that any mandatory supportive service or amenity charge be counted as part of the gross rent calculation. Such costs may include parking fees, a telephone if required to open the door or project gate as part of a security system, housekeeping, trash removal, meal service, or other required costs. Charges for optional services other than housing do not have to be included in gross rent, but such service must truly be option.

ECC/HANH Review of Lease

No changes to this section.

9-I.F. TENANCY APPROVAL [24 CFR 982.305]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305]

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-V: Housing Assistance Payments Contract (HAP)** for standard and RAD PBV HAP contract requirements.

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

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VII: Occupancy** for standard and RAD PBV changes in the lease.

Chapter 19

SECTION X

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY (CHFA LIHTC Compliance Manual)

INTRODUCTION

This section does not apply to either the standard or RAD PBV programs or the LIHTC program.

For the standard and RAD PBV programs:

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VII.C.: Moves** for standard and RAD PBV move requirements.

For the LIHTC program:

The LIHTC program requires that when LIHTC households move to another unit within the same building, the LIHTC status of the two units "swap". Thus, if a qualified LIHTC tenant moves to an "empty" unit, the new unit ceases to be "empty" and becomes a qualified unit. The original unit will then be deemed "empty".

Moves can occur between different buildings <u>in the same project</u>, as long as the tenant's income did not exceed 140% of the AMI at the most recent certification. Moves cannot occur between different buildings <u>in different projects</u> without initially re-qualifying the tenant as eligible under the LIHTC program.

Chapter 19

SECTION XI

REEXAMINATIONS

INTRODUCTION

Owners are required to reexamine each family's income and composition and to adjust the family's level of assistance accordingly.

For the RAD PBV program:

A family living in a unit converted from public housing to RAD PBV may retain its certification date. Unless a family's annual reexamination is due at the same time as the effective date of the RAD PBV HAP contract, ECC/HANH does not need to recertify tenants at the point of conversion. For each family residing in a unit undergoing conversion of assistance under RAD, the administering PHA (ECC/HANH) will have to submit a HUD-50058 reflecting the family's admission to the voucher program. The effective date of the new admission will be the same as the effective date of the RAD PBV HAP contract. The form should include the same information previously found on the public housing 50058, including the next annual reexamination date.

For the LIHTC program:

Annual reexamination requirements under the LIHTC program are added to this chapter as required. The state of Connecticut requires that owners re-certify tenants in tax credit units annually, on or before the anniversary date of the previous certification. Annual recertifications using third-party certifications are required in mixed-use LIHTC properties, while self-certification is acceptable in 100% LIHTC properties.

PART I: BI/TRIENNIAL REXAMINATION [24 CFR 982.526]

11-I.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

11-I.B. SCHEDULING BI/TRIENNIAL REEXAMINATIONS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut does not have a standard requirement for scheduling the annual LIHTC recertification process. The annual recertification must be completed within 12 months from the initial certification date, or 12 months from the most recent certification.

Notification of and Participation in the Bi/Triennial Reexamination Process

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The state of Connecticut does not have a standard notification requirement for the annual LIHTC recertification process. The annual recertification must be completed within 12 months from the initial certification date, or 12 months from the most recent certification

11-I.C. CONDUCTING BI/TRIENNIAL REEXAMINATIONS

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The LIHTC file must have a completed annual reexamination. The state of Connecticut requires that households be recertified annually using either a full reexamination or a self-certification, depending on the type of project. The state of Connecticut requires that proof that all LIHTC households were interviewed to ensure that the information provided by the household is adequate and safe.

For 100% tax credit and tax-exempt bond properties:

Every LIHTC household must undergo a complete annual recertification the year following move-in. In subsequent years, a self-certification is acceptable using the required and recommended forms found in the state of Connecticut's LIHTC compliance manual including the Recertification Update and the Self-Certification of Annual Income forms. A Lease Addendum form (TC-100B(1)) must be completed by the household and the owner/agent and placed in the file.

For tax credit properties with tax credit and non-tax credit units:

Every LIHTC household must undergo a complete annual recertification every year. Self-certifications are not allowed in this type of project. CHFA required and recommended forms found in the state of Connecticut's LIHTC compliance manual forms must be used, including the Recertification Update form. A Lease Addendum form (TC-100B) must be completed by the household and the owner/agent and placed in the file.

11-I.D. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

11-I.E. EFFECTIVE DATES

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program. The annual recertification must be completed within 12 months from the initial certification date, or 12 months from the most recent certification

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

Rents are not based on income in the LIHTC program and interim reexaminations are not performed.

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

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

Changes in family and household composition are addressed differently depending on whether the building is mixed-use or a 100% LIHTC building.

Family Size Increases in 100% LIHTC Buildings:

If a building is a 100% LIHTC building, the new household member's income is added to the income disclosed on the existing household's original tenant income certification (TIC).

Family Size Increases in Mixed-Use Buildings:

If a building is a mixed- use LIHTC building, the new household member's income is added to the income disclosed on the existing household's most recent tenant income certification (TIC). The household continues to be income-qualified, and the income of the new household member is taking into consideration with the income of the existing household for purposes of the New Available Unit Rule.

11-II.C. CHANGES AFFECTING INCOME OR EXPENSES

No changes to this section for the standard or RAD PBV programs.

This entire section does not apply to the LIHTC program.

For the LIHTC program:

Next Available Unit Rule

If the gross household income of residents in the LIHTC unit increases to more than 140% of the current, applicable MTSP income limit, the unit is then considered by the IRS to be an "over-income" unit. The IRS allows this unit to continue to generate a LIHTC provided the following two conditions are met:

1. The next available comparable size unit in the building must be rented to a new LIHTC-qualified household.
2. The over-income unit must continue to be rent restricted.

The owner/agent must rent to LIHTC-qualified resident ALL comparable units that are available or that subsequently become available in the same building until the applicable fraction (excluding the over-income unit(s)) is restored to the percentage on which the credit is based.

11-II.D. PROCESSING THE INTERIM REEXAMINATION

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

This part does not apply to the standard or RAD PBV programs or the LIHTC program.

11-III.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

This part does not apply to the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **Section 17-VIII.B.: Rent Limits** for how FMRs, Exception Payment Standards and Utility Allowances are used in the standard and RAD PBV programs.

11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.**11-III.D. DISCREPANCIES**

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

Chapter 19

SECTION XII

TERMINATION OF ASSISTANCE AND TENANCY

Selected parts of this chapter apply to the standard and RAD PBV programs.

This chapter does not apply to the LIHTC program. Neither the state of Connecticut's LIHTC compliance manual nor the IRS Code discusses termination of tenancy. Termination of tenancy in the LIHTC program must comply with the state of Connecticut's landlord/tenant law. In addition, federal VAWA requirements apply to the LIHTC program.

PART I: GROUNDS FOR TERMINATION OF ASSISTANCE

12-I.A. OVERVIEW

No changes to this section.

12-I.B. FAMILY NO LONGER REQUIRES ASSISTANCE [24 CFR 982.455]

No changes to this section for the standard PBV program.

For additional information, see Chapter 17 of HANH's Administrative Plan **Part VII: Occupancy**.

For the RAD PBV program:

Current residents living in the property prior to conversion are placed on and remain under the HAP contract when TTP equals or exceeds gross rent. In this case, the family will pay with owner an amount equal to their TTP. The family will continue to pay this amount until/if circumstances change and HAP is paid on their behalf. In other words, assistance may subsequently be reinstated if the tenant becomes eligible for assistance. In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract.

Following conversion, the standard PBV regulations apply to any new families referred to the project. See Chapter 17 of HANH's Administrative Plan **Part VII: Occupancy**.

12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE

No changes to this section.

12-I.D. MANDATORY TERMINATION OF ASSISTANCE

No changes to this section.

Failure to Provide Consent [24 CFR 982.552(b)(3)]

No changes to this section.

Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]

No changes to this section.

Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), Notice PIH 2012-10]

No changes to this section.

Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]

No changes to this section.

Lifetime Registered Sex Offenders [Notice PIH 2012-28]

No changes to this section.

Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]

No changes to this section.

Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]

No changes to this section.

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

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

No changes to this section.

Use of Illegal Drugs and Alcohol Abuse

No changes to this section.

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

No changes to this section.

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

No changes to this section.

Family Absence from the Unit [24 CFR 982.312]

No changes to this section.

Insufficient Funding [24 CFR 982.454]

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **Section V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for how insufficient funding affects the standard and RAD PBV programs.

PART II: APPROACH TO TERMINATION OF ASSISTANCE

12-II.A. OVERVIEW

No changes to this section.

12-II.B. METHOD OF TERMINATION [24 CFR 982.552(a)(3)]

This section does not apply to the standard or RAD PBV programs.

12-II.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE

Change in Household Composition

No changes to this section.

Repayment of Family Debts

No changes to this section.

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

Evidence

No changes to this section.

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

No changes to this section.

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

No changes to this section.

12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

No changes to this section.

Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]

No changes to this section.

Documentation of Abuse [24 CFR 5.2007]

No changes to this section.

Terminating the Assistance of a Domestic Violence Perpetrator

No changes to this section.

12-II.F. TERMINATION NOTICE

For the standard and RAD PBV programs, this section is amended to read:

HUD regulations requires ECC/HANH to provide written notice of termination of assistance to a family only when the family is entitled to an informal hearing. However, since the family's lease will also terminate when the family's assistance terminates it is a

good business practice to provide written notification to both owner and family anytime assistance will be terminated, whether voluntarily or involuntarily.

PART III: TERMINATION OF TENANCY BY THE OWNER

12-III.A. OVERVIEW

No changes to this section.

12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310, 24 CFR 5.2005(c), and Form HUD-52641-A, Tenancy Addendum]

The standard and RAD PBV Tenancy Addendum is Form HUD-52530c.

Serious or Repeated Lease Violations

No changes to this section.

Violation of Federal, State, or Local Law

No changes to this section.

Criminal Activity or Alcohol Abuse

No changes to this section.

Evidence of Criminal Activity

No changes to this section.

Other Good Cause

For the standard and RAD PBV programs:

Terminating tenancy for good cause does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose. Please see Chapter 17 of HANH's Administrative Plan at **Section VII: OCCUPANCY** for Owner Termination of Tenancy.

For the LIHTC program:

The owner may only evict, non-renew the lease, or otherwise terminate tenancy of an existing tenant for good cause.

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

The standard and RAD PBV Tenancy Addendum is Form HUD-52530c.

12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h), 24 CFR 982.310(h)(4)]

No changes to this section.

12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY'S ASSISTANCE

This section does not apply to the standard or RAD PBV programs.

EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS

Each family must sign a PBV Statement of Family Responsibilities in lieu of the Statement of Family Obligations in both the standard and RAD PBV programs.

Chapter 19

SECTION XIII

OWNERS

INTRODUCTION

No changes to this section for the standard PBV program.

This section does not apply to the RAD PBV program.

This chapter does not apply to the LIHTC program.

PART I. OWNERS IN THE HCV PROGRAM

13-I.A. OWNER RECRUITMENT AND RETENTION [HCV GB, pp. 2-4 to 2-6]

Recruitment

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for owner submission of PBV proposals and for ECC/HANH selection of PBV proposals.

Retention

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for owner submission of PBV proposals and for ECC/HANH selection of PBV proposals.

13-I.B. BASIC HCV PROGRAM REQUIREMENTS

This section does not apply to the standard or RAD PBV programs.

For the standard PBV program, please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for owner submission of PBV proposals and for ECC/HANH selection of PBV proposals.

13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452]

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II Section 17.V.E. OWNER RESPONSIBILITIES UNDER THE HAP** for owner responsibilities in the standard and RAD PBV programs.

13-I.D. OWNER QUALIFICATIONS

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for owner submission of PBV proposals and for ECC/HANH selection of PBV proposals in the standard PBV program.

Owners Barred from Participation [24 CFR 982.306(a) and (b)]

No changes to this section for the standard PBV program.

This section does not apply to the RAD PBV program.

Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]

No changes to this section for the standard PBV program.

This section does not apply to the RAD PBV program.

Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19]

No changes to this section for the standard PBV program.

This section does not apply to the RAD PBV program.

Owner Actions That May Result in Disapproval of a Tenancy Request [24 CFR 982.306(c)]

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART II PBV OWNER PROPOSALS** for selection of owner proposals for the standard PBV program.

Legal Ownership of Unit

No changes to this section for the standard PBV program.

For the RAD PBV program:

For public housing conversions, ownership must be either of the following:

- A public or nonprofit entity that has legal title to the property. The entity must have the legal authority to direct the financial, legal, beneficial, and other interests of the property.
- A private entity, if the property has low-income tax credits. ECC/HANH must maintain control via a ground lease.

13-I.E. NON-DISCRIMINATION [HAP Contract – Form HUD-52641]

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for the HAP contract used in the standard and RAD PBV programs.

PART II. HAP CONTRACTS

13-II.A. OVERVIEW

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for the HAP contract used in the standard and RAD PBV programs.

13-II.B. HAP CONTRACT CONTENTS

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for the HAP contract used in the standard and RAD PBV programs.

13-II.C. HAP CONTRACT PAYMENTS

General

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART IX PAYMENTS TO OWNER** for the how housing assistance payments are calculated to the owner in the standard and RAD PBV programs.

Owner Certification of Compliance

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART IX PAYMENTS TO OWNER** for the how housing assistance payments are calculated to the owner in the standard and RAD PBV programs.

Late HAP Payments [24 CFR 982.451(a) (5)]

No changes to this section.

Termination of HAP Payments [24 CFR 982.311(b)]

No changes to this section.

13-II.D. BREACH OF HAP CONTRACT [24 CFR 982.453]

No changes to this section.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for HAP contract terms and ECC/HANH and owner termination of the HAP contract in the standard and RAD PBV programs.

13-II.E. HAP CONTRACT TERM AND TERMINATIONS

This section does not apply to the standard or RAD PBV programs.

Please see Chapter 17 of HANH's Administrative Plan at **PART V HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)** for HAP contract terms and ECC/HANH and owner termination of the HAP contract in the standard and RAD PBV programs.

13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]

This section does not apply to the standard or RAD PBV programs.

Chapter 19

SECTION XIV

PROGRAM INTEGRITY

INTRODUCTION

No changes to this section for the standard or RAD PBV programs.

While neither the IRS Code nor the state of Connecticut's LIHTC compliance manual discuss program integrity, the owner may follow policies in the admin plan for program integrity for the LIHTC file, provided they do not violate any LIHTC requirements.

For the LIHTC program, add:

Neither IRS Code nor the state of Connecticut's LIHTC compliance manual discuss program integrity. The Guide for Completing Form 8823 states that LIHTC owners should demonstrate due diligence to prevent tenant fraud. If misrepresentation is suspected, additional steps should be taken to verify the accuracy of information provided by the tenant. The IRS does not consider reportable noncompliance to have occurred if tenant fraud is discovered and addressed by the owner prior to a state agency review or an IRS audit, and the owner satisfies the state agency that:

- The tenant provided false information;
- The owner did everything a prudent person would do to avoid fraudulent tenants (due diligence) and has implemented any needed changes to avoid future problems;
- The tenant has vacated the unit (if possible); and
- There is no pattern of accepting fraudulent tenants

An owner's opportunity to identify and self-correct misrepresentations or fraud by a tenant terminates upon notification of a state agency's intended review/inspection of the LIHTC project. Any noncompliance arising from such a misrepresentation or fraud discovered during a state agency's review/inspection should be reported to the IRS on Form 8823 under the appropriate category of noncompliance, regardless of the cause.

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

14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

No changes to this section.

14-I.B. DETECTING ERRORS AND PROGRAM ABUSE

No changes to this section.

Independent Audits and HUD Monitoring

No changes to this section.

Individual Reporting of Possible Errors and Program Abuse

No changes to this section.

14-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When ECC/HANH Will Investigate

No changes to this section.

Consent to Release of Information [24 CFR 982.516]

No changes to this section.

Analysis and Findings

No changes to this section.

Consideration of Remedies

No changes to this section.

Notice and Appeals

No changes to this section.

PART II: CORRECTIVE MEASURES AND PENALTIES

14-II.A. SUBSIDY UNDER- OR OVERPAYMENTS

Corrections

No changes to this section.

Reimbursement

No changes to this section.

14-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

No changes to this section.

Family Reimbursement to ECC/HANH [HCV GB pp. 22-12 to 22-13]

No changes to this section.

ECC/HANH Reimbursement to Family [HCV GB p. 22-12]

No changes to this section.

Prohibited Actions

No changes to this section.

Penalties for Program Abuse

No changes to this section.

14-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE

No changes to this section.

Owner Reimbursement to ECC/HANH

No changes to this section.

Prohibited Owner Actions

No changes to this section.

Remedies and Penalties

No changes to this section.

14-II.D. ECC/HANH-CAUSED ERRORS OR PROGRAM ABUSE

For the standard and RAD PBV programs, the paragraph is amended to read:

The responsibilities and expectations of ECC/HANH staff with respect to normal program administration are discussed throughout this plan. This section specifically addresses actions of an ECC/HANH staff member that are considered errors or program abuse related to the HCV program. Additional standards of conduct may be provided in the ECC/HANH personnel policy.

ECC/HANH-caused incorrect subsidy determinations include (1) failing to correctly apply HCV rules regarding family composition, income, assets, and expenses, (2) assigning the incorrect voucher size to a family, (3) errors in calculation.

Repayment to the ECC/HANH

ECC/HANH **Reimbursement to Family or Owner**

No changes to this section.

Prohibited Activities

No changes to this section.

14-II.E. CRIMINAL PROSECUTION

No changes to this section.

14-II.F. FRAUD AND PROGRAM ABUSE RECOVERIES

No changes to this section.

Chapter 19

SECTION XV

SPECIAL HOUSING TYPES

[24 CFR 982 Subpart M]

INTRODUCTION

For the standard PBV programs:

Ineligible special housing types discussed in this chapter include:

- Shared Housing,
- Manufactured Housing
- Homeownership Option.

For the RAD PBV program:

Nothing in this chapter applies to RAD PBV. HUD has issued no guidance on converting public housing units to special housing types under the RAD program.

For the LIHTC program:

Ineligible special housing types discussed in this chapter include:

- Shared Housing,
- Cooperative Housing;
- Manufactured Housing;
- Homeownership Option.

The following types of housing, not discussed in this chapter, are additional housing types that are ineligible for the LIHTC program:

- Hospitals
- Nursing homes
- Sanitariums
- Life care facilities
- Retirement homes providing significant services other than housing
- Dormitories

PART I: SINGLE ROOM OCCUPANCY [24 CFR 982.602 through 982.605]

15-I.A. OVERVIEW

For the PBV program:

SRO is an allowable housing type. There is no separate HAP contract for each PBV lease.

For the LIHTC program:

Certain SRO housing units used on a non-transient basis may be qualified LIHTC units even though such housing may provide eating, cooking and sanitation facilities on a shared basis. Please check with your state allocating agency.

PART II: CONGREGATE HOUSING

[24 CFR 982.606 through 982.609]

For the PBV program:

Congregate housing is an allowable housing type. There is no separate HAP contract for each PBV lease.

For the LIHTC program:

Certain congregate housing may be qualified LIHTC units even though such housing may provide eating, cooking and sanitation facilities on a shared basis. Please check with your state allocating agency.

PART III: GROUP HOME

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

For the PBV program:

Group home housing is an allowable housing type. There is no separate HAP contract for each PBV lease.

For the LIHTC program:

This type of housing is an ineligible housing type in the LIHTC program. This section does not apply to the LIHTC program.

PART IV: SHARED HOUSING [24 CFR 982.615 through 982.618]

This type of housing is an ineligible housing type in the both the PBV and LIHTC programs.

PART V: COOPERATIVE HOUSING [24 CFR 982.619]

For the PBV program:

Cooperative housing is an allowable housing type. There is no separate HAP contract for each PBV lease. See regulations at 24 CFR 983.9(2)(c), (3), (4), and (5) for a discussion of cooperative housing in the PBV program.

For the LIHTC program:

This type of housing is an ineligible housing type in the LIHTC program. This section does not apply to the LIHTC program.

PART VI: MANUFACTURED HOMES [24 CFR 982.620 through 982.624]

This type of housing is an ineligible housing type in the both the PBV and LIHTC programs.

PART VII: HOMEOWNERSHIP [24 CFR 982.625 through 982.643]

This type of housing is an ineligible housing type in the both the PBV and LIHTC programs.

Chapter 19

SECTION XVI

PROGRAM ADMINISTRATION

INTRODUCTION

Selected parts of this chapter apply to the standard and RAD PBV programs.

Nothing in this chapter applies to the LIHTC program. Additional topics specific to administering the LIHTC program are included as applicable.

PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program.

PART II: SETTING PROGRAM STANDARDS AND SCHEDULES

16-II.A. OVERVIEW

For the standard and RAD PBV programs, this section is amended to read:

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

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

  <u>ECC/HANH Policy</u>

  Copies of the utility allowance schedules are available for review in ECC/HANH's offices during normal business hours.

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

  ECC/HANH will maintain documentation to support its annual review of utility allowance schedules. This documentation will be retained for at least 3 years.

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

This section does not apply to the LIHTC program.

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

This section does not apply to either the standard or RAD PBV programs or LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **PART VIII DETEMINING RENT TO OWNER** for determining rent to owner.

16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]

No changes to this section for the standard PBV program and for standard PBV/LIHTC units.

For the RAD PBV program and RAD PBV/LIHTC units:

When contract rent amounts are set initially, the amount does not include a utility allowance. In general, the utility allowances that are used on the initial HAP contract at closing are the public housing utility allowances that are in effect prior to conversion. The CHAP must be updated prior to conversion to reflect current public housing utility allowances. At its discretion, ECC/HANH may use the FMRs and utility allowances in effect during the 30-day period immediately before the beginning date of the HAP contract.

After conversion, unless a waiver is requested and approved by HUD, ECC/HANH must maintain a utility allowance schedule for tenant-paid utilities in accordance with standard PBV and HCV utility allowance regulations at 24 CFR 983.301(f)(2)(ii) and 24 CFR 982.517 respectively. These utility allowances are effective for in-place families at recertification.

ECC/HANH may request a waiver from the PIH Field Office, however, in order to establish site-specific utility allowance schedules. MTW agencies would instead secure approval through their MTW Plan. To be approved, ECC/HANH must show good cause that the utility allowance schedule for their voucher program would either:

- Create an undue cost for families because the utility allowance provided under the voucher program is too low, or
- Discourage conservation and efficient use of HAP funds because the utility allowance provided under the voucher program would be excessive if applied to the Covered Project

ECC/HANH must submit an analysis of utility rates for the community and consumption data of project residents in comparison to community consumption rates; and a proposed alternative methodology for calculating utility allowances on an ongoing basis.

When, as a result of a RAD conversion, the project will experience an improvement in energy and water efficiencies, ECC/HANH can submit UA projections performed by a professional engineer, based on the project's plans and specifications that, at a minimum,

take into account specific factors including, but not limited to, unit size, building orientation, design and materials, mechanical systems, appliances, and characteristics of the building location. The projections must be submitted in the RAD UA Projections Template. If approved by HUD, these UAs will be used to modify the initial PBV contract rents (for new construction) or post-rehab rents (for rehab) on the HAP contract.

Air Conditioning

No changes to this section.

Reasonable Accommodation

No changes to this section.

Utility Allowance Revisions (State of Connecticut's LIHTC Compliance Manual)

No change to section for the standard and RAD PBV programs.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual requires that blended LIHTC/PBV units use ECC/HANH's utility allowance for the HCV program. Utility allowances must be updated at least annually since they are included in the maximum allowable rent calculations. Copies of utility allowance documentation must be submitted with CHFA's required annual year-end reports. Any new allowance must be implemented within 90 days of the change.

PART III: INFORMAL REVIEWS AND HEARINGS

This part does not apply to the LIHTC program.

16-III.A. OVERVIEW

No changes to this section for the standard PBV program.

For the RAD PBV program:

Unlike in the standard PBV program, residents in converted projects have the right to request an informal hearing for issues that adversely affect the resident's rights, obligations, welfare, or status with both ECC/HANH and the project owner.

16-III.B. INFORMAL REVIEWS

For the standard and RAD PBV programs, the paragraph is amended to read:

ECC/HANH must give an applicant the opportunity for an informal review of a decision denying assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24 CFR 982.552(a)(2)]:

- Denying listing on the ECC/HANH waiting list

ECC/HANH Policy

HANH will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes denying listing on the ECC/HANH waiting list.

Notice to the Applicant [24 CFR 982.554(a)]

No changes to this section.

Scheduling an Informal Review

No changes to this section.

Informal Review Procedures [24 CFR 982.554(b)]

No changes to this section.

Informal Review Decision [24 CFR 982.554(b)]

No changes to this section.

16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555]

For the PBV program, the paragraph is amended to read:

ECC/HANH is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Terminating housing assistance payments under an outstanding HAP contract

Decisions Subject to Informal Hearing

For the standard PBV program, the paragraph is amended to read:

Circumstances for which ECC/HANH must give a participant family an opportunity for an informal hearing are as follows:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the ECC/HANH utility allowance schedule
- A determination of the family unit size under ECC/HANH's subsidy standards
- An ECC/HANH determination to deny the family's request for exception from the standards
- A determination to terminate assistance for a participant family because of the family's actions or failure to act

- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under ECC/HANH policy and HUD rules
- A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR 984.303(i)]

All of the above apply. For the RAD PBV program, add:

Under RAD, there are additional hearing requirements beyond what is required in standard PBV. The owner must also offer the family an opportunity for a hearing in certain circumstances. The owner is not required to offer an informal hearing for:

- Class grievances
- Disputes between residents not involving owner

The owner must give residents notice of their ability to request an informal hearing for any dispute that a resident may have with the owner's action in accordance with the individual's lease that adversely affects the resident's rights, obligations, welfare, or status. The owner must provide the family with an opportunity for an informal hearing before an eviction.

Informal Hearing Procedures

***Notice to the Family* [24 CFR 982.555(c)]**

For the standard and RAD PBV programs, the paragraph is amended to read:

For decisions related to the termination of the family's assistance, the notice must contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision, the family may request an informal hearing on the decision, and a statement of the deadline for the family to request an informal hearing.

All of the above applies. For the RAD PBV program, add:

Residents must be provided with notice of the specific grounds of the Project Owner's proposed adverse action, as well as their right to an informal hearing with the Project Owner.

***Scheduling an Informal Hearing* [24 CFR 982.555(d)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

***Pre-Hearing Right to Discovery* [24 CFR 982.555(e)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

Participant's Right to Bring Counsel **[24 CFR 982.555(e) (3)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

Informal Hearing Officer **[24 CFR 982.555(e) (4)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

Attendance at the Informal Hearing

No changes to this section.

This section also applies to the owner in RAD PBV.

Conduct at Hearings

No changes to this section.

This section also applies to the owner in RAD PBV.

Evidence **[24 CFR 982.555(e) (5)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

Hearing Officer's Decision **[24 CFR 982.555(e) (6)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

Procedures for Rehearing or Further Hearing

No changes to this section.

This section also applies to the owner in RAD PBV.

ECC/HANH Notice of Final Decision **[24 CFR 982.555(f)]**

No changes to this section.

This section also applies to the owner in RAD PBV.

16-III.D. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

No changes to this section.

Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

No changes to this section.

USCIS Appeal Process [24 CFR 5.514(e)]

No changes to this section.

Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]

No changes to this section.

Informal Hearing Officer

No changes to this section.

Evidence

No changes to this section.

Representation and Interpretive Services

No changes to this section.

Recording of the Hearing

No changes to this section.

Informal Hearing Procedures for Residents [24 CFR 5.514(f)]

No changes to this section.

Retention of Documents [24 CFR 5.514(h)]

No changes to this section.

PART IV: OWNER OR FAMILY DEBTS TO ECC/HANH

No changes to this section for the standard or RAD PBV programs.

This part does not apply to the LIHTC program. The owner must comply with the state of Connecticut's landlord/tenant law when collecting debts owed by the family.

16-IV.A. OVERVIEW

No changes to this section.

16-IV.B. REPAYMENT POLICY

No changes to this section.

Owner Debts to ECC/HANH

No changes to this section.

Family Debts to ECC/HANH

No changes to this section.

Repayment Agreement [24 CFR 792.103]

No changes to this section.

General Repayment Agreement Guidelines for Families

Down Payment Requirement

No changes to this section.

Payment Thresholds

No changes to this section.

Execution of the Agreement

No changes to this section.

Due Dates

No changes to this section.

Late or Missed Payments

No changes to this section.

No Offer of Repayment Agreement

No changes to this section.

Repayment Agreements Involving Improper Payments

No changes to this section.

PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

This part does not apply to the LIHTC program.

16-V.A. OVERVIEW

No changes to this section.

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

No changes to this section.

HUD Verification Method

No changes to this section.

16-V.C. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648]

This section applies to the standard and RAD PBV programs with the exception of Indicator 12: Annual HQS Inspections. PBV basic inspection requirements only call for a random sample of 20 percent of the units in each project to be inspected annually.

PART VI: RECORD KEEPING

16-VI.A. OVERVIEW

No changes to this section for the standard or RAD PBV programs.

This section does not apply to the LIHTC program.

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

No changes to this section for the standard or RAD PBV programs.

For the LIHTC program:

The owner/agent must retain the following records for the first year of the credit period for at least 6 years beyond the due date (with extensions) for filing the federal income tax return for the last year of the compliance period, meaning original files must be retained for 21 years:

- Tenant files
- Monthly unit data tracking
- Project files, including records regarding the use of facilities included in the project's eligible basis;
- Records for each qualified low-income resident by building and unit number;
- LIHTC Owner's Compliance Certification;
- LIHTC Status Report;
- Qualified Basis Tracking Sheet

All other records are required to be retained for at least 6 years after the due date (with extension) for filing the federal income tax return for that year.

16-VI.C. RECORDS MANAGEMENT

No changes to this section.

Privacy Act Requirements [24 CFR 5.212 and Form-9886]

No changes to this section.

Upfront Income Verification (UIV) Records

No changes to this section.

Criminal Records

No changes to this section.

Medical/Disability Records

No changes to this section.

Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

No changes to this section. This section applies to both the PBV and LIHTC programs.

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

While the Lead Hazard Reduction Act of 1992 and certain parts of 24 CFR Part 35 apply to the LIHTC program, requirements listed here for tenant-based assistance programs do not apply to the LIHTC program.

16-VII.A. OVERVIEW

No changes to this section.

16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e)]

No changes to this section.

16-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]

No changes to this section.

PART VIII: DETERMINATION OF INSUFFICIENT FUNDING

16-VIII.A. OVERVIEW

This part does not apply to the standard or RAD PBV programs or the LIHTC program.

Please see Chapter 17 of HANH's Administrative Plan at **PART V; HOUSING ASSISTANCE PAYMENT CONTRACT (HAP)** for when a HAP contract may be terminated due to insufficient funding.

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

16-IX.A. OVERVIEW

No changes to this section.

16-IX.B. DEFINITIONS [24 CFR 5.2003]

No changes to this section.

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

Notification to Public

No changes to this section.

Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]

No changes to this section.

Notification to Owners and Managers [24 CFR 5.2005(a)(2)]

No changes to this section.

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

No changes to this section.

Conflicting Documentation [24 CFR 5.2007(e)]

No changes to this section.

Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]

No changes to this section.

Failure to Provide Documentation [24 CFR 5.2007(c)]

No changes to this section.

16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]

No changes to this section.

Chapter 19

SECTION XVII

PROJECT-BASED VOUCHERS

INTRODUCTION

Since this chapter applies to the standard PBV program, only differences in the RAD PBV program and the LIHTC program are noted.

For the RAD PBV program:

On the whole, regulations for both the standard and RAD PBV programs generally closely follow the regulations for the tenant-based HCV program. While PBV regulations generally follow the tenant-based HCV voucher regulations, they are not identical. Further, RAD PBV rules further deviate from and waive specific standard PBV regulations.

PART I: GENERAL REQUIREMENTS

For the RAD PBV program, the following is amended to read:

> Units converted to PBV under RAD and their associated budget authority are exempt from the 20 percent budget authority cap.
>
> HANH may attach funding to mixed-finance developments which include Project-Based Section 8 units (the "PBV units"). These PBV units may be owned and managed by entities other than HANH. HANH may delegate certain admissions and occupancy functions as discussed within the Administrative Plan to the owners and/or managers of those mixed-finance developments. Such admissions and occupancy functions must be performed in accordance with this Administrative Plan and applicable HUD and HANH requirements.
>
> Mixed-finance developments may be subject to Low-Income Housing Tax Credit (LIHTC) and/or Affordable Housing Program (AHP) Requirements. For purposes of this Administrative Plan:
>
> - Tax Credit Requirements shall mean any and all matters required by Section 42 of the Internal Revenue Code of 1986 and regulations there under (Section 42), the Connecticut Housing Finance Agency (CHFA) or any agreement with a condition of receipt of tax credits, whether or not such requirement is explicitly stated in Section 42, or CHFA requirements; and
> - AHP Requirements shall mean any and all matters required by the Federal Housing Finance Board Affordable Housing Program regulations at 12 CFR 951.
>
> In order to ensure compliance with LIHTC and/or AHP Requirements, ECC/HANH will not impose any policy within this Administrative Plan upon any mixed-finance development if such policies would create non-compliance with Tax Credit

Requirements and/or AHP Requirements.

ECC/HANH will not disapprove Owner policies required for compliance with LIHTC and AHP Requirements, unless mandated by PBV Requirements.

- Examples of policies that may differ than the Administrative Plan include the requirement for annual re-certifications (to the extent required by LIHTC Requirements) and different income tier requirements.

In the event of a conflict between any PBV contract requirements and this Administrative Plan, those deal-specific documents shall control as long as in compliance with PBV Requirements.

  - "PBV Requirements" refers to 24 CFR HUD regulations, any HUD-approved waivers of regulatory requirements, and federal laws, notices and Executive Orders pertaining to Project-Based Section 8 Units, including future waivers or amendments.

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

For the RAD PBV program:

This section applies, however, for the RAD PBV program certain standard PBV rules are waived and different rules apply.

This section does not apply to LIHTC.

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

For the RAD PBV program:

In some developments, in-place residents may need to be relocated as a result of properties undergoing repairs, being demolished and rebuilt, or when assistance is transferred from one site to another. RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed.

Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements. Sample informing notices are provided in Appendices 2-5 of PIH Notice 2014-17. While ECC/HANH is not required to have a written relocation plan, HUD strongly encourages ECC/HANH to prepare one. Appendix I of PIH Notice 2014-17 contains recommended contents for a relocation plan.

In addition, ECC/HANH must undertake a planning process that complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), although not all relocations under RAD will trigger requirements under URA. URA statute and implementing regulations may be found at 49 CFR Part 24.

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

For the RAD PBV program:

ECC/HANH must comply with all applicable fair housing and civil rights laws, including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, when conducting relocation planning and providing relocation assistance. For example, persons with disabilities returning to the RAD project may not be turned away or placed on a waiting list due to a lack of accessible units. Their need for an accessible unit must be accommodated.

PART II: PBV OWNER PROPOSALS

This part does not apply to LIHTC.

17-II.A. OVERVIEW

This section does not apply to the RAD PBV program.

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

This section does not apply to the RAD PBV program. HUD waives the owner proposal selection procedures at 24 CFR 983.51. HUD selects the RAD properties through a competitive selection process.

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

This section does not apply to the RAD PBV program.

ECC/HANH-Owned Units [24 CFR 983.51(e) and 983.59]

For the RAD PBV program, the following section is amended to read:

For units converting to RAD PBV, housing quality standards inspections must be conducted by an independent entity approved by HUD.

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

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

Ownership and Control

For public housing conversions to PBV under RAD, ownership must be either of the following:

- A public or nonprofit entity satisfies the requirement if it:
    - Holds a fee simple interest in the real property of the RAD project
    - Is the lessor under a ground lease with the Project Owner
    - Has direct or indirect legal authority to direct the financial and legal interest of the Project Owner with respect to the RAD units
    - Owns 51 percent or more of the general partner interest in a limited partnership or 51 percent or more of the managing member interest in a limited liability company with all the powers of a general partner or managing member, as applicable
    - Owns a lessor percentage of the general partner or managing member interest and holds certain controls as approved by HUD
    - Owns 51 percent or more of all ownership interest in a limited partnership or limited liability company and holds certain rights as approved by HUD; or
    - Other ownership and control arrangements approved by HUD.
- A private entity, if the property has low-income tax credits. ECC/HANH must maintain control via a ground lease.

ECC/HANH Notice of Owner Selection [24 CFR 983.51(d)]

This section does not apply to the RAD PBV program.

17-II.C. HOUSING TYPE [24 CFR 983.52]

This section does not apply to the RAD PBV program.

17-II.D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS

This section does not apply to the RAD PBV program.

17-II.E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55, FR Notice 11/24/08, FR Notice 7/9/10, and FR Notice 6/25/14]

For the RAD PBV program:
In the case that ECC/HANH is converting all of its ACC units, there is no restriction on the amount of public housing funds that may be contributed to the Covered Project(s) at Closing; ECC/HANH may convey all program funds to the Covered Project. HUD will recapture any public housing funds that ECC/HANH has not expended once it no longer has units under ACC. In the case where ECC/HANH will continue to maintain other units in its inventory under public housing ACC, a contribution of Operating Funds to the Covered Project that exceeds the average amount the project has held in Operating

Reserves over the past three years will trigger a subsidy layering review under 24 CFR § 4.13. Similarly, any contribution of Capital Funds, including RHF or DDTF, will trigger a subsidy layering review. Notwithstanding the subsidy layering review, ECC/HANH should be mindful of how the Capital Funds or Operating Reserves used in the financing of its RAD properties may impact the physical and financial health of properties that will remain in its public housing inventory.

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

25 Percent per Project Cap [24 CFR 983.56]

For the RAD PBV program:

There is no cap on the number of PBV units in a Project that may be converted to RAD.

Exceptions to 25 Percent per Project Cap [24 CFR 983.56(b)]

There is no cap on the number of PBV units in a Project that may be converted to RAD.

Family Responsibility to Comply with Supportive Service Plans

Families selected for occupancy and assistance in a PBV supportive housing unit will be required to enter into an individualized supportive service plan with the service provider. The supportive service plan is intended to help the family:

- Build family self-sufficiency;
- Maintain their housing; and
- To live independently and effectively in their community.

In PBV developments offering supportive services, at least one family member is to receive/participate in the available supportive services.

- At the time of initial lease execution between the family and the owner, the family must sign a statement which includes all family obligations, including the requirement to participate in a supportive service plan.
- At the family's annual recertification, ECC/HANH requires written documentation from the service provider indicating the family's continued compliance with the terms of the supportive services plans.
- At ECC/HANH's sole discretion, ECC/HANH may request quarterly documentation of service plan compliance for new participants, or more frequent periodic documentation for families who have not fully complied with their supportive service plan.

The family is eligible to receive assistance while the family is compliant with its supportive services plan. In addition, a family who has occupied a PBV unit and has been compliant with its supportive housing plan, and has successfully completed the supportive housing plan, is eligible to continue to receive PBV assistance so long as the family resides in the unit.

Under RAD, the requirement that a family must actually receive services to reside in a unit where families receive supportive services differs. Families living in units that will convert under RAD must be given the option to receive supportive services. If such services are declined by the household, the unit shall remain under the HAP contract, the household shall not be terminated from the PBV program, and the decision to decline an offer to receive supportive services shall not represent a ground for lease termination. Once the initial household residing in the excepted unit under RAD vacates such unit, all PBV program requirements related to the required receipt of supportive services shall apply.

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

This section does not apply to the RAD PBV program.

17-II.G. SITE SELECTION STANDARDS

For the RAD PBV program:

Site selection requirements set forth in 24 CFR 983.57 apply to RAD PBV, with the exception of 983.57(b) (1) and (c) (2). HUD waives the provisions regarding deconcentration of poverty and expanding housing and economic opportunity, for existing housing sites. If units are transferred to a different housing site, then deconcentration rule applies.

HUD will conduct a front-end civil rights review of PBV RAD conversions that involve new construction that is located in an area of minority concentration (whether on the existing public housing site or on a new site) to determine whether it meets one of the conditions that would allow for new construction in an area of minority concentration.

ECC/HANH must ensure that its RAD PBV conversion, including any associated new construction, is consistent with its certification to affirmatively further fair housing and complies with civil rights laws.

17-II.H. ENVIRONMENTAL REVIEW [24 CFR 983.58]

For the RAD PBV program:

The financing plan includes a requirement for an environmental review. See Attachment 1A of PIH 2012-32, REV-2.

PART III: DWELLING UNITS

17-III.A. OVERVIEW

No changes to this section.

17-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]

No changes to this section for the RAD PBV program.

For the LIHTC program:

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect LIHTC units using HUD's Uniform Physical Condition Standards (UPCS) and State Building Codes.

Lead-based Paint [24 CFR 983.101(c)]

No changes to this section for the RAD PBV program.

For the LIHTC program:

While the Lead Hazard Reduction Act of 1992 and certain parts of 24 CFR Part 35 apply to the LIHTC program, requirements listed here for tenant-based assistance programs do not apply to the LIHTC program.

17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES

No changes to this section.

17-III.D. INSPECTING UNITS

Pre-selection Inspection [24 CFR 983.103(a)]

For the RAD PBV program:

ECC/HANH enters into the HAP contract when financing closes for the property. All units that are undergoing rehabilitation must meet HQS by dates set in the conversion commitment with HUD.

This section does not apply to the LIHTC program.

Pre-HAP Contract Inspections [24 CFR 983.103(b)]

For the RAD PBV program:

ECC/HANH enters into the HAP contract when financing closes for the property. All units that are undergoing rehabilitation must meet HQS by dates set in the conversion commitment with HUD.

This section does not apply to the LIHTC program.

Turnover Inspections [24 CFR 983.103(c)]

No changes to this section for the RAD PBV program.

This section does not apply to the LIHTC program.

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

No changes to this section for the RAD PBV program.

The owner/agent must certify annually that the buildings and units in an LIHTC project were suitable for occupancy.

Other Inspections [24 CFR 983.103(e)]

No changes to this section for the RAD PBV program.

The state of Connecticut's LIHTC compliance manual states that Spectrum will inspect 20% of the units and all common areas in all buildings by December 31st of the second year after the last building places in service. Spectrum will notify the owner/agent at least 30 days in advance of the site visit.

Inspecting ECC/HANH-Owned Units [24 CFR 983.103(f)]

No changes to this section for the RAD PBV program.

This section does not apply to the LIHTC program.

PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS

For the RAD PBV program:

This part does not apply to the RAD PBV program. The definitions for proposal selection date, new construction, rehabilitation, and existing housing are not applicable. For public housing conversions, an AHAP is not required. Instead, a RAD conversion commitment (RCC) between HUD and ECC/HANH governs the construction work. For requirements for RAD PBV conversions see Notice PIH 2012-32, REV-2.

This part does not apply to the LIHTC program.

PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

This part does not apply to the LIHTC program.

17-V.A. OVERVIEW

No changes to this section.

17-V.B. HAP CONTRACT REQUIREMENTS

Contract Information [24 CFR 983.203]

For the RAD PBV program:

The PBV RAD program uses the HAP contract for new construction or rehabilitated housing (HUD Form 52530A), as modified by the RAD rider (HUD Form 52621). The distinction between "existing housing" and "rehabilitated and newly constructed housing" is overridden by RAD requirements. The RAD rider must be attached to the PBV HAP Contract and effectuates the conversion of public housing to PBV under RAD

PBV. The project must also have an initial RAD Use Agreement. All public housing RAD conversion properties financed with LIHTC are required to include an LIHTC rider.

Execution of the HAP Contract [24 CFR 983.204]

For the RAD PBV program:

When the conditions of the CHAP and the RCC are met and the conversion has closed, ECC/HANH executes the HAP contract. The HAP contract effective date is the date of the financial closing for the property, whether or not all units meet HQS.

Term of HAP Contract [24 CFR 983.205]

For the RAD PBV program:

The initial term of the HAP Contract may not be for less than 15 years, and may be for a term of up to 20 years upon request of the owner and with approval of the administering voucher agency. Upon expiration of the initial term of the contract, and upon each renewal term of the contract, the owner must accept each offer to renew the contract, subject to the terms and conditions applicable at the time of each offer, and further subject to the availability of appropriations for each year of each such renewal.

Termination by ECC/HANH [24 CFR 983.205(c)]

No changes to this section.

Termination by Owner [24 CFR 983.205(d)]

This section does not apply to the RAD PBV program.

Statutory Notice Requirements: Contract Termination or Expiration [24 CFR 983.206]

This section does not apply to the RAD PBV program.

Remedies for HQS Violations [24 CFR 983.208(b)]

No changes to this section.

17-V.C. AMENDMENTS TO THE HAP CONTRACT

Substitution of Contract Units [24 CFR 983.207(a)]

For the RAD PBV program:

In certain mixed finance projects, ECC/HANH may ask HUD permission to have assistance float among unoccupied units within the project that are the same bedroom size. The unit to which assistance is floated must be comparable to the unit being replaced in quality and amenities. For 504 accessible units, assistance may only float to another 504 accessible unit with the same bedroom size and features.

If ECC/HANH chooses to float units, units are not specifically identified on the HAP contract, rather the HAP contract must specify the number and type of units in the property that are RAD PBV units, including any excepted units. The property must

maintain the same number and type of RAD units from the time of the initial HAP contract execution forward.

ECC/HANH may not reduce the number of assisted units without HUD approval. Any HUD approval of ECC/HANH's request to reduce the number of assisted units under is subject to conditions that HUD may impose. MTW agencies may not alter this requirement.

Addition of Contract Units [24 CFR 983.207(b)]

For the RAD PBV program:

Project owners are required to make available for occupancy by eligible tenants the number of assisted units under the terms of the HAP contract.

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

For the RAD PBV program, the following is amended to read:

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

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

There is a single annual anniversary and expiration date for all units under a particular HAP contract. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

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

No changes to this section.

17-V.F. ADDITIONAL HAP REQUIREMENTS

Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.208(a)]

This section does not apply to the RAD PBV program.

Vacancy Payments [24 CFR 983.352(b)]

No changes to this section.

Riders and Amendments

Various riders amend the PBV HAP contract for RAD conversions. The riders are important component of the RAD HAP contracts, and just like exhibits, must be attached to the contract.

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS

17-VI.A. OVERVIEW

No changes to this section.

17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

No changes to this section.

In-Place Families [24 CFR 983.251(b)]

For the RAD PBV program:

For the RAD PBV program, in-place families means a family who lived in a pre-conversion property at the time assistance was converted from public housing to PBV under RAD.

For the LIHTC program:

The LIHTC program does not recognize protections for existing residents. In order for a unit to qualify as an LIHTC unit, the family must be under the applicable MTSP income limit.

17-VI.C. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(c)]

For the RAD PBV program:

ECC/HANH must offer families on a public housing site-based waiting list, priority for occupancy at the converted site.

ECC/HANH must maintain the site-based waiting list in accordance with all applicable civil rights and fair housing regulations found at 24 CFR 903.7(b)(2)(ii)-(iv). ECC/HANH must provide applicants full information about each development including an estimate of the wait time, location, occupancy, number and size of accessible units, amenities like day care, security, transportation and training programs at each development with a site-based waiting list.

The system for selection from site-based waiting lists must be consistent with all applicable civil rights and fair housing laws and regulations and may not be in conflict with any imposed or pending court order, settlement agreement or complaint brought by HUD.

ECC/HANH must assess any changes in racial, ethnic or disability-related tenant composition at each ECC/HANH site that may have occurred during the implementation of the site-based waiting list, based on confirmed and accurate PIC occupancy data. At least every three years, ECC/HANH must use independent testers to assure that the site-based system is not being implemented in a discriminatory manner.

Since HANH currently maintains a project-specific waiting list for public housing, a project-specific waiting list will be used after conversion for RAD PBV units. Applicants on the original site-based public housing waiting list will maintain their date and time of

application upon conversion. Applicants will be transferred to the project specific PBV waiting list.

17-VI.D. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

Admission Preferences for RAD Project Based Voucher Units

Only elderly families may be admitted to units or buildings covered by a HUD approved Elderly Housing Designation Plan prior to date of conversion to project based rental assistance. The buildings and units covered by a HUD-approved elderly housing designation plan are set forth below.

When there are insufficient Elderly families on the waiting list, Near Elderly families (head or household or spouse ages 50 to 61) may receive a priority for this type of unit if the approved Plan for designation so specified.

The Owner must give preference to Elderly families and Disabled families equally in determining priority for admission to following development that were classified as Mixed Population developments prior to conversion: Charles McQueeney, Fairmont Heights, Ruoppolo Manor, Robert T. Wolfe, and Winslow Celentano. The owner must provide preference for the Elderly for the following units and unit mix at Elderly Designated developments.

Elderly Designated Unit Mix Prior to Conversion to Project-based Rental Assistance

NUMBER OF BEDROOMS	0	1	2	3	4	5	6	TOTAL
Prescott Bush	20	25	5	0	0	0	0	50
Katherine Harvey Terrace	0	12	0	0	0	0	0	12
Newhall Gardens	0	23	0	0	0	0	0	23
C.B. Motley	8	34	0	0	0	0	0	42
122 Wilmot		25	1					26
TOTAL	28	119	6	0	0	0	0	153

The Owner may not establish a limit on the number of Elderly families or Disabled families who may be accepted for occupancy in a development that was Mixed Population development prior to conversion. In selecting Elderly families and Disabled families to occupy units in mixed population developments, the owner must first offer units that have special accessibility features for persons with disabilities to families who include persons

with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of this Part 24 CFR title)."

Waiting Lists for Converted Units

The Owner shall use the ECC/HANH site based waiting for each developments list used by it prior to conversion for the selection of occupants post-conversion, except for units that have special accessibility features for persons with disabilities who require the accessibility features of such units (see §§ 8.27 and 100.202 of Part 24 CFR)."

Occupants of units with accessibility features shall be selected from

(1) a current occupant of another unit of the same project, or comparable projects under common control, having disabilities requiring the accessibility features of the vacant unit and occupying a unit not having such features, or, if no such occupant exists, then
(2) a current occupant of a LIPH, PBV or RAD/PBV unit from the Reasonable Accommodation Transfer List

(2) to an eligible qualified applicant on the Agency wide Accessible Waiting List having a disability requiring the accessibility features of the vacant unit.

With respect to units where preference for occupancy shall be to the elderly or to the elderly and disabled on an equal basis, the Authority shall transfer each site based waiting list to the owner and the Owner shall manage each list in accordance with the Authority-approved resident selection plan. The Owner shall select occupants from these lists until all applicants on these lists shall have been either offered a unit, withdrawn or removed, or rejected for admission. The Owner shall maintain its site based waiting list once these requirements have been met.

Income Targeting [24 CFR 983.251(c) (6)]

For the RAD PBV program:

Families in place at the time of the conversion are exempt from income targeting requirements. New admissions follow standard PBV requirements.

This section does not apply to the LIHTC program.

Units with Accessibility Features [24 CFR 983.251(c) (7)]

No changes to this section.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08]

No changes to this section.

For the RAD PBV program:

If the converted project will serve a different population than the one served by the original project, ECC/HANH must obtain written HUD approval.

17-VI.E. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e) (3)]

No changes to this section.

Disapproval by Landlord [24 CFR 983.251(e) (2)]

No changes to this section.

Acceptance of Offer [24 CFR 983.252]

TIME LIMIT FOR UNIT OFFER ACCEPTANCE OR REFUSAL

ECC/HANH Policy

The unit offer letter will inform the applicant of the unit being offered. The unit offer letter will include an appointment date and time, to meet with the Property Manager to view the unit. The letter will state that the applicant must accept or reject the unit offer within 3 business days after viewing the unit.

If the applicant does not accept the unit offer within the 3 business day, time limit, the Owner will consider the offer rejected.

Lease-up effective date will be within two weeks of unit acceptance. Extension of the move in date is subject to approval by the Owner. A maximum of a one-week extension will be granted, ensuring that lease-up will take place no more than three weeks after unit acceptance, provided that unit is ready.

17-VI.F. OWNER SELECTION OF TENANTS

No changes to this section.

Leasing [24 CFR 983.253(a)]

No changes to this section.

Filling Vacancies [24 CFR 983.254(a)]

No changes to this section.

Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]

For RAD PBV:

ECC/HANH may not reduce the number of assisted units without HUD approval. Any HUD approval of an ECC/HANH's request to reduce the number of assisted units under is subject to conditions that HUD may impose. MTW agencies may not alter this requirement.

This section does not apply to the LIHTC program.

17-VI.G. TENANT SCREENING [24 CFR 983.255]

No changes to this section.

Owner Responsibility

No changes to this section.

PART VII: OCCUPANCY

17-VII.A. OVERVIEW

No changes to this section.

17-VII.B. LEASE [24 CFR 983.256]

No changes to this section.

Form of Lease [24 CFR 983.256(b)]

No changes to this section.

Lease Requirements [24 CFR 983.256(c)]

No changes to this section.

For the RAD PBV program:

ECC/HANH must include resident procedural rights for termination notification and grievance procedures in the owner's lease. These requirements are not part of the regular PBV program but are required under RAD. An example of language that may be included can be found in Attachment-1E of PIH 2012-32, REV-2.

Tenancy Addendum [24 CFR 983.256(d)]

No changes to this section for the RAD PBV program.

This section does not apply to the LIHTC program.

Initial Term and Lease Renewal [24 CFR 983.256(f)]

No changes to this section.

For the RAD PBV program:
Leases for residents who will remain in place (i.e., who will not be relocated solely as a result of conversion) must have an effective date that coincides with — and must be signed on or before —the effective date of the RAD PBV HAP contract.

Changes in the Lease [24 CFR 983.256(e)]

No changes to this section.

Owner Termination of Tenancy [24 CFR 983.257]

No changes to this section.

For the RAD PBV program:

Projects converting from public housing to PBV under RAD have additional procedural rights that do not apply to the standard PBV program. These procedural rights must be included in the owner's lease as well as ECC/HANH's administrative plan. In addition to the regulations at 24CFR 983.257 related to project owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD

conversions to PBV will require that ECC/HANH provide adequate written notice of termination of the lease which shall not be less than:

A reasonable period of time, but not to exceed 30 days:

- If the health or safety of other tenants, ECC/HANH employees, or persons residing in the immediate vicinity of the premises is threatened; or
- In the event of any drug-related or violent criminal activity or any felony conviction;
- 14 days in the case of nonpayment of rent; and
- 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

Unlike in the standard PBV program, residents in converted projects have the right to request an informal hearing for issues that adversely affect the resident's rights, obligations, welfare, or status with both the ECC/HANH and the project owner. See Chapter 16

PART VIII: TERMINATION OF TENANCY

This section does not apply to the LIHTC program. Neither the state of Connecticut's LIHTC compliance manual nor the IRS Code discusses termination of tenancy. Termination of tenancy in the LIHTC program must comply with the state of Connecticut's landlord/tenant law. In addition, federal VAWA requirements apply to the LIHTC program.

Non-Compliance with Supportive Services Requirement [24 CFR 983.257(c), FR Notice 11/24/08]

For the RAD PBV program:

Under RAD, the requirement that a family must actually receive services to reside in a unit where families receive supportive services differs. Families living in units that will convert under RAD must be given the option to receive supportive services. If such services are declined by the household, the unit shall remain under the HAP contract, the household shall not be terminated from the PBV program, and the decision to decline an offer to receive supportive services shall not represent a ground for lease termination. Once the initial household residing in the excepted unit under RAD vacates such unit, all PBV program requirements related to the required receipt of supportive services shall apply.

This section does not apply to the LIHTC program.

Tenant Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]

No changes to this section for the RAD PBV program.

This section does not apply to the LIHTC program.

Continuation of Housing Assistance Payments [24 CFR 982.258]

For the RAD PBV program:

Current residents living in the property prior to conversion are placed on and remain under the HAP contract when TTP equals or exceeds gross rent. In this case, the family will pay with owner an amount equal to their TTP. The family will continue to pay this amount until/if circumstances change and HAP is paid on their behalf. In other words, assistance may subsequently be reinstated if the tenant becomes eligible for assistance. In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract.

Following conversion, the standard PBV regulations apply to any new families follow this section as written.

This section does not apply to the LIHTC program.

Security Deposits [24 CFR 983.259]

For the RAD PBV program:

Owners are permitted to recognize security deposit amounts that have been previously provided by tenants who are in-place at the time of the RAD conversion. Otherwise the security deposit requirements for standard PBV apply.

This section does not apply to the LIHTC program.

FSS and ROSS Programs

Public housing residents that are current FSS participants continue to be eligible for FSS once after conversion. ECC/HANH is allowed to use any remaining PH FSS funds to serve participants living in converted units.

Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the FY15 Appropriations Act), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD. However, ECC/HANH should note that there are certain FSS requirements (e.g. escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and ECC/HANH must follow such requirements accordingly.

ECC/HANH will be required to administer the FSS program in accordance with FSS regulations at 24 CFR Part 984, the participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100. Further, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents.

This section does not apply to the LIHTC program.

Resident Participation & Funding

Covered Projects with converted PBV assistance have the right to establish and operate a resident organization to address issues related to their living environment and are eligible for resident participation funding. The public housing rules governing resident organizations at 24 CFR 964 do not apply. Funding for resident organizations is $25 per occupied unit per year for resident participation. These funds come from the property's operating budget, and $15 of these funds must be provided to legitimate resident organizations. These are defined as organizations that:

- Have been established by the residents of a Covered Project;
- Meets regularly;
- Operates democratically
- Is representative of all residents in the project;
- Is completely independent of the Project Owner, management, and their representatives.

If a legitimate resident organization does not exist, the owner and residents should work together should work together and may form a new resident organization.

This section does not apply to the LIHTC program.

17-VIII.A. MOVES

For the RAD PBV program:

All in-place tenants at the time of conversion are eligible to remain in the project. Over-housed families should be moved into appropriately sized units if such units are available in the new or rehabbed project. If appropriately sized units are not available, the existing tenants may continue to be over-housed until an appropriately sized unit becomes available or until the tenant leaves the project. Once the unit turns over, it must be leased to an appropriately sized family.

Following conversion, the standard PBV regulations apply to any new families follow this section as written.

For the LIHTC program:

See Chapter 10 **MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY**.

Family Right to Move [24 CFR 983.261]

No changes to this section.

For the RAD PBV program:

Under RAD, ECC/HANH has the option to establish a turnover cap for choice mobility. ECC/HANH must include this policy in the administrative plan if it chooses to adopt a turnover cap. If, as a result of RAD, the total number of PBV units (including RAD PBV units) administered by ECC/HANH exceeds 20 percent of ECC/HANH's authorized units under its HCV ACC with HUD, ECC/HANH may establish a turnover cap. ECC/HANH is not required to provide more than three-quarters of its turnover vouchers in any single year to the residents of covered projects. If ECC/HANH chooses to establish a turnover cap and the cap is implemented, ECC/HANH must create and maintain a waiting list in the order requests from eligible households were received.

17-VIII.B. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.262]

No changes to this section.

This section does not apply to the LIHTC program.

PART IX: DETERMINING RENT TO OWNER

For the RAD PBV program:

RAD conversions are intended to be cost neutral, and therefore, should not exceed current public housing funding as adjusted for unit size. Since public housing units do not currently have contract rents, HUD provides an estimate of current contract rents for each of ECC/HANH's public housing units based on current funding as adjusted by bedroom size. Current funding includes operating subsidy, tenant rents, capital funds, and replacement housing factor funds. The funding may limit the amount of initial rent for a property. Additionally, agencies may bundle rents and MTW agencies have additional flexibilities when setting rents. Notwithstanding HUD's calculation or any flexibility allowed to ECC/HANH in setting rents, contract rents are subject to the statutory and regulatory standard PBV requirements governing contract rents. A detailed explanation of the determination of current funding may be found in Attachment 1C of PIH 2012-32, Rev-2.

This part does not apply to the LIHTC program. In the LIHTC program:

Rents are not income-based. Units qualifying for LIHTC are subject to rent restrictions that set a maximum gross rent that may be charged. The maximum gross rent equals the tenant portion of rent plus the cost of tenant-paid utilities (the utility allowance) and any other non-optional charges. If tenants are overcharged, the unit is in noncompliance and recapture of credits may occur. In units that receive Section 8 (i.e. PBV and HCV) if the

tenant portion of rent increases above the LIHTC maximum gross rent, thereby reducing the Section 8 subsidy, the higher rent may be charged.

17-IX.A. RENT LIMITS [24 CFR 983.301]

For the RAD PBV program:

Notwithstanding the current funding level, the initial rents are set at the lower of:

- 110% of the fair market rent (FMR) or ECC/HANH's exception payment standard approved by HUD, or the alternate rent cap in an ECC/HANH's MTW agreement
- Reasonable rent in comparison to the unassisted housing market
- An amount determined by current funding
- Adjusted through rent bundling or reconfiguration of units

Certain Tax Credit Units [24 CFR 983.301(c)]

No changes to this section.

Reasonable Rent [24 CFR 983.301(e) and 983.302(c) (2)]

No changes to this section.

Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]

For the RAD PBV program:

This section does not apply to the RAD PBV program. For detailed information on setting initial contract rents, see Attachment 1C of Notice PIH 2012-32, REV-2.

Redetermination of Rent [24 CFR 983.302]

This section does not apply to the RAD PBV program.

Rent Increase

For the RAD PBV program:

Unlike in the standard PBV program, in the RAD PBV program, contract rents are adjusted by HUD's operating cost adjustment factor (OCAF) at the anniversary date of the HAP contract (subject to the availability of appropriations for that year). However, contract rents may not exceed the reasonable rent, with the exception that the contract rent for each unit may not be reduced below the initial contract rent under the initial HAP contract.

However, the rent to owner may fall below the initial contract rent in the following situations:

- To correct errors in calculations in accordance with HUD requirements;
- If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to § 983.55 (Prohibition of excess public assistance); or
- If a decrease in rent to owner is required based on changes in the allocation of responsibility for utilities between the owner and the tenant.

The contract rent adjustment will be the lesser of:

- The current contract rent increased by the operating cost adjustment factor (OCAF), which is published annually in the Federal Register
- The reasonable rent

  Year 1: Any recertification (interim or annual) performed prior to the second - annual recertification after conversion – 20 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

  Year 2: Year 2 annual recertification and any interim recertification prior to year 3 annual recertification – 25 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

  Year 3: Year 3 annual recertification and any interim recertification prior to year 4 annual recertification – 33 percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

  Year 4: Year 4 annual recertification and any interim recertification prior to year 5 annual recertification – 50percent of the difference between the most recently paid TTP or Flat Rent and the Calculated PBV TTP

  Year 5: Year 5 annual recertification and all subsequent recertifications – Full Calculated PBV TTP.

Rent Decrease

For the RAD PBV program:

Rents must not be reduced below the initial rent except to correct errors, for additional subsidy to the property, or to realign utility responsibilities.

Notice of Rent Change

For the RAD PBV program:

Rent adjustments are made on the contract anniversary date for all PBV units. Adjusted rents may not exceed the lower of the reasonable rent, or the contract rent increased by the operating cost adjustment factor (OCAF), except if the rent increase would result in a rent below the initial rent. Rents must not fall below the initial contract rent.

ECC/HANH Owned Units [24 CFR 983.301(g)]

For the RAD PBV program, the following is amended to read:

For ECC/HANH-owned PBV units, the initial rent to owner and the annual redetermination of rent at the anniversary of the HAP contract are determined by the independent entity approved by HUD.

PART X: PAYMENTS TO OWNER

This part does not apply to the LIHTC program.

17-X.A. HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351]

No changes to this section.

For a discussion of funding during the first year after the conversion for units converting to PBV under RAD, see Notice PIH 2012-32, REV-2.

17-X.B. VACANCY PAYMENTS [24 CFR 983.352]

No changes to this section.

17-X.C. TENANT RENT TO OWNER [24 CFR 983.353]

No changes to this section.

For the RAD PBV program, add:

Once the contract rent is established, the standard PBV rent determination rules apply when calculating the family's share of the rent with one exception.

If an existing tenant's rent increases as a result of a RAD conversion by more than the greater of 10 percent or $25, the rent increase must be phased in over 3 or 5 years or a combination depending on circumstances. ECC/HANH must establish the length of the phase in period in their administrative plan and must be in place at the time of conversion and may not be modified after the conversion date. Once the tenant's TTP is calculated as equal to or less than the previous TTP (or flat rent, if in Year 1 of the phase-in), the phase-in ends and tenants will pay full TTP from that point forward. For example, if a tenant's previous TTP was $300 and their new (standard) TTP is reduced to $200 because of loss of income, the tenant's rent will no longer be phased in.

ECC/HANH Policy

Option 1

Three-Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the standard TTP.
- Year 2: Annual recertification and any interim recertification prior to Year 3 annual recertification – 66% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 annual recertification and all subsequent recertifications – Full standard TTP.

Option 2

Five-Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the standard TTP.
- Year 2: Annual recertification and any interim recertification prior to Year 3 annual recertification – 40% of difference between most recently paid TTP and the standard TTP.
- Year 3: Annual recertification and any interim recertification prior to Year 4 AR – 60% of difference between most recently paid TTP and the standard TTP.
- Year 4: Annual recertification and any interim recertification prior to Year 5 annual recertification – 80% of difference between most recently paid TTP and the standard TTP.
- Year 5 annual recertification- Full standard TTP

Tenant and ECC/HANH Responsibilities

No changes to this section.

Utility Reimbursements

No changes to this section.

17-X.D. OTHER FEES AND CHARGES [24 CFR 983.354]

No changes to this section.

Other Charges by Owner

No changes to this section.

Chapter 20

SPECIAL PURPOSE VOUCHERS

INTRODUCTION

Special purpose vouchers are specifically funded by Congress in separate appropriations from regular HCV program funding in order to target specific populations. Special purpose vouchers include vouchers for the following programs:

- Family Unification Program (FUP)
- Foster Youth to Independence (FYI) program
- Veterans Affairs Supportive Housing (VASH)
- Mainstream
- Non-Elderly Disabled (NED)
- Stability Voucher (SV) program
- Emergency Housing Vouchers (EHV)

ECC/HANH Policy

ECC/HANH will administer the following types of special purpose vouchers:

Veterans Affairs Supportive Housing (VASH)

Stability Voucher (SV)

Emergency Housing Voucher (EHV)

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

Part I: Veterans Affairs Supportive Housing (VASH)
Part II: Stability Voucher program
Part III: Emergency Housing Vouchers

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

PART I: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM

20-I.A. OVERVIEW

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

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

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

Generally, the HUD-VASH program is administered in accordance with regular HCV program requirements. However, HUD is authorized to waive or specify alternative requirements to allow PHAs to effectively deliver and administer VASH assistance. Alternative requirements are established in the HUD-VASH Operating Requirements, which were originally published in the Federal Register on May 6, 2008, and updated September 27, 2021. Unless expressly waived by HUD, all regulatory requirements and HUD directives regarding the HCV program are applicable to VASH vouchers, including the use of all HUD-required contracts and other forms, and all civil rights and fair housing requirements. In addition, the PHA may request additional statutory or regulatory waivers that it determines are necessary for the effective delivery and administration of the program.

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

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

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

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

ECC/HANH Policy

In order to expedite the screening process, ECC/HANH will provide all forms and a list of documents required for the VASH application to the VAMC. VAMC case managers will work with veterans to fill out the forms and compile all documents prior to submitting an application to ECC/HANH. the VAMC case manager must submit applications in-person, mail, email, fax, or through any of ECC/HANH's designated software platform.

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

20-I.C. HCV PROGRAM ELIGIBILITY [FR Notice 9/27/21]

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

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

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

Social Security Numbers

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

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

Proof of Age

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

Photo Identification

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

Income Eligibility

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

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

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

Screening

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

If a family member is subject to lifetime registration under a state sex offender registration program, the remaining family members may be served if the family agrees to remove the sex offender from its family composition. This is true unless the family member subject to lifetime

registration under a state sex offender registration program is the homeless veteran, in which case the family would be denied admission to the program [New HCV GB, *HUD-VASH*, p. 6].

Denial of Assistance [Notice PIH 2008-37]

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

20-I.D. CHANGES IN FAMILY COMPOSITION

Adding Family Members [FR Notice 9/27/21]

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

Remaining Family Members [HUD-VASH Questions and Answers]

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

Family Break Up [HUD-VASH Questions and Answers]

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

20-I.E. LEASING [FR Notice 9/27/21]

Waiting List

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

Exception Payment Standards

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

Voucher Issuance

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

ECC/HANH Policy

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

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

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

Initial Lease Term

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

Ineligible Housing [FR Notice 6/18/14]

Unlike in the standard HCV program, VASH families are permitted to live on the grounds of a VA facility in units developed to house homeless veterans. This applies to both tenant-based assistance and PBV. Therefore, 24 CFR 982.352(a)(5) and 983.53(a)(2), which prohibit units on the physical grounds of a medical, mental, or similar public or private institution, do not apply to VASH for this purpose only. Accordingly, ECC/HANH policy in 9-I.D., Ineligible Units, does not apply for this purpose only.

Pre-Inspections

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

ECC/HANH Policy

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

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

20-I.F. PORTABILITY [FR Notice 9/27/21 and Notice PIH 2011-53]

General Requirements

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

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

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

Portability within the Initial VAMC or DSP's Catchment Area

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

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

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

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

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

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

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

verbal self-certification or a written request from a participant seeking a move beyond the catchment area of the VAMC or DSP.

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

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

20-I.G. TERMINATION OF ASSISTANCE [FR Notice 9/27/21]

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

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

Cessation of Case Management

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

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

VAWA [FR Notice 9/27/21]

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

20-I.H. PROJECT-BASING VASH VOUCHERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PART II: STABILITY VOUCHER PROGRAM

20-II.A. PROGRAM OVERVIEW [Notice PIH 2022-24]

The Consolidated Appropriations Act, 2021 (Public Law 116-260) (2021 Act) provided new incremental funding for voucher assistance through Stability Vouchers (SVs) for households who are:

- Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a));
- At-risk of homelessness;
- Those fleeing or attempting to flee domestic violence dating violence, sexual assault, stalking, or human trafficking; and
- Veterans and families that include a veteran family member that meet one of the above criteria.

HUD may waive certain statutory and regulatory provisions to administer the SVs (except for requirements related to tenant rights and protections, rent setting, fair housing, nondiscrimination, labor standards and the environment) upon a finding that any such waivers or alternative requirements are necessary to facilitate the use of funds made available for SVs. Unless expressly waived below, all statutory and regulatory requirements and HUD directives regarding the HCV program are applicable to SVs, including the use of all HUD required contracts and other forms. ECC/HANH may request additional good cause regulatory waivers as established in Notice PIH 2018-16 in connection with the use of the SVs, which HUD will consider and assess upon the request of ECC/HANH.

20-II.B. PARTNERING ORGANIZATION [Notice PIH 2022-24]

SV funding is only awarded to PHAs that partner with eligible Continuums of Care (CoCs) or other entities that serve the targeted population, such as Victim Service Providers (VSPs) and Veteran Service Organizations (VSOs) serving the targeted population in the PHA's jurisdiction to implement coordinated approaches to reduce the prevalence of homelessness, improve service engagement, and promote housing stability while ensuring geographical need of assistance.

ECC/HANH must enter into a Memorandum of Understanding (MOU) with the CoC to establish a partnership with the CoC to pair SVs with CoC-funded supportive services, and to collaborate with the CoC and other stakeholders to develop a prioritization plan for these vouchers.

<u>ECC/HANH Policy</u>

ECC/HANH has entered into an MOU with the following partnering organization; ***Department of Mental Health and Addiction Services on behalf of the Connecticut Balance of State continuum of care (Coc)].*** See Exhibit 19-3 for a copy of the MOU.

20-II.C. REFERRALS [Notice PIH 2022-24]

In general, families are issued SVs as the result of either:

- The direct referral process from the CoC or other partnering organizations; or

- A situation where ECC/HANH makes an SV available in order to facilitate an emergency transfer for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking.

CoC Referrals

The primary responsibility of the CoC under the MOU is to make direct referrals of qualifying individuals and families to ECC/HANH and to identify any CoC-funded available supportive services that may be paired with SVs.

The CoC or other partnering agency must certify that the SV applicants they refer to ECC/HANH, meet the definition of a qualifying individual or family for SV assistance.

The referring agency must provide documentation to ECC/HANH of the referring agency's verification that the family meets one of the four eligible categories for SV assistance. ECC/HANH must retain this documentation as part of the family's file.

ECC/HANH Policy

The CoC or partnering agency must establish and implement a system to identify SV-eligible individuals and families within the agency's caseload and make referrals to ECC/HANH.

The CoC or other partnering agency must certify that the SV applicants they refer to ECC/HANH meets SV eligibility criteria. ECC/HANH will maintain a copy of the referral or certification from the CoC or other partnering agency in the participant's file along with other eligibility paperwork. Homeless service providers may, but are not required to, use the certification form found in Exhibit 19-1 of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit 19-2 of this chapter when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, ECC and CoC or other partnering agency will identify staff positions to serve as lead SV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

ECC/HANH liaison responsible for acceptance of referrals will contact the CoC or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five business days from the date the CoC or partnering agency receives this notification, the CoC or partnering agency liaison will provide ECC/HANH with a list of eligible referrals including the name, address, and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating they are SV-eligible.

Referrals from Outside the CoC

ECC/HANH must also take direct referrals from outside the CoC process if:

- The CoC does not have a sufficient number of eligible families to refer to ECC/HANH; or

- The CoC does not identify families that may be eligible for SV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.

If a direct referral is taken from outside of the CoC, ECC/HANH must enter into a partnership to receive direct referrals from another entity, assuming there are such additional organizations that can certify that an individual or family is eligible for an SV.

ECC/HANH must enter into an MOU with a partnering referral agency or may add the partnering referral agency to the MOU between ECC/HANH and CoC.

20-II.D. WAITING LIST [Notice PIH 2022-24]

HCV Waiting List

The regulation that requires the PHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 4 does not apply to PHAs operating the SV program. Direct referrals are not added to the PHA's HCV waiting list.

ECC/HANH must inform families on the HCV waiting list of the availability of SVs by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2022-24.

ECC/HANH Policy

ECC/HANH will post information about the SV program for families on ECC/HANH's HCV waiting list on their website. The notice will:

Describe the eligible populations to which SVs are limited.

Clearly state that the availability of these SVs is managed through a direct referral process.

Advise the family to contact the CoC (or any other ECC/HANH referral partner, if applicable) if the family believes they may be eligible for SV assistance.

ECC/HANH will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. ECC/HANH will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

SV Waiting List

The HCV regulations requiring ECC/HANH to operate a single waiting list for admission to the HCV program do not apply to ECC/HANH operating the SV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the SVs available, ECC/HANH must maintain a separate waiting list for SV referrals. Upon turnover, SV vouchers must continue to remain available for eligible families.

Further, the SV waiting list is not subject to ECC/HANH policies in Chapter 4 regarding opening and closing the HCV waiting list. ECC/HANH will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the SV waiting list.

HCV Waiting List Preferences

If local preferences are established by ECC/HANH for HCV in Chapter 4, they do not apply to SVs. However, if ECC/HANH has a homelessness preference or a preference for survivors of domestic violence, dating violence, sexual assault, stalking, or human trafficking for the regular HCV program, ECC/HNH must refer any applicant on the waiting list that indicated they qualified for this preference to the CoC, or the applicable partnering referral agency.

ECC/HANH Policy

ECC/HANH offers a homelessness or VAWA preference for the HCV waiting list.

SV Waiting List Preferences

With the exception of a residency preference, which may not be applied to ECC/HANH's SV waiting list, ECC/HANH may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for SVs, or may simply choose to not establish any local preferences for the SV waiting list. The preference system may not prohibit SV admissions from any of the four qualifying categories of eligibility.

ECC/HANH Policy

No local preferences have been established for the SV waiting list.

20-II.E. FAMILY ELIGIBILITY [Notice PIH 2022-24]

Referring Agency Determination of Eligibility

The CoC or referring agency determines whether the individual or family meets any one of the eligibility criteria described in Notice PIH 2022-24 and then refers the family to ECC/HANH. ECC/HANH determines that the family meets other eligibility criteria for the HCV program, as modified for the SV program and outlined below.

In order to be eligible for an SV, a household must meet one of four eligibility criteria:

- Homeless, as defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)) and 24 CFR 578.3;
- At-risk of homelessness as defined in 24 CFR 5.78.3;
- Those fleeing or attempting to flee domestic violence dating violence, sexual assault, stalking, or human trafficking; and
- Veterans [as defined in 38 U.S.C. 101(2); 38 CFR 3.1(d)] and families that include a veteran family member that meet one of the above criteria.

Mandatory Denials

HUD waived 24 CFR 982.552 and 982.553 in part for the SV applicants and established alternative requirements for mandatory and permissive prohibitions of admissions. Except where applicable, ECC/HANH policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an SV. Instead, the SV alternative requirement listed in this section will apply to all SV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2022-24 and in this chapter, however, apply only when screening the individual or family for eligibility for an SV. When

adding a family member after the family has been placed under a HAP contract with SV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, ECC/HANH must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

Under alternative requirements for the SV program, mandatory denials for SV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

ECC/HANH will also deny assistance to household members already receiving assistance from another program.

ECC/HANH must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited SV grounds for denial of admission first.

ECC/HANH Policy

While ECC/HANH will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, ECC/HANH will first notify the family of the limited SV grounds for denial of admission as part of the notice of denial that will be mailed to the family.

Permissive Denial

Notice PIH 2022-24 lists permissive prohibitions for which ECC/HANH may, but is not required to, deny admission to SV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for SV families.

If ECC/HANH intends to establish permissive prohibition policies for SV applicants, ECC/HANH must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration.

ECC/HANH Policy

In consultation with the CoC, ECC/HANH will apply permissive prohibition to the screening of SV applicants. Determinations using permissive prohibitions will be made based on an individualized assessment of relevant mitigating information in accordance with policies in Section 3-III.E. of the administrative plan.

ECC/HANH will establish the following permissive prohibitions:

If ECC/HANH determines that any household member is currently engaged in, or has engaged in within the previous 12 months:

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

If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the previous 12 months.

If the family engaged in or threatened abusive or violent behavior toward ECC/HANH personnel within the previous 12 months.

Prohibitions based on criminal activity for the eligible SV populations regarding drug possession will be considered apart from criminal activity against persons (i.e., violent criminal activity).

In compliance with PIH 2022-24, ECC/HANH **will not** deny an SV applicant admission regardless of whether:

Any member of the family has been evicted from federally assisted housing in the last five years

A PHA has ever terminated assistance under the program for any member of the family

The family currently owes rent or other amounts to ECC/HANH or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act

The family has not reimbursed ECC/HANH for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease

The family breached an agreement with ECC/HANH to pay amounts owed to ECC/HANH, or amounts paid to an owner by ECC/HANH

The family would otherwise be prohibited admission under alcohol abuse standards established by ECC/HANH in accordance with 24 CFR 982.553(a)(3)

ECC/HANH determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity

Self-Certification of Income at Admission

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the SV program applicants at admission, and alternatively, ECC/HANH may consider self-certification the highest form of income verification at admission. As such, ECC/HANH policies related to the verification of income in Section 7-I.B. do not apply to SV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

ECC/HANH Policy

Any documents used for verification must be the original (not photocopies) and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable to ECC/HANH and must be signed by the family member whose information or status is being verified.

ECC/HANH will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 14. ECC/HANH will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. ECC/HANH may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, ECC/HANH will terminate the family's assistance in accordance with the policies in Chapter 12.

Recently Conducted Income Determinations

ECC/HANH may accept income calculations and verifications from third-party providers or from an examination that ECC/HANH conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

ECC/HANH Policy

ECC/HANH will accept income calculations and verifications from third-party providers provided they meet the criteria outlined above.

The family certification must be made in a format acceptable to ECC/HANH and must be signed by all adult family members whose information or status is being verified.

At the time of the family's annual reexamination, ECC/HANH must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and the ECC/HANH policies in Chapter 11.

EIV Income Validation

Once HUD makes the EIV data available to ECC/HANH under this waiver and alternative requirement, ECC/HANH must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and

- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, ECC/HANH must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with ECC/HANH policies in Chapter 3.

If ECC/HANH later determines that an ineligible family received assistance, ECC/HANH must take steps to terminate that family from the program in accordance with Chapter 12.

Social Security Number and Citizenship Status Verification

For the SV program, ECC/HANH is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the SV program. Instead, ECC/HANH may adopt policies to admit SV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless ECC/HANH provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If ECC/HANH determines that an ineligible family received assistance, ECC/HANH must take steps to terminate that family from the program.

ECC/HANH Policy

ECC/HANH will admit SV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. ECC/HANH may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If ECC/HANH determines that an ineligible family received assistance, ECC/HANH will take steps to terminate that family from the program in accordance with policies in Chapter 12.

Age and Disability Verifications

ECC/HANH may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, ECC/HANH must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If ECC/HANH determines that an ineligible family received assistance, ECC/HANH must take steps to terminate that family from the program.

ECC/HANH Policy

ECC/HANH will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to ECC/HANH and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, ECC/HANH will verify the information in EIV or through other third-party

verification if the information is not available in EIV. ECC/HANH will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If ECC/HANH determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

Income Targeting

ECC/HANH must determine income eligibility for SV families in accordance with 24 CFR 982.201 and ECC/HANH policy in Chapter 3; however, income targeting requirements do not apply for SV families. ECC/HANH may still choose to include the admission of extremely low-income SV families in its income targeting numbers for the fiscal year in which these families are admitted.

ECC/HANH Policy

ECC/HANH will not include the admission of extremely low-income SV families in its income targeting numbers for the fiscal year in which these families are admitted.

20-II.F. HOUSING SEARCH AND LEASING

Initial Voucher Term

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

ECC/HANH Policy

All SVs will have an initial term of 120 calendar days.

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

Pre-Inspections

To expedite the leasing process, ECC/HANH may pre-inspect available units that SV families may be interested in leasing in order to maintain a pool of eligible units.

ECC/HANH Policy

To expedite the leasing process, ECC/HANH may pre-inspect available units that SV families may be interested in leasing to maintain a pool of eligible units. If a SV family selects a unit that passed a pre-inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305. The family will be free to select his or her unit.

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

Initial Lease Term

Unlike in the standard the HCV program, SV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the ECC/HANH policy in Section 9-I.E., Term of Assisted Tenancy.

Portability

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to SVs. Exceptions are addressed below.

- Under SV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of ECC/HANH policy in Section 10-II.B.
- A receiving PHA cannot refuse to assist an incoming SV family, regardless of whether the PHA administers SVs under its own ACC.
- If the SV family moves under portability to another PHA that administers SVs under its own ACC:
  - The receiving PHA may only absorb the incoming SV family with an SV (assuming it has an SV voucher available to do so).
  - If the PHA does not have an SV available to absorb the family, it must bill ECC/HANH. The receiving PHA must allow the family to lease the unit with SV assistance and may not absorb the family with a regular HCV when the family leases the unit.
  - Regardless of whether the receiving PHA absorbs or bills ECC/HANH for the family's SV assistance, the SV administration of the voucher is in accordance with the receiving PHA's SV policies.
- If the SV family moves under portability to another PHA that does not administer SVs under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill ECC/HANH.

Family Briefing

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, ECC/HANH must inform the family how portability may impact the special SV services and assistance that may be available to the family.

ECC/HANH is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

<u>ECC/HANH Policy</u>

In addition to following ECC/HANH policy on briefings in Chapter 5, as part of the briefing packet for SV families, ECC/HANH will include a written notice that ECC/HANH will assist the family with moves under portability.

For limited English proficient (LEP) applicants, ECC/HANH will provide interpretation services in accordance with the PHA's LEP plan (See Chapter 2).

20-II.G. PAYMENT STANDARDS

Overview

For the SV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, ECC/HANH may, but is not required to, establish separate higher payment standards for SVs. Lower SV payment standards are not permitted. If ECC/HANH is increasing the regular HCV payment standard, ECC/HANH must also increase the SV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate SV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the ECC/HANH chooses to establish higher payments standards for SVs, HUD has provided other regulatory waivers:

- Defining the "basic range" for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).
- Allowing ECC/HANH that is not in a designated Small Area FMR (SAFMR) area or has not opted to voluntarily implement SAFMRs to establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD-published SAFMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.

    ECC/HANH Policy

    ECC/HANH will not establish a higher payment standard amount for SVs. ECC/HANH will use the same payment standards for HCV and SV.

All rent reasonableness requirements apply to SV units, regardless of whether the ECC/HANH has established an alternative or exception SV payment standard.

Increases in Payment Standards

The requirement that ECC/HANH apply increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to SV. ECC/HANH may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

ECC/HANH Policy

ECC/HANH will not establish an alternative policy for increases in the payment standard. ECC/HANH policy in Section 11-III.B. governing increases in payment standards will apply to SVs.

20-II.H. PROJECT-BASED UNITS

All tenant-based SV awards can be converted to Project-Based Vouchers (PBV) at any time after award without HUD approval provided all the established PBV regulations and requirements are followed.

All PBV requirements in 24 CFR Part 983 and in Chapter 17 apply to project-based SVs with the exception of 24 CFR 983.251(c)(1), which requires ECC/HANH to select families for project-based units from its HCV or PBV waiting list. HUD is waiving this requirement and establishing an alternative requirement that ECC/HANH receive SV referrals from CoC partners for vouchers as well as project-based assistance.

PART III: EMERGENCY HOUSING VOUCHERS (EHVs)

20-III.A OVERVIEW

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated $5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHVs; EHVs are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and ECC/HANH policies for administering EHVs. The policies outlined in this chapter are organized into seven sections, as follows:

Part I: Funding

Part II: Partnering Agencies

Part III: Waiting List Management

Part IV: Family Eligibility

Part V: Housing Search and Leasing

Part VI: Use of Funds, Reporting, and Financial Records

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

PART I: FUNDING

20-I.A. FUNDING OVERVIEW

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other ECC/HANH programs or vouchers. ECC/HANH must maintain separate financial records from its regular HCV funding for all EHV funding.

Housing Assistance Payments (HAP) Funding

ARP funding obligated to ECC/HANH as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term expired December 31, 2022. HUD will provide renewal funding to the ECC/HANH for the EHVs on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on ECC/HANH's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHVs are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

Administrative Fee and Funding

The EHV program provides administrative fee funding to ECC/HANH for expenses that are not normally eligible under the HCV program, as well as fees designated for the cost of administering the EHV program generally. The following types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that ECC/HANH will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
  - $400 per EHV allocated to ECC/HANH, once the consolidated annual contributions contract (CACC) is amended.
  - This fee may be used for any eligible administrative expenses related to EHVs.
  - The fee may also be used to pay for any eligible activities under EHV service fees (20-I.B).
- **Issuing action fees** are one-time fees once the voucher is initially leased:
  - $100 for each EHV initially leased, if ECC/HANH reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 14 days of voucher issuance or the date the system becomes available for reporting.
  - Issuing action fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.

- This fee may be used for any eligible administrative expenses related to EHVs.

- **Placement fees** support initial lease-up costs and the added cost and effort required to expedite leasing of EHVs:
  - $500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
  - $250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
  - HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
  - Placement fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.
  - This fee may be used for any eligible administrative expenses related to EHVs.

Ongoing administrative fees, which are calculated in the same way as the standard HCV program:

- ECC/HANH are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.
- Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.
- This fee may be used for any eligible administrative expenses related to EHVs.

- **Services fees,** which are a one-time fee to support ECC/HANH's' efforts to implement and operate an effective EHV services program in its jurisdiction (20-I.B):
  - The fee is allocated once the ECC/HANH's CACC is amended to reflect EHV funding.
  - The amount allocated is $3,500 for each EHV allocated.
  - This fee may be used for any of the eligible activities under the EHV service fee

20-I.B. SERVICE FEES

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

ECC/HANH must establish the eligible uses and the parameters and requirements for service fees in the ECC/HANH administrative plan.

<u>ECC/HANH Policy</u>

The eligible uses for service fees include:

Housing search assistance, which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and ECC/HANH forms, and helping to expedite the EHV leasing process for the family.

Application fees/non-refundable administrative or processing fees/refundable application deposit assistance. ECC/HANH may choose to assist the family with some or all these expenses.

Holding fees are fees an owner requests that are rolled into the security deposit after an application is accepted but before a lease is signed. ECC/HANH may cover part or all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. ECC/HANH and the owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.

Security deposit assistance. The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. ECC/HANH may pay the security deposit assistance directly to the owner or may pay the assistance to the family. If paid to the family, ECC/HANH will require documentation that the family paid the security deposit.

Utility deposit assistance/utility arrears. ECC/HANH may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. ECC/HANH may pay the utility deposit assistance directly to the utility company or may pay the assistance to the family. If paid to the family, ECC/HANH will require documentation the family paid the utility deposit. ECC/HANH will require the utility supplier or family to return the utility deposit assistance to ECC/HANH at such time the deposit is returned by the utility supplier (less any amounts retained by the utility supplier).

In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. ECC/HANH may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to ECC/HANH will be used for either services fee eligible uses or other EHV administrative costs, as required by HUD.

Owner recruitment and outreach for EHVs. ECC/HANH may use the service fee funding to conduct owner recruitment and outreach specifically for EHVs. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

Owner incentive and/or retention payments. ECC/HANH may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family.

Payments will be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). Owner incentive and retentions payments are not housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.

Moving expenses (including move-in fees and deposits). ECC/HANH may provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. ECC/HANH will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., ECC/HANH is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking.

Tenant-readiness services. ECC/HANH may use fees to help create a customized plan to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.

Essential household items. ECC/HANH may use services fee funding to assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries.

Renter's insurance if required by the lease. ECC/HANH may choose to assist the family with some or all this cost.

Any services fee assistance that is returned to ECC/HANH after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when ECC/HANH's EHV program ends must be remitted to HUD.

PART II: PARTNERING AGENCIES

20-II.A. CONTINUUM OF CARE (CoC)

ECC/HANH accepted an allocation of EHVs and therefore must work with community partners to determine the best use and targeting for EHVs along with other resources available in the community. ECC/HANH is required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of EHVs.

ECC/HANH Policy

ECC/HANH has entered into an MOU with Connecticut Balance of State Continuum of Care("CoC")**.** See Exhibit TPS-1 for a copy of the MOU.

20-III.B. OTHER PARTNERING ORGANIZATIONS

ECC/HANH may, but is not required to, partner with other organizations trusted by persons experiencing homelessness, such as victim services providers (VSPs) and other community partners. ECC/HANH chooses to partner with such agencies, ECC/HANH must either enter into an MOU with the partnering agency or the partnering agency may be added to the MOU between ECC/HANH and CoC.

ECC/HANH Policy

ECC/HANH has not partnered with any other organizations.

20-III-II.C. REFERRALS

CoC and Partnering Agency Referrals

The primary responsibility of the CoC under the MOU with ECC/HANH is to make direct referrals of qualifying individuals and families to ECC/HANH. ECC/HANH must generally refer a family that is seeking EHV assistance directly from ECC/HANH to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHVs. The CoC or other direct referral partner must provide supporting documentation to ECC/HANH of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

ECC/HANH Policy

The CoC or partnering agency must establish and implement a system to identify EHV-eligible individuals and families within the agency's caseload and make referrals to ECC/HANH. The CoC or other partnering agency must certify that the EHV applicants they refer to ECC/HANH meet at least one of the four EHV eligibility criteria. ECC/HANH will maintain a copy of the referral or certification from the CoC or other partnering agency in the participant's file along with other eligibility paperwork.

Homeless service providers may, but are not required to, use the certification form found in Exhibit TPS-2 of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit TPS-3 of this chapter when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, ECC/HANH and CoC or other partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

ECC/HANH liaison responsible for acceptance of referrals will contact the CoC or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals.

No more than five business days from the date the CoC or partnering agency receives this notification, the CoC or partnering agency liaison will provide ECC/HANH with a list of eligible referrals including the name, address, and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

Offers of Assistance with CoC Referral

Referrals for EHVs must come through the CoC's Coordinated Entry (CE) system. However, the PHA may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the ECC/HANH s Emergency Transfer Plan (ETP) in Chapter 16.

ECC/HANH must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

In the latter two exceptions, ECC/HANH must enter into a partnership to receive direct referrals from another entity (e.g., a homeless service provider, VSP, or anti-trafficking service provider if the CE system is not referring victims fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking). ECC/HANH should work with the CoC to come up with an alternative referral system that allows for prioritization according to the standards set out in the MOU and the referring organization and that will transition easily to the CoC's CE system when it comes online or is able to begin making referrals.

If at any time ECC/HANH is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or ECC/HANH and CoC cannot identify any such alternative referral partner agencies), HUD may permit ECC/HANH on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

PART III: WAITING LIST MANAGEMENT

20-III. A. HCV WAITING LIST

The regulation that requires ECC/HANH to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 4 does not apply to ECC/HANH operating the EHV program. Direct referrals are not added to the ECC/HANH HCV waiting list.

ECC/HANH must inform families on the HCV waiting list of the availability of EHVs by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

ECC/HANH Policy

ECC/HANH will post information about the EHV program for families on the ECC/HANH HCV waiting list on their website. The notice will:

- Describe the eligible populations to which EHVs are limited
- Clearly state that the availability of these EHVs is managed through a direct referral process
- Advise the family to contact the CoC (or any other PHA referral partner, if applicable) if the family believes they may be eligible for EHV assistance

ECC/HANH will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. ECC/HANH will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

20-III.B. EHV WAITING LIST

The HCV regulations requiring ECC/HANH to operate a single waiting list for admission to the HCV program do not apply to ECC/HANH operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHVs available, ECC/HANH must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to ECC/HANH policies in Chapter 4 regarding opening and closing the HCV waiting list. ECC/HANH will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

20-III.C. PREFERENCES

HCV Waiting List Preferences

If local preferences are established by ECC/HANH for HCV, they do not apply to EHVs. However, if ECC/HANH has a homeless preference or a VAWA preference for the HCV waiting list, ECC/HANH must adopt additional policies related to EHVs in accordance with Notice PIH 2021-15.

ECC/HANH Policy

ECC/HANH does not offer either a homeless or a VAWA preference for the HCV waiting list.

EHV Waiting List Preferences

With the exception of a residency preference, ECC/HANH may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHVs. ECC/HANH may, however, choose to not establish any local preferences for the EHV waiting list.

ECC/HANH Policy

No local preferences have been established for the EHV waiting list.

PART IV: FAMILY ELIGIBLITY

20-IV.A. OVERVIEW

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to ECC/HANH. ECC/HANH determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

20-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBLITY

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to ECC/HANH of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. ECC/HANH must retain this documentation as part of the family's file.

20-IV.C. ECC/HANH SCREENING

Overview

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, ECC/HANH policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, ECC/HANH must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

Mandatory Denials

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

ECC/HANH must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

ECC/HANH Policy

While ECC/HANH will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, ECC/HANH will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed to the family.

Permissive Denial

Notice PIH 2021-15 lists permissive prohibitions for which the ECC/HANH may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If ECC/HANH intends to establish permissive prohibition policies for EHV applicants, ECC/HANH must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration.

ECC/HANH Policy

In consultation with the CoC, ECC/HANH will apply permissive prohibition to the screening of EHV applicants. Determinations using permissive prohibitions will be made based on an individualized assessment of relevant mitigating information in accordance with policies in Section 3-III.E.

ECC/HANH will establish the following permissive prohibitions:

If ECC/HANH determines that any household member is currently engaged in, or has engaged in within the previous 12 months:

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

If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the previous 12 months.

If the family engaged in or threatened abusive or violent behavior toward ECC/HANH personnel within the previous 12 months.

ECC/HANH will also deny assistance to household members already receiving assistance from another program in accordance with Section 9.h. of Notice PIH 2021-15.

Prohibitions based on criminal activity for the eligible EHV populations regarding drug possession will be considered apart from criminal activity against persons (i.e., violent criminal activity).

In compliance with PIH 2021-15, ECC/HANH **will not** deny an EHV applicant admission regardless of whether:

Any member of the family has been evicted from federally assisted housing in the last five years;

A PHA has ever terminated assistance under the program for any member of the family;

The family currently owes rent or other amounts to ECC/HANH or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;

The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;

The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with 24 CFR 982.553(a)(3);

ECC/HANH determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

20-VI.D. INCOME VERIFICATION AT ADMISSION

Self-Certification at Admission

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, ECC/HANH may consider self-certification the highest form of income verification at admission. As such, ECC/HANH policies related to the verification of income in Section 7-I.B. do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of ECC/HANH's request.

<u>ECC/HANH Policy</u>

Any documents used for verification must be the original (not photocopies) and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable ECC/HANH and must be signed by the family member whose information or status is being verified.

ECC/HANH will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 14. ECC/HANH will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. ECC/HANH may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, ECC/HANH will terminate the family's assistance in accordance with the policies in Chapter 12.

Recently Conducted Income Determinations

ECC/HANH may accept income calculations and verifications from third-party providers or from an examination that ECC/HANH conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

ECC/HANH Policy

ECC/HANH will not accept income calculations and verifications from third-party providers

At the time of the family's annual reexamination ECC/HANH must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 11.

EIV Income Validation

Once HUD makes the EIV data available to ECC/HANH under this waiver and alternative requirement, ECC/HANH must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, ECC/HANH must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with ECC/HANH policies in Chapter 3.

If ECC/HANH later determines that an ineligible family received assistance, ECC/HANH must take steps to terminate that family from the program in accordance with Chapter 12.

20-VI.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION

For the EHV program, ECC/HANH is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, ECC/HANH may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless ECC/HANH provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If ECC/HANH determines that an ineligible family received assistance, ECC/HANH must take steps to terminate that family from the program.

ECC/HANH Policy

ECC/HANH will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. ECC/HANH may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If ECC/HANH determines that an ineligible family received assistance, ECC/HANH will take steps to terminate that family from the program in accordance with policies in Chapter 12.

20-VI.F. AGE AND DISABILITY VERIFICATION

ECC/HANH may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, ECC/HANH must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

If ECC/HANH determines that an ineligible family received assistance, ECC/HANH must take steps to terminate that family from the program.

ECC/HANH Policy

ECC/HANH will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to ECC/HANH and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, ECC/HANH will verify the information in EIV or through other third-party verification if the information is not available in EIV. ECC/HANH will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If ECC/HANH determines that an ineligible family received assistance, ECC/HANH will take steps to terminate that family from the program in accordance with policies in Chapter 12.

20-VI.G. INCOME TARGETING

ECC/HANH must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and ECC/HANH policy in Chapter 3; however, income targeting requirements do not apply for EHV families. ECC/HANH may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

ECC/HANH Policy

ECC/HANH will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

PART V: HOUSING SEARCH AND LEASING

20-V.A. INITIAL VOUCHER TERM

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

ECC/HANH Policy

All EHVs will have an initial term of 120 calendar days.

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

20-V.B. HOUSING SEARCH ASSISTANCE

ECC/HANH must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by ECC/HANH or through the CoC or another partnering agency or entity.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and ECC/HANH forms; and
- Help expedite the EHV leasing process for the family

ECC/HANH Policy

As identified in the MOU between ECC/HANH and CoC, the following housing search assistance will be provided to each EHV family:

ECC/HANH will:

Conduct owner outreach in accordance with policies in Chapter 13

Provide directions to potential units as part of the EHV briefing packet

Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter

At least every 30 days, conduct proactive check-ins via email and telephone with families who are searching with an EHV and remind them of their voucher expiration date

Assign a dedicated landlord liaison for EHV voucher families

The CoC will:

Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods

Provide transportation assistance to potential units

Assist the family with the completion of rental applications and ECC/HANH forms

20-V.C. HQS PRE-INSPECTIONS

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

ECC/HANH Policy

To expedite the leasing process, ECC/HANH may pre-inspect available units that EHV families may be interested in leasing to maintain a pool of eligible units. If an EHV family selects a unit that passed a HQS pre-inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305.

The family will be free to select his or her unit.

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

20-V.D. INITIAL LEASE TERM

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the ECC/HANH policy in Section 9-I.E., Term of Assisted Tenancy.

20-V.E. PORTABILITY

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to EHVs. Exceptions are addressed below.

Nonresident Applicants

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Section 10-II.B.

Billing and Absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHVs under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHVs under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).

- If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.

- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

Family Briefing

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, ECC/HANH must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

ECC/HANH is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

ECC/HANH Policy

In addition to following ECC/HANH policy on briefings in Chapter 5, as part of the briefing packet for EHV families, ECC/HANH will include a written notice that the ECC/HANH will assist the family with moves under portability.

For limited English proficient (LEP) applicants, ECC/HANH will provide interpretation services in accordance with ECC/HANH's LEP plan (See Chapter 2).

Coordination of Services

If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and ECC/HANH must consult and coordinate on the EHV services and assistance that will be made available to the family.

ECC/HANH Policy

For EHV families who are exercising portability, when ECC/HANH contacts the receiving PHA in accordance with Section 10-II.B. Preapproval Contact with Receiving PHA, ECC/HANH will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that ECC/HANH may provide to the receiving PHA on behalf of the family.

Services Fee

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the

receiving PHA or $1,750, unless ECC/HANH and receiving PHA mutually agree to change the $1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with ECC/HANH, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.
- If the receiving PHA administers EHVs, the receiving PHA may use its own services fee and may be reimbursed by ECC/HANH, or the ECC/HANH may provide the services funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA does not administer EHVs, ECC/HANH must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to ECC/HANH.

Placement Fee/Issuance Reporting Fee

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the ECC/HANH or absorbs the family into its own program at initial lease-up. ECC/HANH qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

20-V.F. PAYMENT STANDARDS

Payment Standard Schedule

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, ECC/HANH may, but is not required to, establish separate higher payment standards for EHVs. Lower EHV payment standards are not permitted. If ECC/HANH is increasing the regular HCV payment standard, ECC/HANH must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if ECC/HANH chooses to establish higher payments standards for EHVs, HUD has provided other regulatory waivers:

- Defining the “basic range” for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).
- Allowing ECC/HANH, that is not in a designated Small Area FMR (SAFMR) area or has not opted to voluntarily implement SAFMRs, to establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published SAFMRs. ECC/HANH may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.ECC/HANH must notify HUD if it establishes an EHV exception payment standard based on the SAFMR.

ECC/HANH Policy

ECC/HANH will not establish a higher payment standard amount for EHVs. ECC/HANH will use the same payment standards for HCV and EHV.

Rent Reasonableness

All rent reasonableness requirements apply to EHV units, regardless of whether ECC/HANH has established an alternative or exception EHV payment standard.

Increases in Payment Standards

The requirement that ECC/HANH apply increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to EHV. ECC/HANH may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

ECC/HANH Policy

ECC/HANH will not establish an alternative policy for increases in the payment standard. ECC/HANH policy in Section 11-III.B. governing increases in payment standards will apply to EHV.

20-V.G. TERMINATION OF VOUCHERS

After September 30, 2023, ECC/HANH may not reissue EHVs when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, ECC/HANH may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

All EHVs under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHVs that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct ECC/HANH administering EHVs to cease leasing any unleased EHVs if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

As explained in Notice 2023-14, issued on June 29, 2023, HUD is identifying whether a voucher issuance is a turnover voucher or a voucher that has never been leased by counting the number of cumulative EHV lease-ups. (Note that cumulative leased vouchers is equal to all households leased since the start of the EHV program—this includes households that have left the program.)

Once ECC/HANH's total cumulative leased EHV count reaches the total EHV allocation of the consolidated annual contributions contract (EHV-CACC), any EHV issuance is considered a reissuance. If ECC/HANH has reached the cumulative EHV lease-up count, ECC/HANH may not reissue any EHV voucher after September 30, 2023.

If ECC/HANH has not reached its EHV-CACC in cumulative leased vouchers, ECC/HANH may continue to issue vouchers to eligible households after September 30, 2023, until the cumulative leased vouchers equal the number of EHVs currently under ECC/HANH's EHV- CACC, or until directed by HUD to stop issuing EHVs. If ECC/HANH is reallocated additional EHVs, these EHVs are considered never leased and may be issued.

ECC/HANH must adjust their EHV voucher issuances according to their most recent EHV success rate, i.e., the likelihood that the voucher-holder will successfully secure an EHV lease. ECC/HANH can consider evaluating the success rate similar to the EHV dashboard that provides a 180-day lease rate. For example, ECC/HANH calculates that 50 percent of recent EHV voucher holders successfully establish an EHV lease in 180 days; therefore, their EHV 180-day success rate is 50 percent.

EXAMPLES

1. As of October 1, 2023, ECC/HANH has cumulatively leased 60 of its 100 EHV allocation under their EHV-CACC. ECC/HANH may continue to issue and lease the remaining 40 EHVs that have never been leased.
2. As of October 1, 2023, ECC/HANH has cumulatively leased 80 of its 100 EHV allocation and has a success rate of 50 percent. Therefore, ECC/HANH may have no more than 40 families with a voucher searching for a unit, which – considering a 180-day success rate – would equate to 20 new leases, and thus a fully leased program. If these voucher holders do not equate to 20 new leases, ECC/HANH may continue to issue vouchers, (considering a 180-day success rate) until the EHV-CACC limit is reached.

EHV participants may still move (including under portability) after September 30, 2023. The termination of vouchers upon turnover provision does not impact an individual or family's ability to move within the ECC/HANH jurisdiction or their ability to move under the portability procedures to another PHA's jurisdiction.

PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS

EHV funds allocated to ECC/HANH for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to ECC/HANH may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to ECC/HANH are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHVs are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHVs and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

ECC/HANH must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

ECC/HANH must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHVs in accordance with the HCV program requirements at 24 CFR 982.158.

EXHIBIT 20-1: SAMPLE STABILITY VOUCHER (SV)
HOMELESS PROVIDER'S CERTIFICATION

Stability Voucher (SV)
HOMELESS CERTIFICATION

SV Applicant Name: _____

☐ Household without dependent children (complete one form for each adult in the household)

☐ Household with dependent children (complete one form for household)

Number of persons in the household: _____

This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation

Check only one box and complete only that section

Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)

☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or campground.

Description of current living situation:

_____
_____
_____

Homeless Street Outreach Program Name: _____
This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.

Authorized Agency Representative Signature: _____

Date: _____

Living Situation: Emergency Shelter

☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name: _____

This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to the U.S. Department of Housing and Urban Development (HUD) or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).

Authorized Agency Representative Signature: _____

Date: _____

Living Situation: Recently Homeless

☐ The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (e.g., households in rapid rehousing programs, residents of permanent supportive housing programs participating in Moving On, etc.)

Authorized Agency Representative Signature: _____

Date: _____

This referring agency must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

☐ Emergency shelter OR ☐ A place unfit for human habitation

Authorized Agency Representative Signature: _____

Date: _____

EXHIBIT 20-2: SAMPLE VICTIM SERVICE PROVIDER'S CERTIFICATION

Stability Voucher (SV)

SAMPLE CERTIFICATION FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND/OR HUMAN TRAFFICKING

Use of this Optional Form:

Service providers may utilize this form to certify a family's eligibility for SV to document households who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, and/or human trafficking. In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for the U.S. Department of Housing and Urban Development's (HUD) Stability Voucher program.

Confidentiality:

All information provided during the referral process concerning the incident(s) of domestic violence, dating violence, dating violence, sexual assault, stalking, and human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of ECC/HANH will not have access to these details, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED ON BEHALF OF SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND/OR HUMAN TRAFFICKING

SV Applicant Name: _____

The applicant named above is a survivor of (please check from the list all that apply):

☐ Domestic Violence

☐ Dating Violence

☐ Sexual Assault

☐ Stalking

☐ Human Trafficking

This certifies that the above named individual or household meets the definition for persons who are fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking and/or human trafficking as these terms are defined under 34 U.S.C. Section 12291 of the

Violence Against Women Act[1] and 22 U.S.C. Section 7102(11) of the Trafficking Victims Protection Act.[2]

I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Authorized Agency Representative Signature: _____

Date: _____

[1] The Violence Against Women Act protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

[2] The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other federally-funded social service programs available to assist victims in rebuilding their lives.

EXHIBIT 20-3: SAMPLE SV MEMORANDUM OF UNDERSTANDING[3]

[** This sample document demonstrates the Memorandum of Understanding requirements for the administration of Stability Vouchers. Unless otherwise noted, all elements are required. **]

Memorandum of Understanding – Stability Vouchers

This Memorandum of Understanding (MOU) has been created and entered on [**Insert execution date]** by **[insert PHA name and address]** and **[insert CoC/VSP name and address].**

I. Introduction and Goals

The **[insert PHA name]** and **[insert CoC/VSP name]** through the Stability Voucher (SV) Program seek to prevent and end homelessness among individuals and families who are experiencing or at-risk of homelessness, those fleeing or attempting to flee domestic violence dating violence, sexual assault, stalking, and human trafficking, and veterans and families that include a veteran family member that meets one of the proceeding criteria.

The Consolidated Appropriations Act, 2021 (Public Law 116-260) (2021 Act), makes available $43,343,000 for new incremental voucher assistance under Section 8(o) of the United States Housing Act of 1937 for use by individuals and families experiencing or at-risk of homelessness; those fleeing or attempting to flee domestic violence, dating violence, sexual assault, and stalking; and veterans and families that include a veteran family member that meets one of the proceeding criteria.

The Further Consolidated Appropriations Act, 2022 (Public Law 117-103 (2022 Act) further provides that HUD may waive certain statutory and regulatory provisions to administer the SVs (except for requirements related to tenant rights and protections, rent setting, fair housing, nondiscrimination, labor standards and the environment) upon a finding that any such waivers or alternative requirements are necessary to facilitate the use of funds made available for SVs.

This Memorandum of Understanding (MOU) outlines the collaboration and commitment between **[insert PHA name]** and **[insert CoC/VSP name]** to pair Stability Vouchers with CoC-funded supportive services; and to collaborate with the CoC/VSP and other stakeholders to develop a prioritization plan for these vouchers.

Lead Agency Liaisons:
Name and title of PHA staff position:
Name and title CoC and/or VSP staff position:

[3] If PHA policy in Section 19-VI.B. of this administrative plan states that a copy of the MOU will be attached at the end of this chapter as Exhibit 19-3, you may either fill in the language shown here or replace the text with the PHA's own MOU, then delete the word *sample*. If the PHA does not wish to attach its own MOU to the chapter, this statement should be removed from the policy in Section 19-VI.B.

II. Individuals and Families Eligibility under the Qualifying Categories

In order to be eligible for an SV, an individual or family must meet one of four eligibility categories:

- Homeless
- At risk of homelessness
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
- Veterans

III. SV Roles and Responsibilities

A. PHA Roles and Responsibilities [**The following responsibilities are listed for example purposes. **]

1. Coordinate and consult with the CoC in developing the services and assistance to be offered under the SV services fee.

2. Accept direct referrals for eligible individuals and families through the CoC Coordinated Entry System.

3. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.

4. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.

5. Designate a staff to serve as the lead SV liaison.

6. Comply with the provisions of this MOU.

B. CoC Roles and Responsibilities [**The following responsibilities are listed for example purposes. **]

1. Designate and maintain a lead SV liaison to communicate with the PHA.

2. Refer eligible individuals and families to PHA using the community's coordinated entry system.

3. Support eligible individuals and households in completing and applying for supportive documentation to accompany admissions application to the PHA (i.e., self-certifications, birth certificate, social security card, etc.).

4. Attend SV participant briefings when needed.

5. Assess all households referred for SV for mainstream benefits and supportive services available to support eligible individuals and families through their transition.

6. Identify and provide supportive services to SV families. (While SV participants are not required to participate in services, the CoC should assure that services are available and accessible.)

7. Comply with the provisions of this MOU.

IV. CoC-funded supportive services that will be paired with SVs

CoCs are encouraged to outline any existing partnerships with health and behavioral health care providers and agencies, state Medicaid agencies and agencies and organizations that may be leveraged to provide ongoing tenancy and wrap-around supportive services for those that may benefit from such services to maintain housing stability. All services provided by the CoC must be outlined in the MOU with the CoC and should demonstrate the community's strategy to coordinate assistance through available resources. HUD recommends that PHAs and partnering CoCs seek a diverse range of supportive services by partnering with organizations trusted by people experiencing homelessness.

V. PHA Adopted Waivers and Alternative Requirements

Notice PIH 2022-24 provides **[insert PHA name]** with authority to adopt certain statutory and regulatory requirements and alternative requirements for Stability Vouchers. **[insert PHA name]** and **[insert CoC/VSP name]** have agreed to adopt the following waivers and alternative requirements:

[List all waivers and alternative requirements discussed, agreed upon by the PHA and CoC for the administration of SVs]

VI. PHA Permissive Prohibition Policies agreed upon by the PHA and CoC

[Insert PHA name] in consultation with **[insert CoC/VSP name]** have agreed to adopt the following permissive prohibitions for the Stability Voucher program:

[List any permissive prohibition policies agreed upon by the PHA and CoC]

VII. Program Evaluation

[Insert PHA name] and **[insert CoC /VSP]** agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor.

Signed By:

_____ _____

Public Housing Agency Executive Director Date

_____ _____

CoC/VSP Executive Director Date

Exhibit TPS-1: MEMORANDUM OF UNDERSTANDING (MOU)

Attachment 2 of Notice PIH 2021-15 - Sample MOU Template

Memorandum of Understanding

[** ***This sample document demonstrates the Memorandum of Understanding requirements for the administration Emergency Housing Voucher. Unless otherwise noted, all elements are required.*** **]

This Memorandum of Understanding (MOU) has been created and entered into on [** ***Insert execution date.*** **].

[PHA Name and Address]

[CoC Name and Address]

I. Introduction and Goals (the following elements, listed in a. – c., are required elements of the MOU):

a. PHA and CoC's commitment to administering the EHVs in accordance with all program requirements.

b. PHA goals and standards of success in administering the program.

c. Identification of staff position at the PHA and CoC who will serve as the lead EHV liaisons.

Lead HCV Liaison:

[Name and title of PHA staff position]

Responsibilities of the PHA EHV liaison [**Optional**].

[Name and title of CoC staff position]

Responsibilities of the CoC EHV liaison [**Optional**].

II. Define the populations eligible for EHV assistance to be referred by CoC.

III. Services to be provided to eligible EHV families

1. List the services to be provided to assist individuals and families have success in the program and who will provide them.

[**The following services are listed for example purposes. **]

1. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.
2. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.
3. PHAs will establish windows of time for EHV applicants to complete intake interviews

for EHV.

4. Partnering service providers will provide housing search assistance for eligible individuals and families.
5. Partnering service providers will provide counseling on compliance with rental lease requirements.
6. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
7. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

IV. PHA Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Coordinate and consult with the CoC in developing the services and assistance to be offered under the EHV services fee.
2. Accept direct referrals for eligible individuals and families through the CoC Coordinated Entry System.
3. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.
4. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.
5. Designate a staff to serve as the lead EHV liaison.
6. Comply with the provisions of this MOU.

V. CoC Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Designate and maintain a lead EHV liaison to communicate with the PHA.
2. Refer eligible individuals and families to PHA using the community's coordinated entry system.
3. Support eligible individuals and households in completing and applying for supportive documentation to accompany admissions application to the PHA (i.e. self-certifications, birth certificate, social security card, etc.).
4. Attend EHV participant briefings when needed.
5. Assess all households referred for EHV for mainstream benefits and supportive services available to support eligible individuals and families through their transition.
6. Identify and provide supportive services to EHV families. (While EHV participants are not required to participate in services, the CoC should assure that services are available and accessible.)
7. Comply with the provisions of this MOU.

VI. Third Party Entity Roles Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Describe how the State, local, philanthropic, faith-based organizations, Victim Service Providers or CoC recipients it designates will fulfill each of the following responsibilities:

    a. Outline resource and/or service being provided in support of the community's EHV Program. Commit a sufficient number of staff and necessary resources to ensure that the application, certification and voucher issuance processes are completed in a timely manner.

    b. Comply with the provisions of this MOU. VII. Program Evaluation

The PHA, and CoC or designated CoC recipient agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

[Signed and dated by the official representatives of the PHA, CoC, CoC Contractor organization (if applicable), and third-party entities (if applicable.]

Signed by

_____ _____

Executive Director, PHA Date

_____ _____

CoC Executive Director Date

Exhibit TPS-2: HOMELESS PROVIDER'S CERTIFICATION

Attachment 3 of Notice PIH 2021-15 Example of a Homeless Provider's Certification

Emergency Housing Voucher (EHV)

HOMELESS CERTIFICATION

EHV Applicant Name: _____

☐ Household without dependent children (complete one form for each adult in the household)

☐ Household with dependent children (complete one form for household)

Number of persons in the household: ____

This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation-

Check only one box and complete only that section

Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)

☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or camp ground.

Description of current living situation:

_____

_____

_____

Homeless Street Outreach Program
Name:_____

This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.

Authorized Agency Representative Signature: _____
Date: _____

Living Situation: Emergency Shelter

☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name:

_____

This emergency shelter must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).

Authorized Agency Representative Signature: _____ Date: _____

Living Situation: Recently Homeless

☐ The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (ex. Households in Rapid Rehousing Programs, residents of Permanent Supportive Housing Programs participating in Moving On, etc.)
Authorized Agency Representative Signature:

_____

This referring agency must appear on the CoC's Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

☐ emergency shelter O R ☐ a place unfit for human habitation

Authorized Agency Representative Signature: _____
Date: _____

Exhibit TPS-3: EXAMPLE OF A VICTIM SERVICES PROVIDER'S CERTIFICATION

Attachment 4 of Notice PIH 2021-15: Example of a Victim Services Provider's Certification

Emergency Housing Voucher (EHV)

SAMPLE HUMAN TRAFFICKING CERTIFICATION

Purpose of Form:

The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other Federally-funded social service programs available to assist victims in rebuilding their lives.

Use of This Optional Form:

In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for EHV assistance.

Confidentiality: All information provided to the service provider concerning the incident(s) of human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of the PHA will not have access to these details, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED ON BEHALF OF HUMAN TRAFFICKING SURVIVOR

EHV Applicant Name: _____

This is to certify that the above named individual or household meets the definition for persons who are fleeing or attempting to flee human trafficking under section 107(b) of the Trafficking Victims Protection Act of 2000.

Immediately prior to entering the household's current living situation, the person(s) named above was/were residing in:

_____

_____

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual(s) named above is/has been a victim of human trafficking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Authorized Agency Representative Signature:_____Date: _____

ECC/HANH HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

(ADMIN PLAN) ADDENDUM 1

HUD COVID-19 WAIVERS

Due to the COVID-19 pandemic, HUD issued Notice PIH 2020-05 on April 10, 2020, "COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program.

In accordance with the Notice, ECC/HANH has made the following changes to the operating policies and procedures in the Administrative Plan.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS – GENERAL

HCV-1: Administrative plan
Regulatory Authority: 24 CFR § 982.54 (a

The regulation requires that any revisions of the Administrative Plan (Admin Plan) must be formally adopted by the Board of Commissioners or other authorized PHA officials. HUD is waiving the requirement to allow the Admin Plan to be revised on a temporary basis without Board approval. However, the revisions to the Admin Plan must be formerly adopted as soon as practicable following June 30, 2020, but no later than July 31, 2020.

Period of Availability: The period of availability ends on July 31, 2020.

HCV-2: Information When Family is Selected - PHA Oral Briefing
Regulatory Authority: 24 CFR § 982.301(a)(3), § 983.252(a)

ECC/HANH is waiving the requirement for an oral briefing for participation in the TBV and PBV programs and will conduct a briefing via a webcast, video call, or telephone. ECC/HANH will ensure that the method of communication for the briefing will effectively communicate with each family member, including those with vision, hearing, and other communication-related disabilities, and will ensure meaningful access for persons with limited English proficiency. Reasonable Accommodations will be offered to each family member.

Period of Availability: The period of availability ends on July 31, 2020.

HCV-3: Term of Voucher – Extensions of Term
Regulatory Authority: 24 CFR § 982.303(b)(1)

ECC/HANH will allow additional voucher extensions to the current extension policy in the Housing Choice Voucher Administrative Plan.

Period of Availability: The period of availability ends on July 31, 2020.

HCV-5: Absence from Unit
Regulatory Authority: 24 CFR § 982.312

ECC/HANH will allow an HCV family to be absent from the unit for a period of more than 180 consecutive calendar days due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, away caring for family members). ECC/HANH will continue to pay housing assistance payments and will not terminate the HAP contract.

Period of Availability: The period of availability ends on December 31, 2020. ECC/HANH may not make payments beyond December 31, 2020, and the HAP contract will terminate on that date if the family is still absent from the unit.

HCV-6: Automatic Termination of HAP contract
Regulatory Authority: 24 CFR § 982.455

When an HCV family's income increases to the extent that the housing assistance payment is reduced to $0, ECC/HANH is required by regulation to automatically terminate the HAP contract 180 days after the last housing assistance payment to the owner. ECC/HANH will allow an extension beyond the normally applicable 180 days but not beyond December 31, 2020.

Period of Availability: The period of availability for the extension ends December 31, 2020.

HCV-8: Utility allowance schedule – required review and revision
Regulatory Authority: 24 CFR § 982.517

ECC/HANH will delay the review and revision to the utility allowances schedule for the various housing types and utility sources.

Revisions to the Utility Allowance will be effective on January 1, 2021 and ECC/HANH will allow retroactive payments accordingly.

Period of Availability: Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed no later than December 31, 2020.

HCV-9: Homeownership Option – Homeownership counseling
Statutory Authority: Section 8(y)(1)(D) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.630, 982.636(d)

The statute requires that to be eligible for voucher homeownership assistance the family must participate in a homeownership and housing counseling program provided by the agency. While ECC/HANH encourages families to continue to complete briefing and counseling sessions that are operational and can be accomplished in accordance with social distancing directives, ECC/HANH is waiving these requirements and will allow the family to purchase the home without fulfilling the normally applicable pre-assistance homeownership counseling requirements.

Period of Availability: The period of availability ends on July 31, 2020.

WAIVERS APPLICABLE TO BOTH PUBLIC HOUSING AND HCV PROGRAMS

HCV-3: Family Income and Composition: Annual Examination Income Verification requirements
Regulatory Authority: 24 CFR 5.233(a)(2)
Sub-regulatory Guidance: PIH Notice 2018-18

For annual reexaminations, ECC/HANH will waive the income verification hierarchy, including third party verifications and use of the Enterprise Income Verification (EIV) system and will accept self-certifications for income verification as the highest form of income verification. This may be accepted via telephone (but documented by ECC staff in written form), through email or postal mail or other electronic communications. ECC/HANH will address any material discrepancies at a later date and any incorrect reporting may result in corrections and adjustments.

Period of availability: The period of availability ends July 31, 2020.

HCV-4: Family Income and Composition: Interim Examinations
Statutory Authority: Section 3(a)(1) of the USHA of 1937
Regulatory Authority: 24 CFR 5.233(a)(2) – HCV
Regulatory Authority: 24 CFR 982.51 (c)(2) – HCV
Sub Regulatory Guidance: PIH Notice 2018-18

For interim reexaminations, ECC/HANH will waive the income verification hierarchy, including third party verifications and use of the Enterprise Income Verification (EIV) system and will accept self-certifications for income verification as the highest form of income verification. This may be accepted via telephone (but documented by ECC staff in written form), through email or postal mail or other electronic communications. ECC/HANH will address any material

discrepancies at a later date and any incorrect reporting may result in corrections and adjustments.

(No change)

Period of availability: The period of availability ends July 31, 2020.

HCV-5: Enterprise Income Verification (EIV) Monitoring
Regulatory Authority: 24 CFR 5.233
Sub-regulatory Guidance: PIH Notice 2018-18

The mandatory monitoring of the following EIV reports have been waived.

- Deceased Tenants Report
- Identity Verification Report
- Immigration Report
- IVT Report
- Multiple Subsidy Report
- New Hires Report

Period of availability: The period of availability ends on July 31, 2020.

HCV-6: Family Self Sufficiency (FSS) Contract of Participation Contract Extension
Regulatory Authority: 24 CFR 984.303(d)

ECC/HANH will extend the term of a family's contract of participation beyond the two (2) years for "good cause" during this period.

Period of availability: The period of availability ends on December 31, 2020.

PHA Reporting Requirements on HUD Form 50058.
Regulatory Authority: 24 CFR Part 908, § 982.158
Sub-regulatory Guidance: PIH Notice 2011-65

ECC/HANH must submit form HUD-50058 no later than 60 calendar days from the effective date of any action recorded on line 2b of the form HUD-50058 or form HUD-50058 MTW. HUD is waiving the 60-day deadline and providing that ECC/HANH must submit form HUD-50058 or HUD-50058 MTW for transactions impacted by implemented waivers and alternative requirements within 90 days of the effective date of action.

Period of Availability: The period of availability ends December 31, 2020.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS – HOUSING QUALITY STANDARDS (HQS) INSPECTIONS

HQS-1: Initial Inspection Requirements
Statutory Authority: Section 8(o)(8)(A)(i), Section 8(o)(8(C) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.305(a), 982.305(b), 982.405

ECC/HANH will waive the requirement to conduct an initial Housing Quality Standard (HQS) inspection, prior to placing a unit under the Housing Assistance Payment (HAP) and making payments. ECC/HANH will rely on the owner **and** participant's certification that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question. ECC/HANH will not process a move-in/lease up and begin HAP payments if the certification is not signed by the participant and owner/landlord. The self-certification form will require the tenant and owner/landlord to sign that a unit inspection has been completed by both parties, within 30 days of the effective date of the move-in/lease up. If a non-life-threatening deficiency becomes an issue that needs immediate attention, the participant can contact the Housing Specialist so it can be addressed accordingly.

However, ECC/HANH will conduct an initial HQS inspection as soon as it is reasonably possible, no later than October 31, 2020.

Period of Availability: The period of availability for PHAs to accept owner's self certification for an initial inspection ends on July 31, 2020. The period of availability for the PHA to inspect a unit that was placed under HAP contract based on the owner's self certification ends on October 31, 2020.

HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections, PHA Acceptance of Completed Units
Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 983.301(b), 983.156(a)(1)

ECC/HANH will waive the requirement that ECC/HANH must inspect each contract unit before the execution of the HAP contract to ensure that units comply fully with HQS. ECC/HANH will rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist. However, ECC/HANH will conduct an initial HQS inspection as soon as it is reasonably possible, no later than October 31, 2020.

Period of Availability: The period of availability for PHAs to accept owner's self certification for an initial inspection ends on July 31, 2020. The period of availability for the PHA to inspect

a unit that was placed under HAP contract based on the owner's self certification ends on October 31, 2020.

HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option
Statutory Authority: Section 8(o)(8)(A)(ii) of the USHA of 1937
Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016: Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

ECC/HANH is waiving the requirement to withhold HAP payment if a unit fails an initial HQS inspection due to Non-Life-Threatening deficiencies (NLT) and the deficiencies are not corrected within 30 days. This option is available for Tenant Based Units, Project Based Units and ECC/HANH owned units.

Period of Availability: The period of availability for the PHA to approve an extension of up to an additional 30 days ends on July 31, 2020. The extension to make the NLT repairs may extend beyond July 31, 2020, depending on the date the PHA approved the extension. For example, if the PHA approved the extension on July 15th, the maximum extension provided to the owner would be August 15th.

HQS-4: HQS Initial Inspection Requirement – Alternative Inspection Option
Statutory Authority: Section 8(o)(8)(A)(iii) of the USHA of 1937
Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016: Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

For participants who will lease a unit that passed an HQS inspection within the last 24 months, ECC/HANH will allow the lease up to occur within 15 days and commence HAP payments at the beginning of the lease term, based on the alternative inspection. The owner and participant will also self certify that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question. This option is available for Tenant Based units, Project Based Units and ECC/HANH owned units.

Period of Availability: The period of availability for the waiver to place a unit under HAP contract and commence payments ends on July 31, 2020. The period of availability for the PHA to inspect a unit placed under HAP contract under this waiver authority is October 31, 2020.

HQS-5: HQS Inspection Requirement – Biennial Inspections
Statutory Authority: Section 8(o)(D) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.405(a), 983.103(d)

ECC/HANH is waiving the requirement to delay the biennial HQS inspection for Tenant Based, Project Based and ECC/HANH owned units. All delayed HQS inspections must be conducted no later than October 31, 2020.

Period of availability: The period of availability ends on October 31, 2020.

HQS-6: HQS Interim Inspections
Statutory Authority: Section 8(o)(8)(F) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.405(g), 983.103(e)

ECC/HANH is waiving the requirement during an interim (special) inspection, that ECC/HANH must inspect the unit within 24 hours if the deficiency is life threatening and within 15 days if the deficiency is non-life threatening.
If the reported deficiency is life threatening, the owner and participant must self certify within 24 hours that the deficiency has been corrected or does not exist. For NLT deficiencies, the owner must make the repair within 30 days and owner and participant self certify that that repairs have been completed.

Period of Availability: The period of availability ends on July 31, 2020.

HQS-7: PBV Turnover Unit Inspections
Regulatory Authority: 24 CFR § 983.103(c)

ECC/HANH will waive the requirement that an HQS inspection must be conducted prior to providing assistance to a new family leasing a PBV contract. ECC/HANH will allow the owner to self certify that he/she has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in questions. However, ECC/HANH will need to conduct the HQS inspection, no later than October 31, 2020.

Period of Availability: The period of availability to fill a turnover PBV unit without conducting an HQS inspection ends on July 31, 2020. The period of availability for completing inspections for turnover PBV units that were reoccupied without an HQS inspection under this waiver authority ends on October 31, 2020.

HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units
Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 983.207(a), 983.207(b)

ECC/HANH waives the requirement to conduct a HQS inspection prior to amending the HAP contract to add an additional PBV unit or substitute a different unit for a previously covered contract unit. The owner will be able to self certify that he/she has no reasonable basis to have knowledge that life-threatening conditions exist.

Period of Availability: The period of availability for ECC/HANH to accept the owner's self certification for an initial inspection ends on July 31, 2020. The period of availability for ECC/HANH to inspect a unit that was placed under HAP contract based on the owner's self certification ends on October 31, 2020.

HQS-9: HQS Quality Control Inspections
Regulatory Authority: 24 CFR § 982.405(b)

HQS Quality Control Inspections are suspended.

Period of Availability: The period of availability ends on October 31, 2020.

Adopted by the Board of Commissioners July 21, 2020.

Resolution #07-62/20R

ECC/HANH HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

(ADMIN PLAN) ADDENDUM 2

HUD COVID WAIVERS

OVERVIEW

Due to the COVID-19 pandemic, HUD issued Notice PIH 2020-05 on April 10, 2020, "COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program.

In accordance with the Notice, ECC/HANH has made the following changes to the operating policies and procedures in the Administrative Plan.

On July 2, 2020 HUD issued Notice PIH 2020-13 (HA), Rev 1 which supersedes Notice PIH 2020-05 and essentially extends the period of availability for certain waivers and offers additional waiver not included in Notice PIH 2020-05.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS – GENERAL

HCV-1: Administrative plan
Regulatory Authority: 24 CFR § 982.54 (a

The regulation requires that any revisions of the Administrative Plan (Admin Plan) must be formally adopted by the Board of Commissioners or other authorized PHA officials. HUD is waiving the requirement to allow the Admin Plan to be revised on a temporary basis without Board approval. However, the revisions to the Admin Plan must be formerly adopted as soon as practicable following June 30, 2020, but no later than July 31, 2020.

HUD is waiving the requirement to allow the PHA administrative plan to be revised on a temporary basis without Board approval through September 30, 2020.
Any informally adopted revisions under this waiver authority must be formally adopted no later than December 31, 2020.

Period of Availability: The period of availability ends on July 31, 2020.

Extended Period of Availability: The period of availability to informally adopt changes to the PHA administrative plan ends on September 30, 2020; the PHA must formally adopt such revisions no later than December 31, 2020.

HCV-2: Information When Family is Selected - PHA Oral Briefing
Regulatory Authority: 24 CFR § 982.301(a)(3), § 983.252(a)

ECC/HANH is waiving the requirement for an oral briefing for participation in the TBV and PBV programs and will conduct a briefing via a webcast, video call, or telephone. ECC/HANH will ensure that the method of communication for the briefing will effectively communicate with each family

member, including those with vision, hearing, and other communication-related disabilities, and will ensure meaningful access for persons with limited English proficiency. Reasonable Accommodations will be offered to each family member.

Period of Availability: The period of availability ends on July 31, 2020.

Extended Period of Availability: The period of availability ends on December 31, 2020.

HCV-3: Term of Voucher – Extensions of Term
Regulatory Authority: 24 CFR § 982.303(b)(1)

ECC/HANH will allow additional voucher extensions to the current extension policy in the Housing Choice Voucher Administrative Plan.

Period of Availability: The period of availability ends on July 31, 2020.

Extended Period of Availability: The period of availability ends on December 31, 2020.

HCV-5: Absence from Unit
Regulatory Authority: 24 CFR § 982.312

ECC/HANH will allow an HCV family to be absent from the unit for a period of more than 180 consecutive calendar days due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, away caring for family members). ECC/HANH will continue to pay housing assistance payments and will not terminate the HAP contract.

Period of Availability: The period of availability ends on December 31, 2020. ECC/HANH may not make payments beyond December 31, 2020, and the HAP contract will terminate on that date if the family is still absent from the unit.

Period of Availability: The period of availability for the PHA to choose to continue making HAP payments despite the family's absence of more than 180 consecutive days ends on December 31, 2020. The PHA may not make payments beyond December 31, 2020, and the HAP contract will terminate on that date if the family is still absent from the unit. (No change)

HCV-6: Automatic Termination of HAP contract
Regulatory Authority: 24 CFR § 982.455

When an HCV family's income increases to the extent that the housing assistance payment is reduced to $0, ECC/HANH is required by regulation to automatically terminate the HAP contract 180 days after the last housing assistance payment to the owner. In recognition that the COVID-19 pandemic is creating economic and employment instability for many families, as well as situations where families may on a temporary basis be adding members who's additional income may result in a $0 HAP subsidy calculation, HUD is waiving this requirement, ECC/HANH will allow an extension beyond the normally applicable 180 days but not beyond December 31, 2020, upon written notice to the owner and family.

Period of Availability: The period of availability for the extension ends December 31, 2020.

HCV-8: Utility allowance schedule – required review and revision
Regulatory Authority: 24 CFR § 982.517

ECC/HANH will delay the review and revision to the utility allowances schedule for the various housing types and utility sources.

The revised Utility Allowances will be effective January 1, 2021. If the effective dates changes beyond January 1, 2021, any retroactive payments to January 1, 20201 will be provided to the residents. **(Response to NHLA)**
Period of Availability: Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed no later than December 31, 2020. (No change)

HCV-9: Homeownership Option – Homeownership counseling
Statutory Authority: Section 8(y)(1)(D) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.630, 982.636(d)

The statute requires that to be eligible for voucher homeownership assistance the family must participate in a homeownership and housing counseling program provided by the agency.
While ECC/HANH encourages families to continue to complete briefing and counseling sessions that are operational and can be accomplished in accordance with social distancing directives, ECC/HANH is waiving these requirements and will allow the family to purchase the home without fulfilling the normally applicable pre-assistance homeownership counseling requirements.

Period of Availability: The period of availability ends on July 31, 2020.

Extended Period of Availability: The period of availability ends on December 31, 2020.

WAIVERS APPLICABLE TO BOTH PUBLIC HOUSING AND HCV PROGRAMS

HCV-3: Family Income and Composition: Annual Examination Income Verification requirements
Regulatory Authority: 24 CFR 5.233(a)(2)
Regulatory Authority: 24 CFR 982.516(a)
Sub-regulatory Guidance: PIH Notice 2018-18

For annual reexaminations, ECC/HANH will waive the income verification hierarchy, including third party verifications and use of the Enterprise Income Verification (EIV) system and will accept self-certifications for income verification as the highest form of income verification. This may be accepted via telephone (but documented by ECC staff in written form), through email or postal mail or other electronic communications. ECC/HANH will address any material discrepancies at a later date and any incorrect reporting may result in corrections and adjustments.

Period of availability: The period of availability ends July 31, 2020.

Extended period of availability: The period of availability ends December 31, 2020)

HCV-4: Family Income and Composition: Interim Examinations

Statutory Authority: Section 3(a)(1) of the USHA of 1937
Regulatory Authority: 24 CFR 5.233(a)(2) – HCV
Regulatory Authority: 24 CFR 982.51 (c)(2) – HCV
Sub Regulatory Guidance: PIH Notice 2018-18

For interim reexaminations, ECC/HANH will waive the income verification hierarchy, including third party verifications and use of the Enterprise Income Verification (EIV) system and will accept self-certifications for income verification as the highest form of income verification. This may be accepted via telephone (but documented by ECC staff in written form), through email or postal mail or other electronic communications. ECC/HANH will address any material discrepancies at a later date and any incorrect reporting may result in corrections and adjustments.

The effective date of the interim rent decrease will be the first day of the month after the event which caused the loss of income. Such a change would be consistent with the requirements for multifamily housing set forth in HUD-Handbook 4350.3 at Chapter 7 c. 7-13.c.2. which specifically cites first of the month after the loss of a job as an example of the effective date (first of the month after the event causing the loss of income. A resident may request a grievance hearing for a potential rent calculation error, if they believe the effective date of the interim is incorrect. **(NHLA response)**

Period of availability: The period of availability ends July 31, 2020.

Period of availability Extended to December 31, 2020

HCV-5: Enterprise Income Verification (EIV) Monitoring
Regulatory Authority: 24 CFR 5.233
Sub-regulatory Guidance: PIH Notice 2018-18

The mandatory monitoring of the following EIV reports have been waived.

- Deceased Tenants Report
- Identity Verification Report
- Immigration Report
- IVT Report
- Multiple Subsidy Report
- New Hires Report

Period of availability: The period of availability ends on July 31, 2020.

Period of availability Extended to December 31, 2020)

HCV-6: Family Self Sufficiency (FSS) Contract of Participation Contract Extension
Regulatory Authority: 24 CFR 984.303(d)

ECC/HANH will extend the term of a family's contract of participation beyond the two (2) years for "good cause" during this period.

Period of availability: The period of availability ends on December 31, 2020.

Period of Availability: The period of availability during which the PHA may extend the family's contract of participation using COVID-19 as the "good cause" ends on December

31, 2020. (No change)

PHA Reporting Requirements on HUD Form 50058.
Regulatory Authority: 24 CFR Part 908, § 982.158
Sub-regulatory Guidance: PIH Notice 2011-65

ECC/HANH must submit form HUD-50058 no later than 60 calendar days from the effective date of any action recorded on line 2b of the form HUD-50058 or form HUD-50058 MTW.
HUD is waiving the 60-day deadline and providing that ECC/HANH must submit form HUD-50058 or HUD-50058 MTW for transactions impacted by implemented waivers and alternative requirements within 90 days of the effective date of action.

Period of Availability: The period of availability ends December 31, 2020. (No change)

HOUSING CHOICE VOUCHER PROGRAM WAIVERS – HOUSING QUALITY STANDARDS (HQS) INSPECTIONS

HQS-1: Initial Inspection Requirements
Statutory Authority: Section 8(o)(8)(A)(i), Section 8(o)(8(C) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.305(a), 982.305(b), 982.405

ECC/HANH will waive the requirement to conduct an initial Housing Quality Standard (HQS) inspection, prior to placing a unit under the Housing Assistance Payment (HAP) and making payments. ECC/HANH will rely on the owner and participant's certification that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question. However, ECC/HANH will conduct an initial HQS inspection as soon as it is reasonably possible, no later than October 31, 2020.

The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification.

ECC/HANH requires the owner and participant to certify that they have no reasonable basis to have knowledge that a life-threatening issue exists and also to certify the last date the owner and/or participant inspected the unit. ECC/HANH will request documentation such as pictures or video if necessary and will not lease the unit with certification from both parties.

In addition, participants can bring a serious NLT issue to ECC/HANH's attention after lease and a Special Inspection will be conducted. **(Response to NHLA)**

Period of Availability: The period of availability for PHAs to accept owner's self certification for an initial inspection ends on July 31, 2020. The period of availability for the PHA to inspect a unit that was placed under HAP contract based on the owner's self certification ends on October 31, 2020.

Extended Period of Availability: The period of availability for a PHA to accept an owner's self certification
for an initial inspection ends on **December 31, 2020.** For any unit for which a PHA accepted an owner's self-certification, the PHA must conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary of the date of the owner's certification.

HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections, PHA Acceptance of Completed Units
Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 983.301(b), 983.156(a)(1)

ECC/HANH will waive the requirement that ECC/HANH must inspect each contract unit before the execution of the HAP contract to ensure that units comply fully with HQS. ECC/HANH will rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist. However, ECC/HANH will conduct an initial HQS inspection as soon as it is reasonably possible, no later than October 31, 2020.

The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification.

Period of Availability: The period of availability for PHAs to accept owner's self certification for an initial inspection ends on July 31, 2020. The period of availability for the PHA to inspect a unit that was placed under HAP contract based on the owner's self certification ends on October 31, 2020.

Extended Period of Availability: The period of availability for PHAs to accept owner's self certification for the pre-HAP inspection/completion of work requirement ends on December 31, 2020. For any unit for which a PHA accepted an owner's self-certification, the PHA must conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary of the date of the owner's certification.

HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option
Statutory Authority: Section 8(o)(8)(A)(ii) of the USHA of 1937
Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016: Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

ECC/HANH is waiving the requirement to withhold HAP payment if a unit fails an initial HQS inspection due to Non-Life-Threatening deficiencies (NLT) and the deficiencies are not corrected within 30 days. ECC/HANH will provide an extension of up an additional 30 days and will continue to make payments to the owner during the period of the maximum 30-day extension. This option is available for Tenant Based Units, Project Based Units and ECC/HANH owned units.

Period of Availability: The period of availability for the PHA to approve an extension of up to an additional 30 days ends on July 31, 2020. The extension to make the NLT repairs may extend beyond July 31, 2020, depending on the date the PHA approved the extension. For example, if the PHA

approved the extension on July 15th, the maximum extension provided to the owner would be August 15th.

Extended Period of Availability: The period of availability for the PHA to approve an extension of up to an additional 30 days ends on December 31, 2020. The extension to make the NLT repairs may extend beyond December 31, 2020, depending on the date the PHA approved the extension. For example, if the PHA approved the extension on December 15, 2020, the maximum extension provided to the owner would be January 15, 2021.

HQS-4: HQS Initial Inspection Requirement – Alternative Inspection Option
Statutory Authority: Section 8(o)(8)(A)(iii) of the USHA of 1937
Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016: Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

For participants who will lease a unit that passed an HQS inspection within the last 24 months, ECC/HANH will allow the lease up to occur within 15 days and commence HAP payments at the beginning of the lease term, based on the alternative inspection. The owner and participant will also self certify that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question. This option is available for Tenant Based units, Project Based Units and ECC/HANH owned units.

The PHA must conduct the HQS inspection for the unit for which it has commenced assistance payments under this
waiver authority as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification.

Period of Availability: The period of availability for the waiver to place a unit under HAP contract and commence payments ends on July 31, 2020. The period of availability for the PHA to inspect a unit placed under HAP contract under this waiver authority is October 31, 2020.

Extended Period of Availability: The period of availability for the waiver to place a unit under HAP contract and commence payments end on December 31, 2020. For any unit for which a PHA entered into a HAP contract and commenced payment pursuant to this alternative requirement, the PHA must conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary of the date of the owner's certification.

HQS-5: HQS Inspection Requirement – Biennial Inspections
Statutory Authority: Section 8(o)(D) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.405(a), 983.103(d)

ECC/HANH is waiving the requirement to delay the biennial HQS inspection for Tenant Based, Project Based and ECC/HANH owned units. All delayed HQS inspections must be conducted no later than October 31, 2020.

All delayed biennial inspections must be completed as soon as reasonably possible but no later than one year after the date the biennial inspection would have been required absent the waiver.

Period of availability: The period of availability ends on October 31, 2020.

Extended Period of Availability: The PHA must conduct the delayed biennial inspection as soon as reasonably possible but no later than one year after the date the biennial inspection would have been required absent the waiver.

HQS-6: HQS Interim Inspections
Statutory Authority: Section 8(o)(8)(F) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.405(g), 983.103(e)

ECC/HANH is waiving the requirement during an interim (special) inspection, that ECC/HANH must inspect the unit within 24 hours if the deficiency is life threatening and within 15 days if the deficiency is non-life threatening.
If the reported deficiency is life threatening, the owner and participant must self certify within 24 hours that the deficiency has been corrected or does not exist and provide documentation (e.g., text or email photo to ECC/HANH). For NLT deficiencies, the owner must make the repair within 30 days and owner and participant self certify that that repairs have been completed.

Period of Availability: The period of availability ends on July 31, 2020.

Extended Period of Availability: The period of availability ends on December 31, 2020. After December 31, 2020, the PHA must conduct the HQS inspection in accordance with the applicable time periods upon notification by a family or government official that the assisted unit does not comply with the HQS.

HQS-7: PBV Turnover Unit Inspections
Regulatory Authority: 24 CFR § 983.103(c)

ECC/HANH will waive the requirement that an HQS inspection must be conducted prior to providing assistance to a new family leasing a PBV contract. ECC/HANH will allow the owner to self certify that he/she has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in questions. However, ECC/HANH will need to conduct the HQS inspection, no later than October 31, 2020.
ECC/HANH is required to conduct the HQS inspection on the unit as soon as reasonably possible, but no later than the 1-year anniversary date of the owner's certification.

Period of Availability: The period of availability to fill a turnover PBV unit without conducting an HQS inspection ends on July 31, 2020. The period of availability for completing inspections for turnover PBV units that were reoccupied without an HQS inspection under this waiver authority ends on October 31, 2020.

Extended Period of Availability: The period of availability to fill a turnover PBV unit without conducting an HQS inspection ends on December 31, 2020. For any unit for which a PHA

accepted an owner's self-certification, the PHA must conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary of the date of the owner's certification.

HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units
Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 983.207(a), 983.207(b)

ECC/HANH waives the requirement to conduct a HQS inspection prior to amending the HAP contract to add an additional PBV unit or substitute a different unit for a previously covered contract unit. The owner will be able to self certify that he/she has no reasonable basis to have knowledge that life-threatening conditions exist.

Period of Availability: The period of availability for ECC/HANH to accept the owner's self certification for an initial inspection ends on July 31, 2020. The period of availability for ECC/HANH to inspect a unit that was placed under HAP contract based on the owner's self certification ends on October 31, 2020.

Extended Period of Availability: The period of availability for PHAs to accept owner's self certification for an initial inspection ends on December 31, 2020. For any unit added to a PBV HAP contract based upon an owner's self-certification, the PHA must conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary of the date of the owner's certification.

HQS-9: HQS Quality Control Inspections
Regulatory Authority: 24 CFR § 982.405(b)

HQS Quality Control Inspections are suspended.

Period of Availability: The period of availability ends on October 31, 2020.

Extended Period of Availability: The period of applicability ends on December 31, 2020.

NEW
HCV-14: Mandatory Removal of Unit from PBV HAP Contract
Regulatory Authority: 24 C.F.R. §983.211(a); §983.258

Description: Under the PBV program, a PHA is required to remove a unit from a PBV HAP contract after 180 days of zero housing assistance payments to the unit owner on behalf of the family residing in the unit. HUD is waiving this requirement. As an alternative requirement, HUD is authorizing a PHA at its discretion to keep such units under contract for a period of time that exceeds 180 days but does not extend beyond December 31, 2020.

Similarly, with respect to 24 C.F.R §983.258, HUD is providing that a PHA that adopts the alternative requirement may resume housing assistance payments on behalf of a family residing in such a unit should the family's income change at any point during the period of time covered by the extension. Period of

Period of Availability: The period of availability for the extension ends on December 31

Adopted by the Board of Commissioners February 16, 2021.

Resolution #02-08/21-R

ECC/HANH HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

(ADMIN PLAN) ADDENDUM 3

HUD COVID WAIVERS

OVERVIEW

Due to the COVID-19 pandemic, HUD issued Notice PIH 2020-05 on April 10, 2020, "COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program.

In accordance with the Notice, ECC/HANH has made the following changes to the operating policies and procedures in the Administrative Plan.

On July 2, 2020 HUD issued Notice PIH 2020-13 (HA), Rev 1 which supersedes Notice PIH 2020-05 and essentially extends the period of availability for certain waivers to December 31, 2020 and offers additional waivers not included in Notice PIH 2020-05.

On November 30, 2020, HUD issued PIH Notice 2020-33(HA), Rev 2 which supersedes Notices PIH 2020-05, PIH 2020-13 and extended the period of availability to June 30, 2021.

On May 4, 2021 HUD issued PIH Notice 2021-14, Rev 3 (HA) which supersedes Notices PIH 2020-33, PIH 2020-13 and PIH 2020-05 and essentially extends the period of availability for certain waivers and offers additional waiver not included in Notice PIH 2020-33.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS – GENERAL

HCV-1: Administrative plan
Regulatory Authority: 24 CFR § 982.54 (a)

The regulation requires that any revisions of the Administrative Plan (Admin Plan) must be formally adopted by the Board of Commissioners or other authorized ECC/HANH officials. HUD is waiving the requirement to allow the Admin Plan to be revised on a temporary basis without Board approval through September 30, 2021. However, the revisions to the Admin Plan must be formerly adopted as soon as practicable no later than December 31, 2021.

Extended Period of Availability: The period of availability to informally adopt changes to the ECC/HANH administrative plan ends on September 30, 2021; ECC/HANH must formally adopt such revisions no later than December 31, 2021.

HCV-2: Information When Family is Selected - PHA Oral Briefing
Regulatory Authority: 24 CFR § 982.301(a)(3), § 983.252(a)

ECC/HANH is waiving the requirement for an oral briefing for participation in the TBV and PBV programs and will conduct a briefing via a webcast, video call, or telephone. ECC/HANH will ensure

that the method of communication for the briefing will effectively communicate with each family member, including those with vision, hearing, and other communication-related disabilities, and will ensure meaningful access for persons with limited English proficiency. Reasonable Accommodations will be offered to each family member.

Extended Period of Availability: The period of availability ends on December 31, 2021

HCV-3: Term of Voucher – Extensions of Term
Regulatory Authority: 24 CFR § 982.303(b)(1)

ECC/HANH will allow additional voucher extensions to the current extension policy in the Housing Choice Voucher Administrative Plan.

Extended Period of Availability: The period of availability ends on December 31, 2021

HCV-5: Absence from Unit
Regulatory Authority: 24 CFR § 982.312

ECC/HANH will allow an HCV family to be absent from the unit for a period of more than 180 consecutive calendar days due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, away caring for family members). ECC/HANH will continue to pay housing assistance payments and will not terminate the HAP contract. ECC/HANH has to maintain documentation in the tenant file which explains extenuating circumstance.

Extended Period of Availability: The period of availability for ECC/HANH to choose to continue making HAP payments despite the family's absence of more than 180 consecutive days ends on December 31, 2021. ECC/HANH may not make payments beyond December 31, 2021 and the HAP contract will terminate on that date if the family is still absent from the unit.

HCV-6: Automatic Termination of HAP contract
Regulatory Authority: 24 CFR § 982.455

When an HCV family's income increases to the extent that the housing assistance payment is reduced to $0, ECC/HANH is required by regulation to automatically terminate the HAP contract 180 days after the last housing assistance payment to the owner. In recognition that the COVID-19 pandemic is creating economic and employment instability for many families, as well as situations where families may on a temporary basis be adding members who's additional income may result in a $0 HAP subsidy calculation, HUD is waiving this requirement, ECC/HANH will allow an extension beyond the normally applicable 180 days but not beyond December 31, 2021, upon written notice to the owner and family.

Extended Period of Availability: The period of availability for the extension ends December 31, 2021

HCV-8: Utility allowance schedule – required review and revision
Regulatory Authority: 24 CFR § 982.517

ECC/HANH will delay the review and revision to the utility allowances schedule for the various housing types and utility sources.

The revised Utility Allowances were effective January 1, 2021. If the effective dates changes beyond January 1, 2021, any retroactive payments to January 1, 2021 will be provided to the residents.

Extended Period of Availability: Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed no later than December 31, 2021.

HCV-9: Homeownership Option – Homeownership counseling
Statutory Authority: Section 8(y)(1)(D) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.630, 982.636(d)

The statute requires that to be eligible for voucher homeownership assistance the family must participate in a homeownership and housing counseling program provided by the agency. While ECC/HANH encourages families to continue to complete briefing and counseling sessions that are operational and can be accomplished in accordance with social distancing directives, ECC/HANH is waiving these requirements and will allow the family to purchase the home without fulfilling the normally applicable pre-assistance homeownership counseling requirements.

Extended Period of Availability: The period of availability ends on December 31, 2021.

HCV-14: Mandatory Removal of Unit from PBV HAP Contract
Regulatory Authority: 24 C.F.R. §983.211(a); §983.258

Description: Under the PBV program, ECC/HANH is required to remove a unit from a PBV HAP contract after 180 days of zero housing assistance payments to the unit owner on behalf of the family residing in the unit. HUD is waiving this requirement. As an alternative requirement, HUD is authorizing ECC/HANH at its discretion to keep such units under contract for a period of time that exceeds 180 days but does not extend beyond June 30, 2021.

Similarly, with respect to 24 C.F.R §983.258, HUD is providing that a PHA that adopts the alternative requirement may resume housing assistance payments on behalf of a family residing in such a unit should the family's income change at any point during the period of time covered by the extension. Period of

Extended Period of Availability: The period of availability for the extension ends on December 31, 2021

WAIVERS APPLICABLE TO BOTH PUBLIC HOUSING AND HCV PROGRAMS

HCV-3: Family Income and Composition: Annual Examination Income Verification requirements
Regulatory Authority: 24 CFR 5.233(a)(2)
Regulatory Authority: 24 CFR 982.516(a)
Sub-regulatory Guidance: PIH Notice 2018-18

For annual reexaminations, ECC/HANH will waive the income verification hierarchy, including third party verifications and use of the Enterprise Income Verification (EIV) system and will accept self-certifications for income verification as the highest form of income verification. This may be accepted via telephone (but documented by ECC staff in written form), through email or postal mail or other electronic communications. ECC/HANH will address any material discrepancies at a later date and any incorrect reporting may result in corrections and adjustments.

Extended period of availability: The period of availability ends December 31, 2021

HCV-4: Family Income and Composition: Interim Examinations
Statutory Authority: Section 3(a)(1) of the USHA of 1937
Regulatory Authority: 24 CFR 5.233(a)(2) – HCV
Regulatory Authority: 24 CFR 982.51 (c)(2) – HCV
Sub Regulatory Guidance: PIH Notice 2018-18

For interim reexaminations, ECC/HANH will waive the income verification hierarchy, including third party verifications and use of the Enterprise Income Verification (EIV) system and will accept self-certifications for income verification as the highest form of income verification. This may be accepted via telephone (but documented by ECC staff in written form), through email or postal mail or other electronic communications. ECC/HANH will address any material discrepancies at a later date and any incorrect reporting may result in corrections and adjustments.

The effective date of the interim rent decrease will be the first day of the month after the event which caused the loss of income. Such a change would be consistent with the requirements for multifamily housing set forth in HUD-Handbook 4350.3 at Chapter 7 c. 7-13.c.2. which specifically cites first of the month after the loss of a job as an example of the effective date (first of the month after the event causing the loss of income. A resident may request a grievance hearing for a potential rent calculation error, if they believe the effective date of the interim is incorrect.

Extended Period of availability: December 31, 2021

HCV-5: Enterprise Income Verification (EIV) Monitoring
Regulatory Authority: 24 CFR 5.233
Sub-regulatory Guidance: PIH Notice 2018-18

The mandatory monitoring of the following EIV reports have been waived.

- Deceased Tenants Report

- Identity Verification Report
- Immigration Report
- IVT Report
- Multiple Subsidy Report
- New Hires Report

Extended Period of availability: Extended to December 31, 2021

HCV-6: Family Self Sufficiency (FSS) Contract of Participation Contract Extension
Regulatory Authority: 24 CFR 984.303(d)

ECC/HANH will extend the term of a family's contract of participation beyond the two (2) years for "good cause" during this period.

Extended Period of Availability: The period of availability during which ECC/HANH may extend the family's contract of participation using COVID-19 as the "good cause" ends on December 31, 2021.

12.a.
PHA Reporting Requirements on HUD Form 50058.
Regulatory Authority: 24 CFR Part 908, § 982.158
Sub-regulatory Guidance: PIH Notice 2011-65

ECC/HANH must submit form HUD-50058 no later than 60 calendar days from the effective date of any action recorded on line 2b of the form HUD-50058 or form HUD-50058 MTW.
HUD is waiving the 60-day deadline and providing that ECC/HANH must submit form HUD-50058 or HUD-50058 MTW for transactions impacted by implemented waivers and alternative requirements within 90 days of the effective date of action.

Period of Availability: The period of availability ended on December 31, 2020.

HOUSING CHOICE VOUCHER PROGRAM WAIVERS – HOUSING QUALITY STANDARDS (HQS) INSPECTIONS

HQS-1: Initial Inspection Requirements
Statutory Authority: Section 8(o)(8)(A)(i), Section 8(o)(8(C) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.305(a), 982.305(b), 982.405

ECC/HANH will waive the requirement to conduct an initial Housing Quality Standard (HQS) inspection, prior to placing a unit under the Housing Assistance Payment (HAP) and making payments.

ECC/HANH will rely on the owner and participant's certification that they have no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question.

ECC/HANH requires the owner and participant to certify that they have no reasonable basis to have knowledge that a life-threatening issue exists and also to certify the last date the owner and/or participant inspected the unit. ECC/HANH will request documentation such as pictures or video if necessary and will not lease the unit with certification from both parties.

In addition, participants can bring a serious NLT issue to ECC/HANH's attention after lease and a Special Inspection will be conducted.

Extended Period of Availability: The period of availability for ECC/HANH to accept an owner's self-certification for an initial inspection ends on December 31, 2021. For any unit for which ECC/HANH accepted an owner's self-certification, ECC/HANH must conduct an HQS inspection as soon as reasonably possible but no later than June 30, 2022.

HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections, PHA Acceptance of Completed Units
Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 983.301(b), 983.156(a)(1)

ECC/HANH will waive the requirement that ECC/HANH must inspect each contract unit before the execution of the HAP contract to ensure that units comply fully with HQS. ECC/HANH will rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist. However, ECC/HANH will conduct an initial HQS inspection as soon as it is reasonably possible, no later than June 30, 2022.

ECC/HANH is required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification.

Extended Period of Availability: The period of availability for ECC/HANH to accept owner's self-certification for the pre-HAP inspection/completion of work requirement ends on December 31, 2021. For any unit for which ECC/HANH accepted an owner's self-certification, ECC/HANH must conduct an HQS inspection as soon as reasonably possible but no later than June 30, 2022.

HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option
Statutory Authority: Section 8(o)(8)(A)(ii) of the USHA of 1937
Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016: Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

ECC/HANH is waiving the requirement to withhold HAP payment if a unit fails an initial HQS inspection due to Non-Life-Threatening deficiencies (NLT) and the deficiencies are not corrected within 30 days. ECC/HANH will provide an extension of up an additional 30 days and will continue to make payments to the owner during the period of the maximum 30-day extension. This option is available for Tenant Based Units, Project Based Units and ECC/HANH owned units.

Extended Period of Availability: The period of availability for ECC/HANH to approve an extension of up to an additional 30 days ends on December 31, 2021. The extension to make the NLT repairs may extend beyond December 31, 2021, depending on the date ECC/HANH approved the extension. For example, if ECC/HANH approved the extension on December 15, 2021, the maximum extension provided to the owner would be January 14, 2022.

HQS-4: HQS Initial Inspection Requirement – Alternative Inspection Option
Statutory Authority: Section 8(o)(8)(A)(iii) of the USHA of 1937
Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016: Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

For participants who will lease a unit that passed an HQS inspection within the last 24 months, ECC/HANH will allow the lease up to occur within 15 days and commence HAP payments at the beginning of the lease term, based on the alternative inspection. The owner and participant will also self certify that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in question. This option is available for Tenant Based units, Project Based Units and ECC/HANH owned units.

ECC/HANH must conduct the HQS inspection for the unit for which it has commenced assistance payments under this waiver authority as soon as reasonably possible but no later than the 1-year anniversary date of the owner's certification.

Extended Period of Availability: The period of availability for the waiver to place a unit under HAP contract and commence payments end on December 31, 2021 For any unit for which ECC/HANH entered into a HAP contract and commenced payment pursuant to this alternative requirement, ECC/HANH must conduct an HQS inspection as soon as reasonably possible but no later than the 1-year anniversary of the date of the owner's certification.

HQS-5: HQS Inspection Requirement – Biennial Inspections
Statutory Authority: Section 8(o)(D) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.405(a), 983.103(d)

ECC/HANH is waiving the requirement to delay the biennial HQS inspection for Tenant Based, Project Based and ECC/HANH owned units. ECC/HANH must require the owner's certification that the owner has no reasonable basis to have knowledge that a life-threatening condition exist in the unit or units in question.

Extended Period of Availability: ECC/HANH must resume biennial inspections by December 31, 2021. ECC/HANH must conduct all delayed biennial inspections from CY2020 as soon as reasonably possible but no later than June 30, 2022 and must conduct all delayed biennial inspections from CY 2021 as soon as reasonably possible but no later than December 31, 2022.

HQS-6: HQS Interim Inspections
Statutory Authority: Section 8(o)(8)(F) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 982.405(g), 983.103(e)

ECC/HANH is waiving the requirement during an interim (special) inspection, that ECC/HANH must inspect the unit within 24 hours if the deficiency is life threatening and within 15 days if the deficiency is non-life threatening.
If the reported deficiency is life threatening, the owner and participant must self certify within 24 hours that the deficiency has been corrected or does not exist and provide documentation (e.g., text or email photo to ECC/HANH). For NLT deficiencies, the owner must make the repair within 30 days and owner and participant self certify that that repairs have been completed.

Extended Period of Availability: The period of availability ends on December 31, 2021. After December 31, 2021, ECC/HANH must conduct the HQS inspection in accordance with the applicable time periods upon notification by a family or government official that the assisted unit does not comply with the HQS.

HQS-7: PBV Turnover Unit Inspections
Regulatory Authority: 24 CFR § 983.103(c)

ECC/HANH will waive the requirement that an HQS inspection must be conducted prior to providing assistance to a new family leasing a PBV contract. ECC/HANH will allow the owner to self-certify that he/she has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units in questions.

Extended Period of Availability: The period of availability to fill a turnover PBV unit without conducting an HQS inspection ends on December 31, 2021. For any unit for which ECC/HANH accepted an owner's self-certification, ECC/HANH must conduct an HQS inspection as soon as reasonably possible but no later than June 30, 2022.

HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units
Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937
Regulatory Authority: 24 CFR §§ 983.207(a), 983.207(b)

ECC/HANH waives the requirement to conduct an HQS inspection prior to amending the HAP contract to add an additional PBV unit or substitute a different unit for a previously covered contract unit. The owner will be able to self-certify that he/she has no reasonable basis to have knowledge that life-threatening conditions exist.

Extended Period of Availability: The period of availability for ECC/HANH to accept owner's self certification for an initial inspection ends on December 31, 2021. For any unit added to a PBV HAP contract based upon an owner's self-certification, ECC/HANH must conduct an HQS inspection as soon as reasonably possible but no later than June 30, 2022.

HQS-9: HQS Quality Control Inspections
Regulatory Authority: 24 CFR § 982.405(b)

HQS Quality Control Inspections are suspended.

Extended Period of Availability: The period of applicability ends on December 31, 2021

NEW
HCV-8: Eligibility Determination: Income Verification
Regulatory Authority: 24 CFR § 982.201(e) – HCV
Sub-regulatory Guidance: Notice PIH 2018-18

Income Verification waives the third-party income verification requirements for applicants and, alternatively, will allow ECC/HANH to consider self-certification as the highest form of income verification at admission

Extended Period of Availability: The period of availability ends on December 31, 2021

Adopted by the Board of Commissioners XXXXXX, 2021.

Resolution #XXXXXXX

GLOSSARY

A. ACRONYMS USED IN THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

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
ARP	American Rescue Plan Act of 2021
BR	Bedroom
CACC	Consolidated Annual Contributions Contract
CDBG	Community Development Block Grant (Program)
CBOC	Community-Based Outpatient Clinic
CE	Coordinated Entry
CFR	Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as "the regulations")
CPI	Consumer price index (published monthly by the Department of Labor as an inflation indicator)
CoC	Continuum of Care
CY	Calendar Year
DSP	Designated Service Providers
EHV	Emergency Housing Voucher
EID	Earned income disallowance
EIV	Enterprise Income Verification
ETP	Emergency Transfer Plan
FDIC	Federal Deposit Insurance Corporation
FDS	Financial Data Schedule
FHA	Federal Housing Administration (HUD Office of Housing)
FHEO	Fair Housing and Equal Opportunity (HUD Office of)
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
HQS	Housing quality standards
HUD	Department of Housing and Urban Development
HUDCLIPS	HUD Client Information and Policy System
IPA	Independent public accountant
IRA	Individual retirement account
IRS	Internal Revenue Service
JTPA	Job Training Partnership Act
LBP	Lead-based paint
LEP	Limited English proficiency
MOU	Memorandum of Understanding
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)
MTW	Moving to Work
NOFA	Notice of funding availability
OGC	HUD's Office of General Counsel
OIG	HUD’s Office of Inspector General
OMB	Office of Management and Budget
PASS	Plan to Achieve Self-Support
PBV	Project Based Voucher
PHA	Public housing agency
PIC	PIH Information Center
PIC-NG	Public Housing Information Center-Next Generation
PIH	(HUD Office of) Public and Indian Housing
PS	Payment standard
QAD	Quality Assurance Division
QC	Quality control

RA	Reasonable Accommodation
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)
RNP	Restricted Net Position
SEMAP	Section 8 Management Assessment Program
SRO	Single room occupancy
SSA	Social Security Administration
SSI	Supplemental security income
SSN	Social Security Number
SV	Stability Vouchers
SWICA	State wage information collection agency
TANF	Temporary assistance for needy families
TBV	Tenant Based Vouchers
TPV	Tenant protection vouchers
TR	Tenant rent
TTP	Total tenant payment
UA	Utility allowance
UFAS	Uniform Federal Accessibility Standards
UIV	Upfront income verification
URP	Utility reimbursement payment
VA	Department of Veterans Affairs
VAMC	Veteran Affairs Medical Centers
VAWA	Violence Against Women Reauthorization Act of 2013
VMS	Voucher Management System
VPS	Voucher Payment Standard
VSO	Veteran Service Organization
VSP	Victim Service Provider

B. GLOSSARY OF SUBSIDIZED HOUSING TERMS

***Absorption*.** In portability (under subpart H of this part 982): the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

***Accessible*.** The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

***Adjusted income*.** Annual income, less allowable HUD deductions and allowances.

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

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.

Affiliated individual. With respect to an individual, a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis (in the place of a parent), or any individual, tenant, or lawful occupant living in the household of that individual

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. Happening once a year.

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 24 CFR 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.

Biennial. Happening every two years.

Bifurcate. 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.

Budget authority. An amount authorized and appropriated by the Congress for payment to PHAs 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.

***Childcare 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 childcare. In the case of childcare 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.

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

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

Computer match. The automated comparison of databases 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 24 CFR 982.606–609.

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 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 24 CFR 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.

Dating violence. 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

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.

Dependent child. In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

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, cohead, spouse, or sole member is a person with disabilities; 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.*

Disallowance. Exclusion from annual income.

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.

Domestic violence. Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim

who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

***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 24 CFR 5.603(c).

***Elderly family*.** A family whose head, cohead, spouse, or sole member is a person who is at least 62 years of age; 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 A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR. See also *family.*

***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 as evidence of citizenship or eligible immigration status. See 24 CFR 5.508(b).

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher. Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. See 24 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. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

***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, regardless of actual or perceived sexual orientation, gender identity, or marital status, 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 24 CFR 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 childcare payment. A 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). See 24 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.

Gender identity. Actual or perceived gender-related characteristics.

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 24 CFR 982.610–614.)

Handicap. Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities*.)

HAP contract. The housing assistance payments 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.

Household. A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

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.

Housing agency (HA). See *public housing agency*.

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the voucher program.

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

Imputed asset. An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

Imputed asset income. The PHA-established passbook rate multiplied by the total cash value of assets. The calculation is 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. See *person with disabilities.*

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.

Institution of higher education. An institution of higher education as defined in 20 U.S.C. 1001 and 1002. See Exhibit 3-2 in this Administrative Plan.

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.

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; and
- Would not be living in the unit except to provide the necessary supportive services.

Living/sleeping room. A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space. A bedroom or living/sleeping room must have at least one window and two electrical outlets in proper operating condition. See HCV GB p. 10-6 and 24 CFR 982.401.

Local preference. A preference used by the PHA to select among applicant families.

Low-income family. A family whose income does not exceed 80 percent 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 percent 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 24 CFR 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 24 CFR 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 percent of annual income.

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.

***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.

- 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 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 therefore. 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.

Overcrowded. A unit that does not meet the following HQS space standards: (1) Provide adequate space and security for the family; and (2) Have at least one bedroom or living/sleeping room for each two persons.

***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).

Person with disabilities. *For the purposes of program eligibility*. A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation.* A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

Portability. Renting a dwelling unit with a Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

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

Previously unemployed. With regard to the earned income disallowance, a person with disabilities who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

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.

Qualified family (under the earned income disallowance). A family participating in an applicable assisted housing program or receiving HCV assistance:

- Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance--provided that the total amount over a six-month period is at least $500.

Qualified census tract. With regard to certain tax credit units, any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent, and where the census tract is designated as a qualified census tract by HUD.

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.

Reasonable accommodation. A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

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 the tenant family. The person left in assisted housing who may or may not normally qualify for assistance on their 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 (See *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 Section 8 tenant-based assistance, project-based certificate assistance, and moderate rehabilitation programs, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 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. The collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in 24 CFR 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.

Set-up charges. In a manufactured home space rental, charges payable by the family for assembling, skirting, and anchoring the manufactured home.

Sexual assault. Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a)).

Sexual orientation. Homosexuality, heterosexuality or bisexuality.

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 24 CFR 982.615–982.618.)

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 24 CFR 982.602–982.605.)

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.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

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. Stopping the clock on the term of a family's voucher after the family submits a request for tenancy approval. If the PHA decides to allow extensions or suspensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions or suspensions, and how the PHA determines the length of any extension or suspension. This practice is also called *tolling.*

Tax credit rent. With regard to certain tax credit units, the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

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.

Tiered Rent. TTP as determined by annual income (see below).

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.

Utilities. Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

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 percent 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 percent 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.

VASH Veteran or *veteran family*. A single veteran or a veteran with a household composed of two or more related persons. It also includes one or more eligible persons living with the veteran who are determined to be important to the veteran's care or well-being.

Veteran. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

Violence Against Women Reauthorization Act (VAWA) of 2013. Prohibits denying admission to the program to an otherwise qualified applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

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. A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

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, childcare 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.

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