
Using the Housing Choice Voucher Program to

End Chronic Homelessness

The Technical Assistance Collaborative, Inc. presents

SPECIAL EDITION

SECTION 8

MADE SIMPLE

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Section 8 Made Simple – Special Edition was written by Emily Cooper & Lisa Sloane with editing and production support from Sara Burke and Adriana DePalma



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Preface

The original **Section 8 Made Simple** was published over a decade ago and although there have been changes in the Section 8 Housing Choice Voucher program since then, they have been small modifications — not significant enough to warrant revising this seminal guidebook. So *why publish a Special Edition now?*

Renewed federal emphasis on ending homelessness, particularly for people with disabilities who have lived on the streets or in emergency shelters for long periods of time, has resulted in increased focus on the Section 8 Housing Choice Voucher program. These individuals are referred to as “chronically homeless,” and on any given night they represent approximately 24 percent of all households experiencing homelessness nationwide. In January 2015 there were 96,275 households that met the federal definition of chronic homelessness.¹

The federal government is committed to ending chronic homelessness. Studies have shown that people experiencing chronic homelessness are frequent users of costly services such as emergency shelters, jails, and health care (including inpatient hospitalizations). Research has also indicated that low-threshold housing models that combine housing and services, such as Housing First,² are effective in helping people who have been chronically homeless to achieve residential stability.

In 2003, **Section 8 Made Simple** focused on how to help people with disabilities gain access to the program, especially by using fair housing tools such as reasonable accommodation. Since the definition of chronic homelessness includes being disabled, the rights guaranteed by federal fair housing laws are invaluable here as well. This Special Edition includes information on how to use fair housing tools to help people experiencing chronic homelessness, and explains how the Housing Choice Voucher program differs from other important efforts such as the Continuum of Care Program.

To meet the government’s challenge, states and communities will need to marshal every available resource. The Section 8 Housing Choice Voucher program is the largest federal affordable housing program and a critical tool in achieving our nation’s goal of ending chronic homelessness.

¹ HUD 2015 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations. https://www.hudexchange.info/resource/reportmanagement/published/CoC_Pop-Sub_NatlTerrDC_2015.pdf

² Housing First is a model of permanent supportive housing that centers on providing homeless people with housing quickly and then providing services as needed. What differentiates a Housing First approach from other strategies is that there is an immediate and primary focus on helping individuals and families quickly access and sustain permanent housing. Housing First is an alternative to the premise that people experiencing homelessness must be “stable” or “housing ready” before they can move into housing. <http://www.endhomelessness.org/library/entry/what-is-housing-first>

GOOD TO KNOW

OLMSTEAD AND CHRONIC HOMELESSNESS

In 1999, the Supreme Court of the United States issued its landmark *Olmstead v. L.C.* decision, affirming that the unjustified segregation of individuals with disabilities is a form of discrimination prohibited by Title II of the Americans with Disabilities Act (ADA). Following the *Olmstead* decision, there have been increased efforts to help individuals with disabilities who are institutionalized or housed in other segregated settings to move to integrated, community-based settings. **The *Olmstead* decision has been interpreted to apply both to people with disabilities residing in institutions and to those at risk of institutionalization — including people experiencing chronic homelessness.**

Many states have entered into settlement agreements with the Department of Justice to ensure compliance with *Olmstead's* community inclusion mandates. Such agreements usually require the state to provide an increased number of permanent supportive housing options for people with disabilities, including people residing in institutions and chronically homeless people at risk of institutionalization. The information included in this Special Edition may be useful to states working to meet their obligations under *Olmstead* and the ADA.

HOW TO USE THIS GUIDEBOOK

The Section 8 Housing Choice Voucher (HCV) program administered by the U.S. Department of Housing and Urban Development (HUD) is one of the most important federal housing programs available to assist individuals and families who are experiencing chronic homelessness. With HCV assistance, these households can achieve long-term residential stability, helping states and communities to meet their goal of ending homelessness.

Section 8 = Housing Choice Voucher

When this housing assistance program was established, it was referred to simply as the “Section 8” program. However, a federal housing law passed in 1998 renamed it the “Housing Choice Voucher” program. Because it is more familiar, many people still use the term “Section 8”; you may also hear housing authorities and state agencies refer to the resource as “rental assistance.” However, this guidebook will use the term “Housing Choice Voucher” or “HCV” to refer to the program.

Emphasis on Tenant-Based Housing Choice Vouchers

This guidebook focuses primarily on the tenant-based rental assistance component of the HCV program since it is the most commonly used type of assistance for people who are experiencing homelessness. More recently, project-based assistance has also become a valuable tool in ending chronic homelessness. Project-based assistance is described in detail in [Chapter 10](#).

Organization of the Guidebook

Section 8 Made Simple — Special Edition is organized to follow the activities that a household will go through as an applicant and then a participant in the HCV program — from applying for a voucher, to finding eligible housing, to becoming a successful tenant. Along the way, you'll find helpful suggestions for making your way through the process, along with explanations of how HCV differs from similar programs you may encounter. Important terms are explained and defined within the chapters, and also in a glossary. Many direct links are provided to relevant guidance in the Code of Federal Regulations (CFR). Check out the “Helpful Resources” page to expand your knowledge even further, and to keep up with federal guidance and changes to the program.

- **CHAPTER 1** provides an overview of the HCV program including its origin, evolution, and the three basic components of the program.
- **CHAPTER 2** describes how the HCV program is administered; explains the distinction between federal rules and local policies; and tells which agencies administer the program.
- **CHAPTER 3** provides an overview of the federal fair housing laws that obligate public housing agencies to make changes in their policies and procedures to accommodate the needs of people with disabilities, and includes a list of common accommodations for the HCV program.
- **CHAPTER 4** explains the HCV application and waiting list process, including how to submit an application and how the HCV waiting list is organized.
- **CHAPTER 5** describes how a household is screened for the HCV program.
- **CHAPTER 6** details how a household's HCV rent subsidy amount and share of rent are determined, and explains other factors that affect the household's HCV assistance.
- **CHAPTER 7** provides an overview of the housing search process.
- **CHAPTER 8** describes what is required in order for an HCV household to retain its voucher.
- **CHAPTER 9** provides an overview of special purpose HCVs that some public housing agencies administer.
- **CHAPTER 10** describes the project-based rental assistance component of the HCV program.
- **CHAPTER 11** provides examples of systems-level strategies for working with public housing agencies that can increase access to HCVs for people experiencing chronic homelessness.
- **THE HOUSING CHOICE VOUCHER PROGRAM GLOSSARY** gives definitions of technical and programmatic terms used throughout the guidebook.
- **STAYING CURRENT ON THE HOUSING CHOICE VOUCHER PROGRAM** offers a list of information sources for updates, federal guidance, and background information related to the HCV program.

Audience

The Housing Choice Voucher program is complex and can be confusing. **Section 8 Made Simple – Special Edition** is intended to assist all stakeholders in their efforts to end chronic homelessness. It contains practical information to help people experiencing homelessness, people with disabilities, service providers, advocates, policy-makers, and Continuums of Care (CoCs)³ navigate the federal HCV program successfully. Note that the guidebook uses the term “you” to refer to anyone who finds the information useful in working with the HCV program to address chronic homelessness.

Section 8 Made Simple – Special Edition is not a manual for public housing agencies (PHAs) to learn how to administer the HCV program. Rather, it is a guide to using the HCV program to meet the specific housing needs of people experiencing chronic homelessness. With this information, individuals and agencies will be prepared to effectively engage PHA staff to ensure that chronically homeless people can successfully participate in the HCV program.

This guidebook is intended to be comprehensive. As a result, the amount of information may seem overwhelming. However, in order to be effective in accessing HCV housing assistance, it is important to understand the rules and regulations that shape the program and to know who establishes them. This information can be used to influence HCV policies and housing decisions, increasing access to HCV assistance for people experiencing chronic homelessness.

Terminology

The Housing Choice Voucher program uses many technical and programmatic terms that may be confusing or unfamiliar to you at first. **Section 8 Made Simple – Special Edition** includes a Housing Choice Voucher Glossary with definitions of these programmatic terms.

This guidebook also uses several terms that may be familiar but that have specific meanings within the context of the HCV program, different from definitions used in other programs such as the Continuum of Care and Emergency Solutions Grants (ESG) Programs. Here is a list of these terms, with links to regulatory or programmatic citations where appropriate.

Homeless – The Housing Choice Voucher program does not have an official definition of a homeless or chronically homeless household for the purposes of eligibility. This means that two PHAs with waiting list preferences for people who are homeless (see Chapter 4 for more information on preferences) may each use a different definition of homelessness.

³ As defined in [24 CFR 578.3](#), Continuum of Care are groups that carry out the responsibilities required under the CoC Program, composed of homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, PHAs, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless veterans, and homeless persons.

HUD's homeless assistance programs (i.e., the Continuum of Care and Emergency Solutions Grants Programs), use specific definitions of homelessness and chronic homelessness that are derived from the HEARTH Act.⁴ Many PHAs have adopted these definitions in the administration of their HCV programs, but some have not. It is important to review a PHA's HCV Administrative Plan (see Chapter 11) to learn what definition of homelessness is being used to administer the program and to apply any preference.

Person with a Disability (24 CFR 5.403) – For the purposes of the HCV program, and therefore also in this guidebook, a person with a disability is defined as someone who:

- Has a disability as defined in Section 223 of the Social Security Act;
- Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act; or
- Has a physical, mental, or emotional impairment that:
 - » Is expected to be of long-continued and indefinite duration;
 - » Substantially impedes their ability to live independently; and
 - » Is of such a nature that their ability to live independently could be improved by more suitable housing conditions.

Household or Family – In this guidebook, the term “household” is used to describe any individual or group of individuals presenting together for assistance. The HCV program uses the term “family” to mean any household that includes children.

HCV Applicant, HCV Household – There are different terms used in this guidebook to refer to an individual, a group of individuals, or a family as it moves through the HCV process:

- HCV Applicant: A household that submits an HCV application, including households that are on a waiting list for HCV assistance.
- HCV Household: An individual, group of individuals, or family currently receiving HCV assistance.

Disabled Family or Disabled Household (24 CFR 5.403) – In the HCV program, a disabled family or household is one in which the head, co-head, their spouse, or the sole member is a person with a disability.

It is important to note that for the HCV program, the term "disabled family" does not include those households in which a minor child is the only family member with a disability. A disabled family or household could be:

- A single adult with a disability living alone;
- One or more unrelated disabled adults living with one or more live-in aides;

⁴ The [HUD Exchange](#) includes numerous resources related to determining and documenting a household's homeless status under the HEARTH Act.

- A related family in which the head of household or their spouse is a disabled adult;
- Two or more related adults with disabilities living together; or
- Two or more unrelated adults with disabilities living together.

Public Housing Agency (PHA) – A public housing agency administers the HCV program at the state or local level on behalf of HUD. Some of these agencies are public housing authorities. In this guidebook, and in accordance with HUD regulations, the term “PHA” refers to all public housing agencies, not just housing authorities. All of the HCV administering agencies are discussed in detail in [Chapter 2](#).

Housing Choice Voucher Regulations – Since 1975, Congress has passed laws that govern the HCV program. These laws, combined with regulations developed by HUD, establish the federal parameters within which the HCV program must be administered at the state and local levels. In this guidebook, these federal HCV requirements are referred to as “regulations.”

For more definitions, see the Housing Choice Voucher Program Glossary.

Chapter 1 – Overview of the Housing Choice Voucher Program

KEY CONCEPTS

THE HOUSING CHOICE VOUCHER (HCV) PROGRAM is still commonly referred to as the Section 8 program.

THE HCV PROGRAM PROVIDES AFFORDABLE HOUSING, because households pay a limited percentage toward housing cost — usually 30 percent of their monthly income.

THERE ARE THREE COMPONENTS OF THE HCV PROGRAM: tenant-based rental assistance, project-based rental assistance, and homeownership assistance.

HCV TENANT-BASED RENTAL ASSISTANCE is the most common type of voucher and the focus of this guidebook.

Chapter 1 *Overview of the Housing Choice Voucher Program*

The Importance of the Housing Choice Voucher Program

The federal Housing Choice Voucher (HCV) program began in 1975 as a way to assist low-income families, elderly people, and people with disabilities to rent decent, safe, and affordable housing in the community. Through this program, individuals and families receive a “voucher” — also referred to as a “subsidy” — that can be used to rent any housing that meets HCV program requirements. Because these vouchers are granted on a long-term basis, the HCV program is considered to provide permanent housing.

The HCV program is one of the most successful federal housing programs. It is also one of the best means of helping people experiencing chronic homelessness to afford and maintain rental housing of their choice. Currently, across the nation, over 2.1 million households receive housing assistance through the HCV program — including many formerly homeless households.

There are many reasons why the HCV program is an invaluable resource for meeting the housing needs of very low-income and extremely low-income people, particularly those who are experiencing chronic homelessness. First, although there have been some recent reductions in funding, HCV remains the largest federal housing program targeted to extremely low-income households. In fiscal year 2015, Congress appropriated over \$28 billion in continued funding for the HCV program — equal to over half the entire Department of Housing and Urban Development (HUD) budget. Currently, HCV assistance is offered in every state in the country and in almost every local community.

Other aspects of the HCV program that make it an invaluable resource are:

- **Affordability** — Lack of adequate income makes finding and keeping housing very difficult. People who are chronically homeless frequently have no income or may be on fixed incomes for indefinite periods of time, and need deeply affordable housing. The HCV program ensures that housing is affordable by guaranteeing that participants’ housing costs are no more than 30 to 40 percent of their monthly income.
- **Quality** — The HCV program supports good-quality housing. All housing subsidized through the HCV program must meet federal housing quality standards to ensure that it is decent and safe.

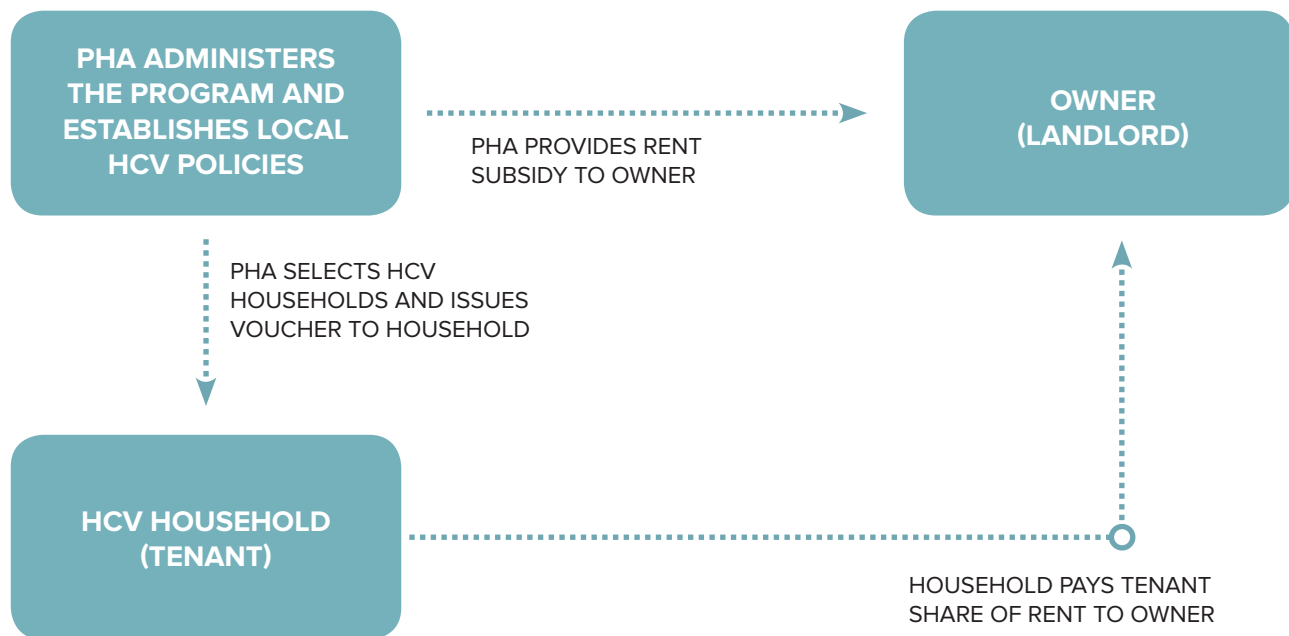
- **Choice** — The HCV program promotes housing choice and community integration. With HCV tenant-based rental assistance, people make their own choices about where they want to live and can keep their assistance if they move to another unit.

How the Housing Choice Voucher Program Works

The federal government recognizes that very low-income people often do not have enough money to afford decent, safe, and good-quality housing. To address this problem, the HCV program makes up the difference between what a tenant can afford (usually capped at 30 percent of their income) and the actual rental cost of their unit, paying the difference directly to the owner. An owner who rents to a tenant with a voucher receives one part of each month's rent directly from the tenant, and the remainder from a HUD-contracted public housing agency (PHA) in their area. The amount of the subsidy available to voucher holders is based on the cost of moderately priced rental housing in the community, as determined by HUD.

The relationship among these three parties is illustrated in Figure 1.01.

Figure 1.01 Public Housing Agencies, HCV Households, and Owners in the Housing Choice Voucher Program



These relationships form the general parameters for the HCV program. As discussed throughout this guidebook, PHAs are given latitude in customizing the program design to meet local needs. Some PHAs may have modified certain programmatic elements in ways that make the program seem different but that are allowable within the HCV federal guidelines.

Income Targeting

Each year, usually in April, HUD publishes the [HCV income limits](#) for every housing market area across the nation. These income limits vary by household size and are used to determine eligibility for the HCV program. The standards are based on the “area median income” (AMI), which is the dollar amount that divides the local population into two equal parts: those with incomes higher than that amount and those with incomes lower than that amount. Households with incomes lower than the AMI may fall into one of these categories:

- 80% area median income = low-income
- 50% area median income = very low-income
- 30% area median income = extremely low-income

To be eligible for the HCV program a household must be at most “very low-income.” Federal law further requires that at least 75 percent of vouchers go to “extremely low-income” households. This regulation is referred to as “income targeting.”

Keep in mind that the majority of people experiencing chronic homelessness have little or no income. Studies have shown that even with disability benefits such as Supplemental Security Income (SSI), chronically homeless people and other people with disabilities often have incomes well below 30 percent of the AMI.¹

Housing Choice Voucher Program Components

There are currently three types of housing assistance provided by the HCV program:

- Tenant-based rental assistance
- Project-based rental assistance
- Homeownership assistance

Section 8 Made Simple — Special Edition focuses primarily on the tenant-based rental assistance component of the HCV program, since it is the most commonly used type of assistance for homeless people. Recently, project-based assistance has also become a valuable tool in ending homelessness. Project-based assistance is described in detail in [Chapter 10](#).

Tenant-Based Rental Assistance (24 CFR 982)

Tenant-based rental assistance is the most prevalent and well-known form of HCV assistance. When people mention the HCV program, or a voucher, they are usually referring to the tenant-based rental assistance component of the program.

¹ See [Priced Out in 2014](#) by TAC, Inc. for more information about the housing crisis facing people receiving SSI.

Tenant-based rental assistance allows people to choose their own housing unit from a community's private rental housing market (e.g., units advertised on-line and in newspaper listings). The HCV program's tenant-based rental assistance helps people experiencing chronic homelessness to select rental housing that is integrated into the community and meets their own preferences and needs.

GOOD TO KNOW

THE CONTINUUM OF CARE PROGRAM RENTAL ASSISTANCE MODEL

In addition to the Housing Choice Voucher (HCV) program, public housing agencies (PHAs) and homeless providers in a community may be administering rental assistance through a Continuum of Care (CoC) Program. Through CoCs, various forms of rental assistance — including tenant-based, project-based, and sponsor-based — can be provided on behalf of a household. Although similar in many ways to HCV, the CoC Program is governed by a separate set of regulations especially related to permanent supportive housing with rental assistance funds. Appendix A on [page 123](#) includes a comparison chart highlighting the key differences between the HCV program and permanent supportive housing funded through the CoC Program.

Specifically, through the tenant-based rental assistance component, an eligible household receives an HCV rental voucher to use in a housing unit of its choice in the community. If the household moves to another unit, the voucher can be used in the new unit, as long as the unit meets HCV standards.

Project-Based Rental Assistance ([24 CFR 983](#))

Project-based vouchers (PBVs) are another form of rental assistance offered through the HCV program. With PBV, a subsidy is committed to a specific unit in a building through a contract between the owner and the PHA. Such long-term subsidy commitments with housing owners can increase the supply of affordable housing units in a community.

Special regulations within the PBV guidelines make project-based rental assistance an especially useful tool for expanding housing options for chronically homeless households. Chapter 10 includes a discussion of the HCV project-based rental assistance program.

Homeownership Assistance ([24 CFR 982.625](#))

HUD regulations allow HCV assistance to be used to help purchase a home. Through this component, HCV households can use their housing assistance payments toward homeownership expenses.

PHAs are not required to administer an HCV homeownership program. In fact, PHAs must demonstrate to HUD that they have the capacity to administer the HCV homeownership program, which differs in many ways from the conventional rental assistance component. Public housing agencies do not receive any additional funding if they decide to offer the homeownership option. As a result, some PHAs may be reluctant to establish an HCV homeownership program. Nevertheless, over 9,400 households receive HCV homeownership assistance from PHAs across the nation.²

Public housing agencies are given significant flexibility by HUD to design their HCV homeownership programs by, for example, limiting the number of households assisted or targeting the assistance to a specific segment of households — such as HCV households currently participating in a PHA’s Family Self Sufficiency program.³ For more information on HCV homeownership programs go to [HUD’s website](#).

GOOD TO KNOW

SPONSOR-BASED RENTAL ASSISTANCE

Sponsor-based rental assistance can be used by an agency to lease a private unit in the community and then sublease the unit to a program participant. A handful of public housing agencies (PHAs) designated by HUD as [Moving To Work](#) (MTW) agencies are given the flexibility to use Housing Choice Voucher (HCV) funds to implement creative solutions to local problems; some have chosen to use HCV funds for sponsor-based rental assistance. Although sponsor-based rental assistance is an option for HUD Continuum of Care Program rental assistance grants, it is not currently an eligible use of funding under the HCV program except for PHAs with MTW status. Chapter 2 includes more information about Moving To Work PHAs.

² HUD Resident Characteristics Report as of 11/30/15. http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/systems/pic/50058/rcr

³ The Family Self Sufficiency program links HCV households with education and other support services to help them move from assisted housing. The PHA establishes an escrow account for participating households, and does not raise a household’s share of the rental cost when there are increases in its income. Instead, the difference is deposited into the escrow account.

Chapter 2 – How the Housing Choice Voucher Program is Administered

KEY CONCEPTS

IT IS IMPORTANT TO DETERMINE

which public housing agencies (PHAs) administer the Housing Choice Voucher (HCV) program in each locality, remembering that there may be more than one.

MANY HCV POLICIES are left to the discretion of the PHA.

Chapter 2 *How the Housing Choice Voucher Program is Administered*

Why the Housing Choice Voucher Program Is So Hard to Understand

The Housing Choice Voucher (HCV) program is governed not only by government regulations, but by public housing agency (PHA) policies and local trends in a PHA's community as well.

Each year, Congress appropriates funding for the U.S. Department of Housing and Urban Development (HUD) to administer the HCV program. Since 1975, Congress has also passed laws that govern the program. For example, a federal law sets the income eligibility requirements for the HCV program. These laws, combined with regulations developed by HUD, establish the federal requirements for the HCV program that are followed at the state and local levels. In this guidebook, these federal HCV requirements are referred to as "regulations."

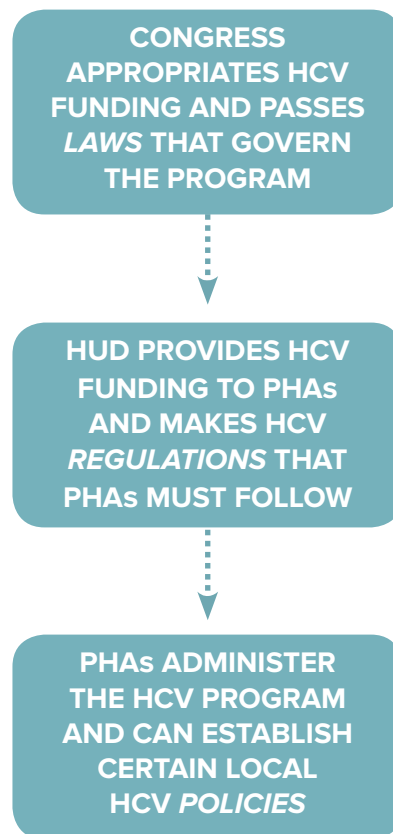
Additional HCV policies are determined by the state and local PHAs that receive funding from HUD to administer the HCV program. For example, a PHA is allowed to establish a preference for households that meet certain criteria when it is selecting applicants from the HCV waiting list. For the purpose of this guidebook, such locally established HCV guidelines will be referred to as "policies" — and should be interpreted to mean that the PHA has some flexibility in setting them. These local policies are where homeless providers, advocates, and Continuums of Care (CoCs) can exert influence and have the most impact. [Figure 2.01](#) illustrates the different roles and responsibilities that shape the HCV program.

Public Housing Agencies that Administer the Housing Choice Voucher Program

The patchwork of federal regulations and PHA policies is one of the most confusing aspects of the HCV program, making it difficult to know which procedures are actually HUD requirements and which are local PHA policies that could be changed. To better understand this, it helps to understand which agencies can administer the HCV program and how much flexibility they actually have in establishing HCV policies.

All agencies that administer an HCV program are referred to by HUD as public housing agencies, or PHAs. The number of PHAs varies greatly from state to state. The sheer number of PHAs administering the HCV program makes it even more challenging to navigate. The map on [page 17](#) displays the number of PHAs in each state that administer the HCV program.

**Figure 2.01 Housing Choice Voucher Program
Laws, Regulations, and Policies**



The first step to obtaining a Housing Choice Voucher is to determine which PHAs in your community administer an HCV program (HUD maintains a publicly accessible [database of public housing agencies](#)). HUD considers all PHAs the same with regards to administering the HCV program. However, you may find it useful to distinguish between two different types of PHAs that administer the HCV program¹: local public housing authorities and state housing agencies.

Local Public Housing Authorities²

Usually, though not always, HCV administering agencies are public housing authorities. A public housing authority is a unique governmental body that administers public housing and/or HCV rental vouchers for the federal government at the local level. Public housing authorities are established through state laws, and have an elected or appointed board of commissioners, an executive director, and staff who run specific programs.

¹ In 1999, approximately 25 nonprofit disability organizations became eligible to administer a small set-aside of vouchers for people with disabilities. These nonprofit organizations are required to administer the HCV program in the same manner as other PHAs but are not public housing authorities unless they meet the legal definition for housing authority for the state in which they are located.

² Public housing authorities are the most common and well-known HCV-administering agencies. When people use the term “PHA” they are usually referring to public housing authorities. To be consistent with HUD definitions, however, the term “PHAs” in this guidebook refers to “public housing agencies” and includes any agency under contract with HUD to administer HCV housing assistance.

Public housing authorities are not required by HUD to run the HCV program; in fact, some housing authorities only administer federal public housing units and do not administer an HCV program. Although there are more than 3,700 local public housing authorities across the country, at the present time only 2,200 housing authorities administer the HCV program. The remaining housing authorities administer only federal public housing.

At the local level, public housing authorities may be part of city or county government or they may be separate entities that operate independently from the municipal structure. However, all public housing authorities are governmental bodies and may therefore be influenced by the political agendas or biases of elected or appointed officials. They can also be influenced by political pressure from homeless providers and advocates. This is important to keep in mind when engaging public housing authorities in dialogue about how to use housing resources to end chronic homelessness (see Chapter 11).

State Housing Agencies

Depending on state laws, many state housing agencies (including state departments of community affairs and some state housing finance agencies) are also eligible to administer the HCV program. In some states, the state housing agency may administer the HCV program only in the areas of the state where there are no local public housing authorities. This model is sometimes referred to as a "balance of state" HCV program. In other states, both a local public housing authority and a state housing agency may administer separate HCV programs in the same communities.

GOOD TO KNOW

"MOVING TO WORK" PUBLIC HOUSING AUTHORITIES

There are currently 38 public housing authorities that have been designated by the Department of Housing and Urban Development (HUD) as Moving to Work (MTW) agencies. Moving to Work is a demonstration program that provides these agencies with the opportunity to design and test creative strategies to address local community needs. MTW status gives these public housing authorities more flexibility with how they use their federal funds. Some MTW public housing authorities have used this flexibility to implement innovative initiatives such as sponsor-based rental assistance. Visit [HUD's website](#) for a list of MTW agencies.

Figure 2.02 Public Housing Agencies that Administer the Housing Choice Voucher Program

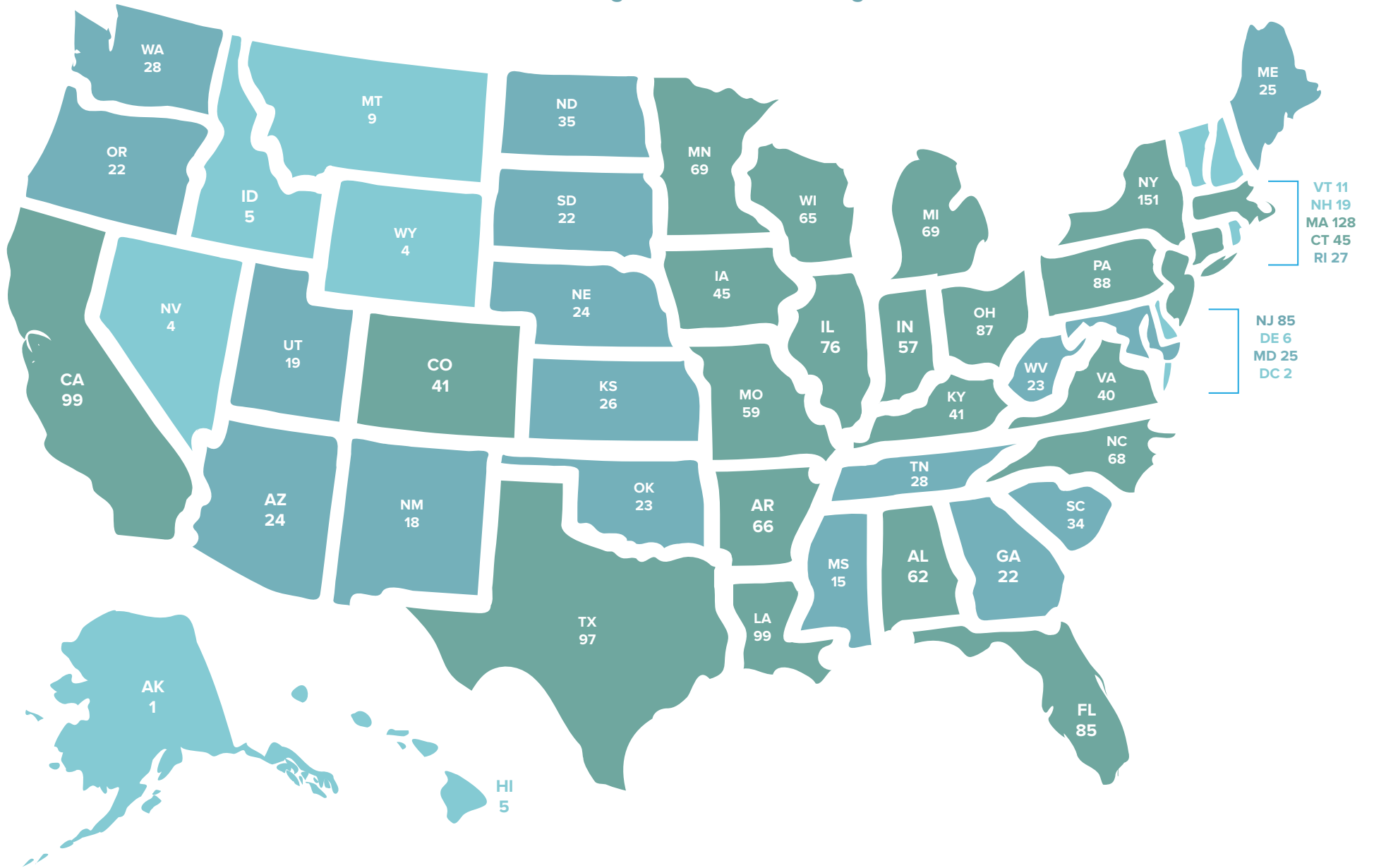


Table 2.01 on [page 19](#) includes a list of the 29 state housing agencies that are PHAs and administer a tenant-based HCV program. Some state housing agencies operate their HCV programs through contracts with local or regional administrators. These administering agencies can be for-profit or nonprofit entities. Although the state housing agency makes all decisions regarding HCV policies, these contractors are responsible for the day-to-day administration and management of the program, including selecting households, determining eligibility for the program, issuing HCV vouchers, inspecting housing units, and making rental payments to owners. These contractors may look and act like PHAs, but do not usually have the ability to establish or change HCV policies.

Public Housing Agency Policies Vary

Because PHAs are given the flexibility to establish HCV policies, even PHAs within the same state or community may have HCV programs that operate quite differently from one another. For example, one PHA may accept applications for its HCV program all the time, while another may accept applications for only two weeks of each year. Some PHAs provide preferences for people who are homeless, but others do not. Given the large number of PHAs that administer individual HCV programs in some states, it can be extremely difficult to determine the HCV program policies in a given community.

GOOD TO KNOW

WHERE DOES THE CONTINUUM OF CARE FIT IN?

A Continuum of Care (CoC) is a local homeless planning group formally established to apply for and oversee the utilization of The U.S. Department of Housing and Urban Development's (HUD) homeless assistance programs. These CoCs are intended to be broad-based and representative of providers and agencies working to end homelessness. A handful of CoCs are established as nonprofit 501(c)(3) entities; however, the majority of CoCs are not legal corporate bodies.

HUD has prioritized linkages to public housing agencies (PHAs) and mainstream housing resources (i.e., resources not targeted to people who are homeless) as part of the overall CoC planning efforts. Many PHAs are members of the CoC in their geographic area; some PHAs administer CoC grants or participate in planning efforts such as the annual point-in-time count of homeless individuals. [Research has shown](#) that those PHAs that are involved in CoC planning are more likely to make efforts to use PHA resources (including HCV) to serve homeless people. Chapter 11 describes some systems-level strategies that CoCs can use to build partnerships with PHAs and leverage resources.

**Table 2.01 State Housing Agencies Administering
Tenant-Based Housing Choice Voucher Programs**

STATE	PHA	AREA SERVED
AK	AK Housing Finance Corporation	Specific Communities
AZ	AZ Public Housing Authority	Specific Communities
CO	CO Department of Local Affairs, Division of Housing	Statewide
CT	CT Department of Housing	Statewide
DE	DE State Housing Authority	Specific Communities
DC	DC Housing Authority	Districtwide
GA	GA Department of Community Affairs	Specific Communities
HI	Housing and Community Development Corporation of HI	Statewide
ID	ID Housing and Finance Association	Specific Communities
IL	IL Department of Commerce and Economic Opportunity	Statewide
IN	IN Housing and Community Development Authority	Specific Communities
KY	KY Housing Corporation	Specific Communities
MA	MA Department of Housing and Community Development	Statewide
MD	MD Department of Housing and Community Development	Specific Communities
ME	ME State Housing Authority	Statewide
MI	MI State Housing Development Authority	Statewide
MT	MT Department of Commerce, Housing Division	Statewide
NC	NC Department of Administration Commission of Indian Affairs	Specific Communities
NH	NH Housing Finance Authority	Statewide
NJ	NJ Department of Community Affairs	Statewide
NY	NY State Division of Housing and Community Renewal	Statewide
OK	OK Housing Finance Agency	Statewide
RI	RI Housing	Statewide
SC	SC State Housing Finance and Development Authority	Specific Communities
TN	TN Housing Development Agency	Specific Communities
TX	TX Department of Housing and Community Affairs	Specific Communities
VT	VT State Housing Authority	Specific Communities
VA	VA Housing Development Authority	Specific Communities
WI	WI Housing and Economic Development Authority	Specific Communities

Chapter 3 – Reasonable Accommodation and Reasonable Modification in the Housing Choice Voucher Program

KEY CONCEPTS

FEDERAL FAIR HOUSING LAWS REQUIRE

that public housing agencies (PHAs) provide reasonable accommodation in their Housing Choice Voucher (HCV) policies and procedures if needed to help people with disabilities (including, by definition, people experiencing chronic homelessness) benefit from the program.

PHAS ARE REQUIRED TO INFORM all HCV applicants and participants of their right to request a reasonable accommodation.

PHAS MUST HAVE A PROCESS for HCV households to make accommodation requests and for determining whether these requests are reasonable.

UNFORTUNATELY, SOME PHAS ARE STILL UNSURE about their obligations under the fair housing laws and may not understand all their responsibilities with regards to reasonable accommodation.

REASONABLE MODIFICATION POLICIES REQUIRE an owner participating in the HCV program to allow a person with a disability — at their own expense — to make certain physical modifications to a unit if needed to fully use and enjoy the housing unit.

Chapter 3 ***Reasonable Accommodation and Reasonable Modification in the Housing Choice Voucher Program***

Using Fair Housing Laws to Make the Housing Choice Voucher Program Accessible

Although there are many features of the Housing Choice Voucher (HCV) program that can help chronically homeless people and others with disabilities, there are also occasions when HCV policies need to be changed to ensure that people experiencing chronic homelessness can benefit from the program. Federal fair housing laws — especially the reasonable accommodation provisions of the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 — both allow people with disabilities to ask for such changes and obligate public housing agencies (PHAs) to make them as long as the proposed changes are reasonable. By definition, people considered chronically homeless are disabled and are entitled to all the rights of these fair housing laws.

As you learn about all of the activities that make up the HCV program, it is important to remember that as a result of fair housing laws, PHAs are obligated to make reasonable changes in policies and procedures to ensure equal participation in the program by people with disabilities, including those experiencing chronic homelessness. These changes in policies or procedures are referred to as “reasonable accommodation.”

Reasonable Accommodation

People who are experiencing chronic homelessness sometimes have difficulty with the complex and bureaucratic requirements associated with the HCV program, and may need assistance in completing the application process, searching for housing, and submitting necessary paperwork. PHAs are required to provide this assistance under the provisions of Section 504 of the Rehabilitation Act of 1973. For example, a chronically homeless person whose disability makes it challenging to get to the PHA office from the shelter where they are staying might request that a PHA staff member visit them at the shelter and assist them in completing an HCV application.

Requesting a Reasonable Accommodation

Under Section 504, every chronically homeless household has the right to request a reasonable accommodation. Furthermore, PHAs are required to inform all HCV households of this right. This does not mean that the PHA must grant any accommodation requested. The PHA may decide that some requests are “unreasonable” or not disability-related, or it may suggest a different solution to the problem. Public housing agencies'

decisions about what is reasonable are sometimes based on previous HUD decisions regarding reasonable accommodation requests. Table 3.01 on [page 26](#) includes a list of common changes to HCV regulations and policies that may be requested as reasonable accommodations under Section 504. Examples of reasonable accommodation policies are also highlighted in callout boxes throughout this guidebook.

Public housing agencies must have a process in place to receive accommodation requests and to determine whether the requests are reasonable. This process must be described in the PHA's HCV Administrative Plan (see Chapter 11). Usually, such processes require requests to be submitted in writing to PHA staff.

QUICK TIP

A "REASONABLE ACCOMMODATION" REQUEST MUST RELATE TO A DISABILITY

Every Housing Choice Voucher applicant or participant with a disability is allowed to request a reasonable accommodation regarding a public housing agency's policies. Keep in mind that the request must be directly related to the person's disability. For example, a chronically homeless individual with a mobility impairment who needs an accessible unit may request an extension to the housing search time as a reasonable accommodation if they are having difficulty locating a unit with the appropriate features. In contrast, a search extension request from a chronically homeless individual who has been out of town and unable to look for housing would probably not be considered reasonable since it does not directly relate to their disability.

It is helpful to understand the HCV regulations in order to be able to ask for a specific accommodation. A reasonable accommodation request should clearly describe:

- The accommodation that is being requested;
- The reason that the accommodation is being requested; and
- How the accommodation is related to the person's disability (although the person does not have to disclose their specific disability unless it pertains to the request).

It is helpful to attach any written documentation or letters from advocates or providers who can support the request, especially from providers who are licensed to diagnose and treat the disability.

The PHA may simply respond in writing to the request — especially if it has granted requests for similar accommodations in the past. Or, the PHA may schedule a meeting so that the household can discuss the request and provide any supporting documentation.

Unfortunately, some PHAs are still unsure about some of their obligations under fair housing laws and may not understand their responsibilities with respect to reasonable accommodation. They also may not understand exactly how flexible they can be in granting a reasonable accommodation request.

You may need to educate the PHAs about these legal requirements. This guidebook and other written materials, including HUD regulations and notices, can help explain reasonable accommodation to PHA staff. HUD fair housing staff members (from the [local HUD field office](#)) are also valuable resources for learning more about fair housing laws and reasonable accommodation in the HCV program. These resources can be used to encourage PHAs to establish clear and helpful reasonable accommodation policies that promote good-faith negotiation and equal participation by people experiencing chronic homelessness. The Department of Housing and Urban Development and the Department of Justice issued a [joint statement on reasonable accommodation](#) under the Fair Housing Act that provides helpful examples of accommodations that may be determined reasonable if requested by a person with a disability.

Reasonable Modification

A special type of accommodation is a physical "modification" to an apartment or property. Under fair housing laws, reasonable modification policies allow people with disabilities to alter their rental housing unit to meet their unique needs. An owner participating in the HCV program must allow a person with a disability — at their own expense — to make physical modifications to a unit if these are necessary for them to fully use and enjoy the housing unit. Owners may require that the reasonable modifications be completed in a professional manner and be in compliance with all applicable building codes. In addition, owners may require the household to restore the unit to its original condition before vacating. Examples of modifications are installing an entrance ramp to the unit, or grab bars in the shower.

The owner does not have to allow the household to make modifications that the law deems unreasonable. An unreasonable modification would be one that is not related to the person's disability.

Whether or not a modification is reasonable must be evaluated on a case-by-case basis guided by previous HUD decisions and decisions made in federal court. However, fair housing laws make it illegal for owners to refuse to permit tenants with disabilities to make modifications to their unit as long as the tenant is willing to pay for the changes; the owner may also require the tenant to place funds in escrow that can be used to put the unit back into its original condition when the tenant moves out.

In the HCV program, owners are generally not required to pay for modifications. However, as a reasonable accommodation, a PHA could approve a higher rent for an owner who is making accessibility modifications to a unit to meet an HCV household's needs. By providing a higher rent, the PHA can help the owner pay for the cost of the modification.

GOOD TO KNOW

POSSIBLE SOURCES OF FUNDING FOR MODIFICATIONS

- [Medicaid 1915\(c\) Home and Community-Based Services Waiver](#). If the state has included home or environmental modifications as a waiver service, this service is available to persons enrolled in the waiver who need modifications to their living environment to move to or remain in the community. Exactly which modifications will be reimbursed depends on how the state has crafted the service definition.
- [Medicaid 1915\(i\) Home and Community-Based Service State Plan Option](#). Through 1915(i) options, states may offer the same types of services that were previously available only through a waiver. This may include home or environmental modifications.
- [Medicaid "Money Follows the Person" \(MFP\) Demonstration](#). The MFP demonstration program includes options for paying for accessibility modifications. These options are more flexible than under 1915(c) or 1915(i).
- [Consolidated Plan Funds](#). Funds controlled by a state or local housing agency's Consolidated Plan, specifically Community Development Block Grants and HOME Investment Partnership program funds, are potentially valuable resources for covering the cost of making accessibility modifications.
- [State Housing Finance Agency \(HFA\) Programs](#). In some states, HFAs may provide low-interest loans to make accessibility modifications.
- [Veterans Programs](#). The federal Department of Veterans Affairs has many programs that provide grants to veterans with disabilities who need to make modifications to their homes.
- [Vocational Rehabilitation Programs](#). Some state vocational rehabilitation departments provide accessibility modification assistance. These funds usually pay for the actual modifications rather than reimbursing the tenant.
- [State Assistive Technology Programs](#). The Assistive Technology Act supports programs in every state to provide resources for assistive technology to individuals with disabilities. These programs may provide devices, loans, and financing.

Your local [Center for Independent Living](#) is a good source of information regarding accessibility modifications, as is the [National Resource Center on Supportive Housing and Home Modifications](#).

Table 3.01 Common Requests for Reasonable Accommodation

Listed below are common examples of changes to Housing Choice Voucher (HCV) policies that public housing agencies (PHAs) have made as reasonable accommodations for people with disabilities, including people experiencing chronic homelessness. Some PHAs already have these policies as a general practice in their HCV program, but many do not. Each of these changes can be advocated on a case-by case basis for a chronically homeless person if needed based on their disability.

OUTREACH
<ul style="list-style-type: none">• Notifying homeless providers and other community agencies before opening the HCV waiting list and accepting applications.• Providing training on the HCV application process to homeless providers and other interested parties.
APPLICATIONS
<ul style="list-style-type: none">• Providing applications in Braille, large print, or other formats.• Allowing applications to be dropped off at the PHA by a friend, family member, advocate, or service provider.• Allowing additional time to submit an application.• Visiting a shelter, hotel/motel, or other temporary living site in order to allow an applicant to complete the application.• Allowing applications to be mailed/faxed or allowing a proxy to stand in line for an applicant.• Mailing out application forms in advance to provide people who are chronically homeless sufficient time to apply.• Accepting preliminary applications by telephone.• Using a simplified initial application and allowing applicants to complete a full application when they reach the top of the waiting list.• Allowing homeless and human service agencies to distribute copies of the application to the people with whom they work.• Offering assistance in completing the applications to applicants who may have difficulty writing or understanding what information is needed.• Making sure the application states that the PHA provides reasonable accommodations and explains the process to request one• Allowing a secondary contact person to be listed on the application and sending all PHA correspondence to both. (PIH Notice 2012-22)• Allowing applications that were discarded as incomplete to be completed and reinstated even if the list has been “closed.”• Allowing an application discarded during the waiting list update process to be reinstated to the list in its original position.

SCREENING AND VERIFICATION

- Making exceptions to screening criteria regarding criminal histories, past rental histories, or credit histories based on mitigating circumstances. (24 CFR 982.553(2)(ii)(C) and PIH Notice 2015-19)
- Providing extra time to gather documentation of eligibility.
- Accepting alternative forms of documentation for proof of age, identity, or social security number. (HUD Frequently Asked Questions)

ISSUANCE, HOUSING SEARCH, AND LEASE UP

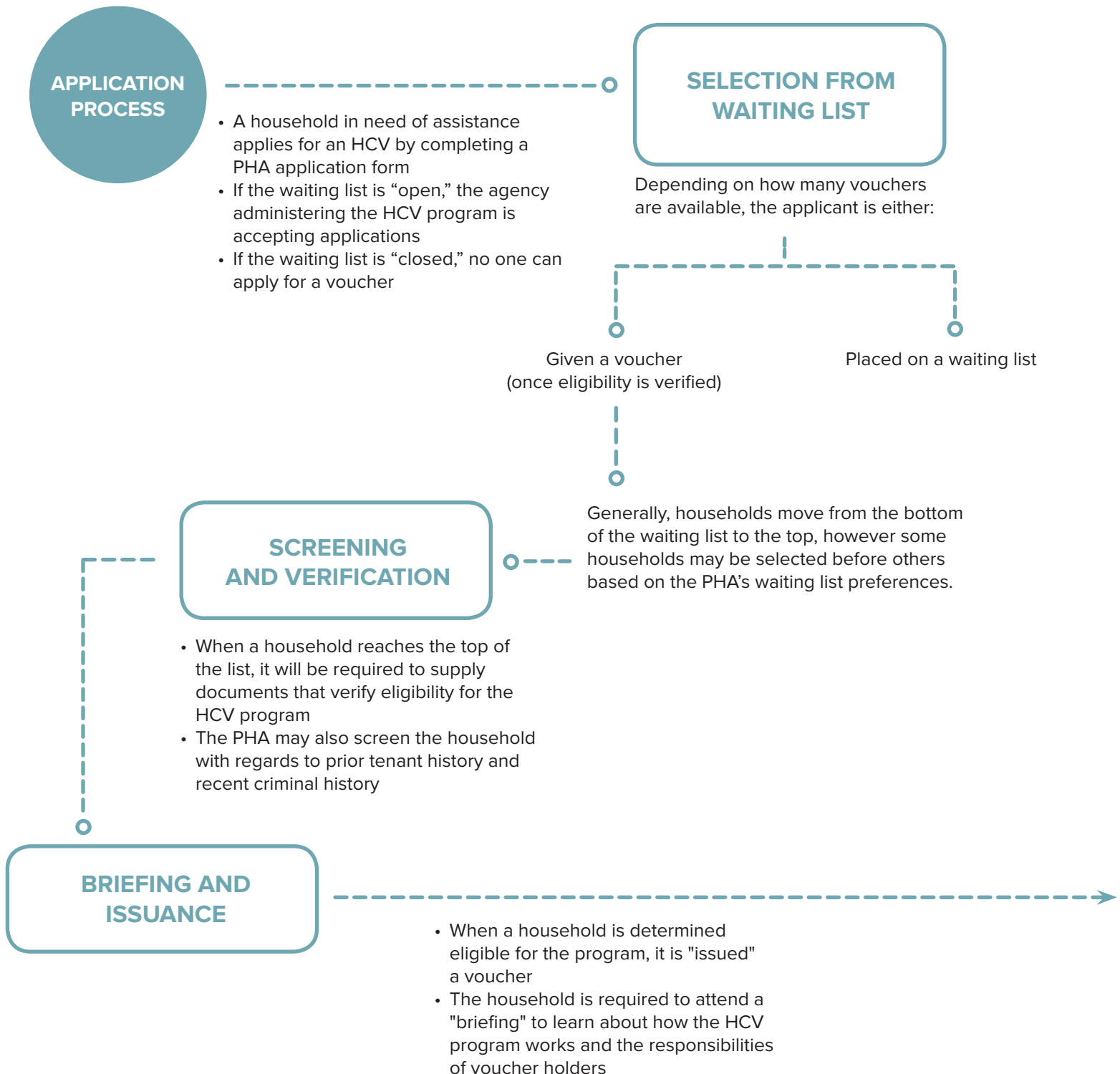
- Allowing a friend, family member, service provider, or other person to attend the briefing session with the applicant.
- Holding the briefing in a location that is wheelchair accessible and includes an accessible bathroom.
- Sending the briefing letter to any secondary contacts listed.
- Allowing extensions to the housing search. (24 CFR 982.303(b)(2))
- Providing a list of accessible units. (24 CFR 982.301(b)(12))
- Providing a higher Utility Allowance. (24 CFR 982.517(e))
- Including a participant's live-in aide or overnight support staff when determining the unit size for the household. (24 CFR 982.316, 982.402(b)(6) or PIH Notice 2011-32)
- Providing a higher payment standard or asking HUD to approve a higher payment standard. (24 CFR 982.503(c)(2)(ii))
- Providing a higher payment standard to help cover the costs of accessibility modifications.
- Allowing HCV vouchers to be used in special housing types such as shared housing, group homes, single room occupancy buildings, and congregate housing. (24 CFR 982 Subpart M)
- Allowing voucher holders to rent from relatives. (24 CFR 982.306(d))
- Including proximity to community amenities and essential services in rent reasonableness determination.

MAINTAINING THE HCV VOUCHER

- Rescheduling missed recertification appointments.
- Rescheduling missed re-inspection appointments.
- Providing home visits to conduct recertifications.
- Allowing additional time for the annual recertification process.
- Requesting that portability requirements for non-residents be waived to ensure proximity to critical supports and services.
- Reinstating a voucher that was terminated for cause, due to mitigating circumstances.
- Reinstating a voucher that was terminated because of an extended absence from the unit due to a disability-related issue.

Key Activities in the Housing Choice Voucher Program

Here are the basic stages of a household's journey toward stable rental housing with a housing choice voucher (HCV). Individual situations, public housing agency (PHA) policies, and local housing markets are among the factors likely to influence your specific experience.



INSPECTION AND RENT REASONABLENESS DETERMINATION

- The PHA inspects the unit to ensure that it is safe, decent, and of good quality
- The rent of the unit is compared to rents of similar, unassisted units in the community to ensure it is reasonable

UNIT APPROVAL AND MOVE-IN

- All paperwork is signed (i.e., lease between household and owner and contract between PHA and owner) and the household moves into the unit
- HCV rental assistance begins. The household pays 30 – 40% of its income toward rent and any tenant-paid utilities, and the HCV subsidy pays the difference

ANNUAL RE-EXAMINATION

At least annually, the household must be re-certified for the program and the PHA must reinspect the unit and re-examine the contract rent amount to ensure they continue to meet HCV guidelines

HOUSING SEARCH

- The household has a short time (usually 60 days) to find a rental unit that meets HCV guidelines
- In some cases, the household may already be living in a housing unit that meets the HCV guidelines and may choose to use the voucher in the existing unit
- Once a unit is located and the owner agrees to participate in the HCV program, the household submits a Request for Tenancy Approval form to the PHA, which stops the clock on the housing search time

Chapter 4 – Eligibility, Applications, and the Waiting List Process in the Housing Choice Voucher Program

KEY CONCEPTS

TO BE ELIGIBLE for the Housing Choice Voucher (HCV) program, applicants must be very low-income.

TO BE ELIGIBLE for the HCV program, applicants must be United States citizens, or non-citizens with eligible immigration status.

MANY PEOPLE WHO MEET HCV ELIGIBILITY criteria are denied assistance based on information gathered through the screening process.

WHEN ACCEPTING APPLICATIONS for the HCV program, a public housing agency (PHA) must conduct outreach, but in some cases the outreach can be limited to "special populations" that meet specific eligibility criteria.

MANY PHAS MAINTAIN an HCV waiting list, which can be extremely long.

A PHA CAN ADD NAMES to its list by many methods, including chronologically or by lottery.

"PREFERENCES" CAN BE VERY HELPFUL in moving people up the waiting list.

PHAS CANNOT ESTABLISH a preference for people with a specific disability.

PHAS SHOULD UPDATE their HCV waiting list often to ensure that the applicants on the waiting list are still interested in receiving HCV assistance.

REASONABLE ACCOMMODATIONS can be requested at many stages in the application process.

Chapter 4 *Eligibility, Applications, and the Waiting List Process in the Housing Choice Voucher Program*

Program Eligibility

Although it often seems confusing, eligibility for the Housing Choice Voucher program is quite straightforward. To be eligible for the HCV program a household must:

- Have a household income at or below 50 percent of the area median income as determined by the U.S. Department of Housing and Urban Development (HUD); and
- Be a United States citizen, or a non-citizen with "eligible immigration status."¹

Virtually all people who are chronically homeless, including those who receive federal disability benefits such as Supplemental Security Income (SSI), are eligible for the HCV program based on their income. Nationally, the average income of a person receiving SSI is equal to 20.1 percent of the area median income (AMI) — well below 50 percent.² As mentioned in [Chapter 1](#), federal income-targeting laws require that at least 75 percent of a Public housing agency's HCV rental vouchers go to households with incomes at or below 30 percent of AMI. This law should result in increased access to vouchers for chronically homeless people and other low-income people with disabilities.

Note that although the Housing Choice Voucher program has only the two standard eligibility criteria listed above, many people who meet these criteria are denied assistance. This is because public housing agencies (PHAs) can also screen applicants on the basis of criminal history, housing history, and history within federal housing programs. For example, an applicant who is very low-income and a U.S. citizen, but who is also a registered lifetime sex offender, will be determined ineligible due to the sex offender designation. Chapter 5 provides more information about the elements that PHAs are required to review and act on as part of screening and those they can choose to disregard.

Outreach to Potential HCV Applicants (24 CFR 982.206)

The goal of all outreach activities is to reach as many potentially eligible households as possible within the PHA's jurisdiction to make them aware of the HCV program. Through this outreach, a PHA must, at a minimum, provide "public notice" of the opportunity to submit HCV applications.

¹ See [24 CFR Part 5 Subpart E](#) for more information about the HCV citizenship requirements.

² Priced Out in 2014, *TAC, Inc.*

GOOD TO KNOW

HOUSING CHOICE VOUCHER PROGRAM ELIGIBILITY OVER TIME

Once a household has been determined eligible for the Housing Choice Voucher (HCV) program and starts receiving housing assistance, that household continues to remain eligible as long as it continues to meet all program obligations outlined in [Chapter 8](#). Income is recertified to determine the amount of the tenant contribution, but other eligibility criteria such as citizenship and veteran, homeless, and disability status do not have to be recertified.

This means that although a household must have an income below 50 percent of the area median income (AMI) to begin receiving assistance, once in the program the household can increase its income to over 50 percent of AMI without losing HCV assistance (however, the subsidy and tenant payment portion will be adjusted as described in [Chapter 8](#)).

This is also true for households that are required to meet specific criteria in order to be eligible. For example, vouchers that are targeted to nonelderly persons (i.e., under age 62) can continue to assist individuals as they age over 62.

According to HUD regulations, this public notice must at least include announcements in local newspapers and in minority media, as well as in other appropriate publications. These announcements must state:

- Where and when to apply for the HCV program; and
- Any limitations on eligibility for vouchers.

Public housing agencies use a variety of additional outreach strategies, such as:

- Delivering public service announcements through local television or radio;
- Posting the announcement on the PHA's website;
- Partnering with local social service organizations to assist in spreading the word;
- Distributing fliers to religious institutions, schools, welfare and government offices, hospitals, libraries, supermarkets, and other community agencies; and
- Sending out a listserv message or email blast to the PHA electronic mailing list.

GOOD TO KNOW

CONTINUUM OF CARE COORDINATED ENTRY SYSTEMS AND PUBLIC HOUSING AGENCY OUTREACH

The [Community of Care \(CoC\) Program interim rule](#) requires CoCs to implement and operate a [coordinated entry system](#) that provides an assessment of the housing and service needs of individuals and families and has a systematic mechanism for linking people with resources to meet their needs. Guidance from the Department of Housing and Urban Development in [PIH Notice 2013-15](#) strongly encourages public housing agencies to participate in the CoC coordinated entry system in their locality, including using the system for Housing Choice Voucher outreach and referrals.

It is important to be aware of HCV outreach activities. Check the PHA's website periodically for outreach efforts. Review the local newspaper carefully, particularly the section containing public notices from government agencies. Look for fliers in the library, supermarkets, and other local institutions. Sign up for the PHA's email distribution lists. Make sure to read all outreach notices carefully and ask questions to determine how and when to submit an application. The best way to find out if a PHA is accepting HCV applications is to visit the PHA website or call and speak to someone who is in charge of the HCV application process.

[Federal guidance to PHAs](#) has emphasized that outreach activities and related public notices should be simple, direct, and clear. The notification process must also comply with HUD requirements, such as adopting suitable means to assure the notice reaches eligible individuals with disabilities and people with limited English language proficiency.

QUICK TIP

MARKET YOUR ORGANIZATION AS AN OUTREACH PARTNER TO A PUBLIC HOUSING AGENCY

You can play a very important role in outreach activities. In some communities, as a reasonable accommodation under fair housing laws, public housing agencies (PHAs) notify disability or homeless organizations ahead of time about their plans to start accepting applications. This advance notice helps the PHA and the organizations work together to ensure that chronically homeless people are informed about the opportunity to submit Housing Choice Voucher applications. These partner organizations play a key role in distributing applications, helping people complete applications, collecting completed applications, and making sure the applications are received by the PHA on time.

Outreach to Special Populations

Sometimes a PHA may open its waiting list only for certain types of applicants, such as veterans who are homeless. In these instances, the PHA will only accept HCV applications from people who meet specified criteria, and may limit its outreach efforts to activities that will most effectively reach this group. For example, a PHA opening its HCV waiting list for applications from homeless veterans may choose to limit outreach to informational meetings and fliers at local veterans' service organizations and Department of Veterans Affairs (VA) medical centers. Again, it is important to ask questions and read all outreach materials carefully to learn about any limitations on the application process.

Applying for a Voucher

Since the demand for housing assistance usually exceeds the number of HCV vouchers available, PHAs must create and administer an HCV waiting list. [A PHA is only allowed to have one waiting list for its tenant-based HCV program.](#)

In many communities, these waiting lists are extremely long — sometimes there are ten times as many households on the list as there are vouchers to distribute! Not surprisingly, long waiting lists can result in extremely long waiting periods (i.e., several years) for applicants to be selected. Therefore, people experiencing chronic homelessness should apply to as many PHAs as possible. However, a separate application must be submitted to each PHA.

Completing the HCV Application

The first step to obtaining a voucher is successfully completing an HCV application. Unfortunately, there is no standardized HCV application. Instead, each PHA creates its own application form. In general, however, most HCV applications request information about:

- Household composition;
- Income and assets;
- Disability status; and
- Other eligibility criteria.

Many PHAs offer a shortened initial HCV application — often referred to as a "pre-application." Information requested on this pre-application may include: name, address, social security number, age, household size, disability status, total household income, and other information deemed pertinent by the PHA. Other PHAs require interested applicants to "complete a full HCV application that requests more comprehensive information — such as amounts and sources of income for the household, and previous tenant history — and provide documentation verifying the information contained in the application.

All PHAs are required to allow the applicant to list another contact person on the application. Most PHAs communicate via mail and this person would be copied on all PHA correspondence sent to the applicant. Make sure to

complete this part of the application and list someone who is reliable and whom the applicant often contacts such as an advocate, service provider, family member, or friend. Given the unstable housing situations of people experiencing chronic homelessness, this small yet significant tool can help to ensure that an applicant does not miss any critical information from the PHA.

Most PHAs provide HCV applications in more than one language and in — such as Braille or large print. A PHA must provide assistance to complete an application if a chronically homeless person or any other person with a disability requests it. For example, a person who is visually impaired or who cannot read or write because of their disability may request that PHA staff help fill out the application.

GOOD TO KNOW

APPLYING TO MULTIPLE PUBLIC HOUSING AGENCIES

It is a common misperception that a person can only apply to one public housing agency (PHA) and be put on one Housing Choice Voucher (HCV) waiting list at any given time. This is untrue, and chronically homeless people should be encouraged to submit an HCV application whenever a PHA waiting list opens — at any PHA in the country!

It is important to review all outreach materials to find out if there are any limitations on who may submit an application. Also, some PHAs may have restrictions regarding where a person can live once they receive a voucher (see Chapter 8), or may have a waiting list preference for people living or working within the PHA's jurisdiction.

Accepting and Processing HCV Applications

Each PHA has its own policies regarding when applications are accepted and how they are collected and processed. These policies must be described in a PHA's HCV Administrative Plan (see Chapter 11).

Some PHAs require interested applicants to pick up and drop off an application in person. If this method presents a hardship for a person due to their disability, a reasonable accommodation can be requested. Some PHAs allow an applicant to mail or fax a written application.

Methods for Accepting Applications

There are several methods used by PHAs to accept applications:

- PHAs may designate one day on which they distribute or receive applications. This method often leads to long lines at the PHA's office and can create a hardship for people with disabilities, especially those people who are experiencing chronic homelessness.

- PHAs may distribute applications to local agencies and interested applicants for a short time period (e.g., two weeks) and require that they be submitted to the PHA by a specific deadline.
- PHAs may accept applications on an ongoing basis (see the discussion of opening/closing a waiting list below).

QUICK TIP

PROVIDE COMPLETE HOUSEHOLD INFORMATION

It is important to completely fill out the Housing Choice Voucher application since public housing agencies may discard incomplete applications. To prevent delay in being placed on the waiting list, an applicant should complete every question on the application without leaving blanks. Use 'N/A' in spaces where questions do not apply. Include information about all members of the household who will be living with the applicant if they receive the voucher even if these members are not living with the applicant now.

Verification of Information

At some point in the application process — either at the time the application is submitted, when the applicant is about to receive a voucher, or sometimes at both points — the applicant will be required to submit or provide access to documents that help verify the information provided in the application. The PHA may contact other local agencies, employers, and banks to supplement and verify this documentation. In most situations, the applicant will be required to sign a Release of Information form so that the PHA has permission to contact these "third parties."

The information gained through the verification process is used for two purposes: to determine overall eligibility for the HCV program and to determine the amount of the subsidy the PHA will contribute toward the household's housing costs. How this subsidy amount is determined is discussed further in [Chapter 6](#).

Waiting Lists

Opening and Closing a Housing Choice Voucher Waiting List (24 CFR 982.206)

Applications are only accepted while a PHA's HCV waiting list is "open." A PHA opens the HCV waiting list to increase the number of applicants on its list. PHAs are required by HUD to open the HCV waiting list if they do not have enough applicants to be able to distribute vouchers they anticipate will be available.

In general, PHAs use one of two methods to add applications to the waiting list:

- Chronological order, based on the date and time received; or
- Randomly ordered, referred to as a "lottery." Occasionally, the applications that are put into the lottery are limited to a specific

number (e.g., the first 200 received by the PHA) or to those received by a specified date.

A PHA's policies about how applications are added to the waiting list should be included in all outreach material and must be described in the HCV Administrative Plan.

QUICK TIP

MAKE SURE THE PUBLIC HOUSING AGENCY CAN CONTACT THE APPLICANT

Public housing agencies (PHAs) communicate mainly via written letters. Some PHAs attempt to contact an applicant in order to fill in any missing data, so it is particularly important that the contact information on the application be accurate and current. Changes of address typically have to be sent to the PHA in writing (a verbal change over the phone is usually not accepted).

Closed Lists

If a PHA determines that there are enough applicants on the waiting list to be able to distribute all vouchers expected to be available in the near future, HUD permits the PHA to "close" its list. When the list is closed, no applications can be accepted. The PHA can grant some exceptions to this policy for people displaced by fire, flood, natural disaster, or in response to a specific federal action. These exceptions must be clearly documented in the HCV Administrative Plan. When a closed waiting list is "reopened," the PHA must follow the outreach requirements described earlier.

Many PHAs have long waiting lists that have been closed for several years. Unfortunately, lists that have been closed for a long time may include applicants who can no longer be easily contacted. Applicants on the list may have found other housing and no longer need a voucher, or may have moved without providing a forwarding address.

Because a PHA is required to try to contact each applicant on the waiting list, outdated information on HCV waiting lists can mean long delays in getting HCV vouchers to people who need them. Public housing agencies have been known to contact as many as 100 applicants in order to issue 10 vouchers. It is critical to stress the importance of good waiting list management to the PHA and help it to develop fair policies. To prevent old HCV waiting lists from being a problem, PHAs should be encouraged to update their waiting lists at least once a year. Further encouragement to directly inform organizations of waiting list updates will help those organizations identify households that may need assistance completing the update form. HCV applicants and their advocates should always notify the PHA when they have moved or if there has been a change in their contact information.

REASONABLE ACCOMMODATION

THE APPLICATION PROCESS

Some examples of changes to the application process that can be requested as reasonable accommodations if needed by someone because of their disability include:

- Allowing additional time to submit an application.
- Allowing applications to be dropped off at the public housing agency (PHA) by a friend, family member, advocate, or service provider.
- Conducting visits to shelters, hotels/motels, or other temporary living situations in order to allow an applicant to complete the application.
- Providing alternatives to standing in line for either receiving or returning applications including: receiving applications by mail or fax, and/or allowing a proxy to stand in line for an applicant.
- Mailing out application forms in advance in order to provide a person who is chronically homeless sufficient time to apply.
- Accepting preliminary applications by telephone.
- Using a simplified initial application form and allowing applicants to complete a more detailed application when they reach the top of the waiting list.
- Allowing homeless and human service agencies to copy the application and distribute them to the people with whom they work.
- Offering assistance in completing the applications.
- Making sure the application states that the PHA provides reasonable accommodations and explains the process to request a reasonable accommodation.

Waiting List Preferences ([24 CFR 982.207](#))

Waiting list preferences are a very important aspect of the HCV program. Each PHA is allowed to establish "local preferences" that reflect the needs of its particular community. Applicants who qualify for these preferences may be able to move ahead of other households on the waiting list. Any preference must be described in the HCV Administrative Plan.

A PHA's preferences for the HCV program must be documented in both its HCV Administrative Plan and its PHA Plan (see Chapter 11). Common local preferences include:

- People who work in, or are residents of, a specific locality (known as a "residency" preference)
- Working families

- People living in substandard housing
- People paying more than 50 percent of income for rent (known as "rent burdened")
- People with disabilities (not a specific disability)
- People who are homeless (as defined by the PHA)

QUICK TIP

GET AN APPLICATION RECEIPT

When submitting an application (in person or via mail/fax), make sure that the public housing agency provides you with a written receipt for your records, verifying that it received the application. The receipt may be useful if the application gets lost in transit between departments.

Since some waiting lists are extremely long, preferences are an invaluable mechanism for ensuring that the people with the most severe housing needs — such as those experiencing chronic homelessness — don't have to wait as long as other eligible households. Unfortunately, many PHAs have not implemented a preference for chronically homeless people. Table 4.01 on [page 41](#) demonstrates how local preferences can affect the position of applicants on the HCV waiting list.

Cumulative Preferences

Note that in the example in [Table 4.01](#), applicants who meet multiple preference criteria are treated the same as those who meet only one. Some creative PHAs have implemented a system that allows for the different criteria to be cumulatively applied; in other words, an applicant with multiple preference qualifications would be served before someone with fewer qualifications. Table 4.02 on [page 42](#) provides an example of cumulative preferences.

Weighted Preferences

Similar to cumulative preferences, which add up the number of preference categories that a household meets, weighted preferences assign relative weights to each preference category. Table 4.03 on [page 43](#) provides an example of weighted preferences.

Limited Preferences ([24 CFR 982.2079 \[a\]\[3\]](#))

Many PHAs have implemented "limited preferences." These preferences can be any of those types described above, but the number of people who can be prioritized on the waiting list based on a given preference is limited or "capped." Often referred to as a "set-aside," limited preferences provide a way for PHAs to help meet the housing needs of a specific group in the community, such as people experiencing chronic homelessness, while balancing the supply of HCV for general waiting list applicants.

**Table 4.01 Preferences in a
Housing Choice Voucher Waiting List**

Imagine that the Jonesville public housing agency (PHA) administers 100 Housing Choice Vouchers (HCVs). It currently has a waiting list of 11 applicants. The Jonesville PHA uses two preferences to select people from its HCV waiting list: residency and veteran status. These preferences are applied equally. As shown in this example, those applicants who meet at least one of these preferences are selected before those who do not meet any preference, despite the fact that the non-preference applicants may have applied first.

DATE OF APPLICATION	NAME	PREFERENCES			ORDER SELECTED
		NONE	RESIDENCY	VETERAN	
Feb 2014	Smith	X			7
Apr 2014	Ramirez	X			8
May 2014	Mann		X		1
July 2014	Lee	X			9
Sep 2014	McMillian	X			10
Oct 2014	Martinez		X		2
Dec 2014	Miller		X		3
Apr 2015	O'Rourke		X	X	4
Sep 2015	Cooper			X	5
Oct 2015	Schwartz	X			11
Dec 2015	Chang		X	X	6

Table 4.02 Cumulative Preferences in a Housing Choice Voucher Waiting List

Imagine that the Elizabethtown public housing agency (PHA) administers 350 Housing Choice Vouchers (HCVs). It currently has a waiting list of 11 applicants. The Elizabethtown PHA uses multiple preferences to select people from its HCV waiting list: residency, homeless status, disability, and veteran status. These preferences are cumulative. As shown in this example, the more preferences an applicant meets, the sooner they will be selected, even if other households have applied earlier.

DATE OF APPLICATION	NAME	PREFERENCES					ORDER SELECTED
		NONE	RESIDENCY	HOMELESS	DISABILITY	VETERAN	
Jan 2013	Sloane		X				8
Mar 2013	Fox	X					10
Jun 2013	Martone		X		X		3
Dec 2013	Gary			X		X	4
Jan 2014	Eliot					X	9
Apr 2014	Herb			X	X		5
Jul 2014	Yates			X	X		6
Nov 2014	Stewart			X	X	X	1
Oct 2014	Hart		X		X	X	2
Jan 2015	Miller	X					11
Feb 2015	Cokin		X			X	7

Table 4.03 Weighted Preferences in a Housing Choice Voucher Waiting List

Imagine that the Southfield public housing agency (PHA) administers 225 Housing Choice Vouchers (HCVs) and currently has a waiting list of 11 applicants. This PHA uses multiple preferences to select people from its HCV waiting list including: residency, elderly status and disability, with the preferences weighted as follows:

- Residency = 3 points
- Elderly = 2 points
- Disability = 1 point

The higher the number of points an applicant scores, the sooner they will be selected, even if other households have applied earlier.

DATE OF APPLICATION	NAME	PREFERENCES				TOTAL POINTS	ORDER SELECTED
		NONE	RESIDENCY	ELDERLY	DISABILITY		
Jan 2013	Knott	X				0	10
Mar 2013	Pabon		X			3	5
Jun 2013	Horton			X		2	8
Jul 2014	Delman			X	X	3	6
Aug 2014	Holland		X		X	4	4
Sep 2014	Douglas		X	X		5	3
Dec 2014	Walker		X			3	7
Jan 2015	Berry	X				0	11
Mar 2015	Mondello		X	X	X	6	1
May 2015	Schaak				X	1	9
Jun 2015	Watkins		X	X	X	6	2

GOOD TO KNOW

DON'T UNDERESTIMATE THE IMPACT OF THE RESIDENCY PREFERENCE

Most public housing agencies (PHAs) use a residency preference as a way to increase the likelihood that Housing Choice Voucher (HCV) applicants will lease units within the PHA's jurisdiction. When applicants use vouchers outside a PHA's jurisdiction, the PHA receives less administrative funding (see Chapter 8) so there is financial incentive to encourage local households to use their vouchers within the PHA's jurisdiction.

Anyone may submit an application to any PHA in the nation that has an open HCV waiting list; however if that PHA has a residency preference then non-residents will only be assisted once all the residents on the waiting list are vetted — which in some communities could take years!

For chronically homeless people who lack "residency," most PHAs use the address included on the application, which may be a shelter. If the applicant moves from the shelter, they should notify the PHA since this may impact their eligibility for the residency preference.

In some communities with few or no shelters, homeless providers, Continuums of Care, and advocates may want to encourage PHAs to expand their [definition of residency](#) to include people forced to live in shelters outside their jurisdiction. In such cases, a PHA could consider the household's previous residency and circumstances.

Preference for People Referred by Partner Agencies

There are some special purpose voucher programs authorized by HUD and Congress that require referrals to come from specific designated partner agencies — such as HUD-VASH (Veterans Affairs Supportive Housing) or HUD's Family Unification Program (both described in [Chapter 9](#)). For these programs, the partner agencies are responsible for conducting all outreach to the target population and making referrals to the PHA for vouchers.

Beyond these special initiatives, [HUD allows PHAs to partner with specific agencies to make referrals for vouchers](#) — especially vouchers that have been prioritized for a certain population. For instance, a PHA with a waiting list preference for chronically homeless people could choose to accept referrals for that preference category only from specific partner organizations, such as a homeless service organization.

After the Application Process

PHAs must notify applicants of their application status by letter. This letter may state that the application has been added to the HCV waiting

list. Sometimes the PHA's letter may state that the application is incomplete, and request the missing information. In other cases, the letter may state that the PHA held a lottery and this application was not successful — meaning that it was not added to the waiting list.

After the application is submitted, it is extremely important for HCV applicants to stay as informed as possible about their waiting list status. HCV preferences are one reason why it is difficult for both the PHA and HCV applicants to know exactly how long they may have to wait for a voucher. At some PHAs, applicants without a preference may never receive a voucher because applicants with a preference will always be moved ahead of them on the waiting list. If a PHA has several preferences and uses a more complex preference system such as those in [Tables 4.02](#) and [4.03](#), it is even more difficult to predict when a voucher will be available for an applicant with a lower-ranked preference.

GOOD TO KNOW

REFERRALS AND LIMITED PREFERENCES

A public housing agency (PHA) may not limit the source of referrals to an agency, organization, or consortium that denies its services to people of any particular race, color, religion, national origin, sex, disability, or familial status. This means that a PHA may not receive all of its referrals from an agency that only serves one disability subgroup, such as people with serious mental illness.

NEW LOCAL PREFERENCES AND THE EXISTING WAITING LIST

When a PHA adopts a new local preference, it must first go through its existing Housing Choice Voucher waiting list to determine if anyone already on the list meets the new preference criteria. Homeless providers and Continuums of Care may want to develop data-sharing practices to examine which applicants on the existing waiting list meet the new preference criteria. By sharing this information, all parties will be able to better plan for the number of people that should be referred to the waiting list in order to ensure sufficient applicants for the new limited preference. Such data-sharing activities must incorporate the appropriate consent forms and systems-level assurances for privacy (see Chapter 11).

It is sometimes possible to learn more about an applicant's status by calling the PHA or checking online. Some PHAs assign a number to each application and include this control number on all written correspondence with the applicant. This control number should be referenced when contacting the PHA. However, most PHAs are unable to provide reliable information about the status of an application and may only be able to give a general idea (e.g., within the next year).

Because the majority of PHAs correspond with HCV applicants by mail, it is important that any change in contact information be relayed promptly to the PHA. It is helpful to include a secondary contact so that the PHA can copy this person on all PHA correspondence.

REASONABLE ACCOMMODATION

WAITING LIST UPDATES

A person who is chronically homeless and whose disability prevents them from responding to a waiting list update letter, causing their name to be removed from the waiting list, can request that their name be reinstated as a reasonable accommodation.

Public Housing Agency Waiting List Updates

To best manage the hundreds or even thousands of applicants on an HCV waiting list, PHAs should regularly update the list. Keep in mind that people may apply to many different PHAs, and be on many waiting lists at the same time. Therefore, some PHAs update their waiting list once a year, or even every six months, to keep it as current as possible. This is often referred to as "purging" the waiting list.

In order to update their waiting lists, PHAs must send out letters to applicants asking them to reconfirm their interest in the HCV program. Often these update letters require the applicant to respond by a certain date. If the PHA does not receive a response, the applicant is automatically removed from the waiting list. Through this process, PHAs eliminate any applicants who do not respond to the update letter or who are no longer interested in the program.

Chapter 5 – Screening, Verification, and Appeals in the Housing Choice Voucher Program

KEY CONCEPTS

PUBLIC HOUSING AGENCIES (PHAS) CAN SCREEN Housing Choice Voucher (HCV) applicants for prior tenant history, owner references, credit history, and other criteria.

PHAS ARE OBLIGATED TO MAKE CHANGES to their screening process to accommodate a person with a disability.

SOME APPLICANTS ARE DENIED HCV ASSISTANCE for having a poor tenant history, or having recent criminal history.

WHEN APPLICANTS ARE DENIED, it is important to meet with the PHA and present any information or mitigating circumstances that may change the PHA's decision.

A PHA MUST HAVE A FORMAL PROCESS for appealing decisions made about eligibility.

APPLICANTS WILL BE REQUIRED to provide actual documentation that verifies their eligibility for the HCV program. Failure to provide this documentation could result in an applicant's being determined ineligible.

Chapter 5 **Screening, Verification, and Appeals in the Housing Choice Voucher Program**

Screening vs. Eligibility

As discussed in [Chapter 4](#), basic eligibility for the Housing Choice Voucher (HCV) program is quite straightforward:

- A household's income must be at or below 50 percent of the area median income; and
- Household members must be United States citizens, or non-citizens with "eligible immigration status."

However, federal regulations permit public housing agencies (PHAs) to impose more rigid screening criteria on applicants if they choose, such as reviewing their past criminal history, housing history, and history with federal housing programs. As a result of such screening processes, households that meet the basic eligibility criteria listed above may nevertheless be denied assistance. It is important to note that public housing agencies are not required to screen applicants beyond gathering information needed to determine basic eligibility; however, if an agency chooses to screen any applicant, it must screen all applicants the same way.

Screening Policies

In the late 1990s, PHAs were granted authority to screen HCV applicants for prior tenant history, standing with federal housing programs, owner references, credit history, and other criteria. As a result, in many instances, both the PHA and the owner of the rental unit chosen by an HCV household may decide whether the household is suitable for tenancy.

Previously, PHAs were permitted to screen applicants for public housing, but not for the HCV program. Rather, it was the owners participating in the HCV program who conducted any screening of previous tenant history, credit problems, etc.

Screening HCV applicants is now an option for PHAs, but is not mandated by law. The PHA has the option of screening HCV applicants for:

- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others;
- Non-payment of rent or utility bills;
- Poor treatment of previous housing units and premises; and
- Lack of respect for the rights of other residents to the peaceful enjoyment of their housing.

Public housing agencies also have the right to screen applicants regarding their history with federal housing programs. Specifically, the PHA can screen a household to see if its members have ever:

- Been evicted from public housing;
- Been terminated from another HCV program for cause;
- Committed fraud or criminal acts in connection with a federal housing program; or
- Failed to reimburse a PHA for unpaid rent or damages, with money currently owed to a PHA.

Each PHA is allowed to decide how in-depth its screening process will be and how strictly to apply its screening criteria. However, PHAs must screen all HCV applicants uniformly. For example, if a PHA conducts a criminal record check on one applicant, it must conduct one on every applicant.

In many communities, screening criteria have added even more paperwork and waiting time to an already cumbersome and lengthy application process. Policies for screening applicants must be described in the HCV Administrative Plan (see Chapter 11) and must clearly document the criteria used.

For people experiencing chronic homelessness, screening criteria can be one of the biggest barriers to receiving a voucher. In 2011, [Department of Housing and Urban Development \(HUD\) Secretary Shaun Donovan sent a letter to PHAs to encourage more flexible admissions policies, especially for homeless people with criminal histories](#). The majority of these policies are set by PHAs and not by HUD, meaning that homeless providers, advocates, family members, and consumers can work together to advocate for practices that eliminate some of these systems barriers.

QUICK TIP

INCLUDE HOUSEHOLD MEMBERS WITH POOR BACKGROUNDS ON THE APPLICATION

It is important to include all household members on the Housing Choice Voucher application even if a member has a background that is a potential barrier. Through the screening process the household may be able to present circumstances that mitigate the poor background. If the household instead chooses to omit that family member from the application, the public housing agency can allege that the household committed fraud and terminate it from the program.

Criminal Records Screening and Drug Histories ([24 CFR 982.553](#))

Some PHAs conduct lengthy criminal records checks and deny a voucher to any applicant who has committed a crime within recent years. Many people are determined ineligible for HCV assistance based on a history of criminal activity. It is important to note that there are only two federal mandatory criminal exclusions with which PHAs are required to comply.

Applicants are ineligible for HCV assistance if they have been convicted of manufacturing methamphetamines in federally assisted housing, or if they are registered lifetime sex offenders.

However, because of PHA local regulations and policies that further limit eligibility, many chronically homeless people are determined ineligible for HCV assistance based on histories of less severe crimes. Because these policies are locally established rather than federally mandated, they can be influenced and adapted to better meet the needs of the community.

In addition to the criminal exclusions listed above, PHAs must also screen for drug-related history and current drug-related activities. Specifically:

- A PHA must prohibit admission to the HCV program for three years (from date of eviction) if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, the PHA may waive this prohibition if it determines that the member has successfully completed a supervised drug rehabilitation program approved by the PHA, or that the circumstances leading to the eviction no longer exist (for example if the household member responsible for the drug-related criminal activity is no longer part of the household).
- A PHA cannot admit a household to the HCV program under either of the following circumstances:
 - » A member of the household is currently engaging in illegal drug use
 - » The PHA has reasonable cause to believe that a household member's illegal drug use, pattern of illegal drug use, abuse of alcohol, or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents

Arrest Records vs. Convictions

[Recent guidance](#) from the U.S. Department of Housing and Urban Development emphasizes the importance of providing "second chances" to formerly incarcerated individuals. Public housing agencies may not use arrest records alone as a basis for denying admission or terminating assistance and are obligated to safeguard the due process rights of applicants and participants.

Denial of Assistance

There are several reasons why a household may be denied HCV assistance, including:

- Recent criminal history (see "Screening Policies" above for details) such as:
 - » Recent drug-related activity or violent criminal activity
 - » Being evicted for cause from private housing
 - » Failing to pay rent in previous housing

- » Failing to meet tenant obligations in previous housing
- » Being in poor standing with federal housing programs

Public housing agencies may deny HCV assistance to an applicant based on the reasons listed above even if the problem was not the applicant's fault but was caused by another member of the household. For example, if a mother and adult son applied for HCV assistance with the mother listed as the head of household and, in the past, the son was evicted for cause from private housing, the entire household could be denied HCV assistance. However, the Violence Against Women Act allows a tenant or lawful occupant who engages in criminal acts of physical violence against affiliated individuals or others to be evicted or removed without evicting or removing or otherwise penalizing a victim who is a tenant or lawful occupant.

It is important to note that a PHA may not deny a person admission to the HCV program on the basis of disability, household status, source of income, race, color, sex, sexual orientation, gender identity, religion, or national origin.

REASONABLE ACCOMMODATION

SCREENING CRITERIA

Public housing agencies (PHAs) must modify their screening process to accommodate people with disabilities, including those who are experiencing chronic homelessness. For example, if a PHA denies assistance to a chronically homeless Housing Choice Voucher (HCV) applicant with criminal history based on mental illness (e.g., the applicant was arrested for loitering and disorderly conduct when not taking their medications), the applicant can ask that the PHA disregard the criminal history in light of mitigating circumstances related to their disability. This request might be considered reasonable if the applicant is now receiving supportive services for medication management and can expect that the behavior will not be repeated. It is the responsibility of the applicant to request a reasonable accommodation from the PHA and to present any documentation to show why it is reasonable.

Appeals of Eligibility Decisions ([24 CFR 982.555](#))

A PHA is required to have a formal process for appealing decisions made in the HCV program, including eligibility and other PHA decisions. This process must be described in the PHA's HCV Administrative Plan (see Chapter 11). If a household is determined ineligible for the HCV program, the PHA must put in writing the reasons for the denial and provide information regarding the appeals process. Often the PHA elects to mail decision letters; households should open these letters as soon as

GOOD TO KNOW

POOR HOUSING HISTORY

Although housing history is important when screening for admission to federal public housing, it is not critical in the Housing Choice Voucher (HCV) program. Since private owners can do their own screening in order to accept a new tenant, public housing agencies (PHAs) may be willing to relax housing history screening criteria for HCV applicants. However, many PHAs do screen HCV applicants for housing history and deny assistance to people with troubled past experiences or evictions.

possible to ensure all instructions for requesting an appeal hearing are followed. Some PHAs may not make applicants aware of their right to appeal PHA decisions.

Ideally, the appeals process allows the applicant to present any mitigating circumstances that may help to reverse the PHA's decision. For example, applicants who owe money to a previous PHA may still be given a voucher if they show proof of a repayment agreement in good standing. PHAs may hold informal hearings with applicants and PHA staff and may accept input from objective stakeholders such as other PHA staff, service providers, or family members.

QUICK TIP

FIND THE PROBLEMS EARLY

Applicants or their advocates should consider running their own credit histories and criminal record checks before applying in order to address any potential problems. For example, people with poor credit history or those who owe money to a PHA may enter into negotiations for repayment plans. Identifying any potential eligibility barriers early will allow you to gather information about any mitigating circumstances or to prepare a request for a reasonable accommodation. Finally, it may help to be upfront with the PHA — letting them know that there will be problems with the screening but that you have prepared information to support an appeal to a denial.

Verification and Documentation of Eligibility

Actual documentation — such as written verification of income (including any assets), household composition (including the age and Social Security numbers of all household members), citizenship status, disability status (if applicable), and other criteria established by the PHA — is required to prove eligibility for the HCV program. For example, applicants who wish to qualify for a residency preference must prove that they live or work within the PHA's jurisdiction.

Some PHAs require applicants to verify eligibility only when they reach the top of the waiting list. Other PHAs require that applicants verify their eligibility at two different times — when they first submit the application and again when they have been selected from the waiting list. Usually there is a significant amount of time between these two events.

QUICK TIP

RESEARCH ELIGIBILITY AND SCREENING CRITERIA AHEAD OF TIME

Homeless providers, Continuums of Care, family members, and case managers who are helping a person who is experiencing chronic homelessness apply to the Housing Choice Voucher (HCV) program should read the HCV Administrative Plan and find out what documentation will be required in order to prove eligibility and suitability. Begin gathering the documentation early, since some source documentation may take a long time to locate or receive.

HUD requires that some verification, including income documentation, be less than 120 days old — and many PHAs require verification to be even more recent. As a result, applicants are almost always required to update documentation previously submitted to the PHA.

Third Party Verification

Public housing agencies usually require that verification be "third party" for all eligibility criteria. This means that the actual documentation must come from another person or agency (such as an employer, public agency, or physician). Case managers are often good sources of third party verification. Third party verification can be written or verbal; however, written is preferred by most PHAs. Examples of this type of verification are:

- A letter from the U.S. Social Security Administration verifying receipt of SSI benefits and amount received (to prove income and disability status)
- A letter from a physician verifying a disability (in accordance with HCV regulations)
- A birth certificate or passport verifying citizenship status

Usually, PHAs will not accept verification of income from anyone other than the source of the income or other assets. In other words, the PHA will not usually allow applicants to obtain their own verifications of income, assets, or expenses. PHAs usually have standard letters that they require third parties to use when verifying information.

Public housing agencies must establish a policy permitting other forms of acceptable verification in those situations when third party verification is absolutely not available. As with other HCV policies, a PHA's standards regarding acceptable forms of documentation must be documented in its HCV Administrative Plan.

REASONABLE ACCOMMODATION

IDENTIFICATION DOCUMENTATION

A person experiencing chronic homelessness can request extra time to gather the necessary documentation if needed as a reasonable accommodation for their disability.

Most public housing agencies (PHAs) require that applicants produce birth certificates, Social Security cards, or other standard forms of identification. This can present a significant barrier to people who have been living on the streets or in shelters and no longer have these identifying documents.

Guidance from the U.S. Department of Housing and Urban Development states that PHAs can accept other forms of documentation for proof of age, identity, or Social Security number, including an original document issued by a federal, state, or local government agency. PHAs may also accept any one of the following documents as verification of identity as long as it includes the applicant's Social Security number:

- Driver's license
- Identification card issued by a federal, state, or local agency
- Identification card issued by a medical insurance company or provider (including Medicare and Medicaid)
- Identification card issued by an employer or trade union
- Earnings statements, payroll stubs, or bank statements
- IRS Form 1099
- Benefit award letters from government agencies
- Retirement benefit letter
- Life insurance policies
- Court records (real estate, tax notices, marriage/divorce, judgment, or bankruptcy)

Verifying Disability Status

For vouchers targeted to chronically homeless people or other people with disabilities through a local preference or special purpose voucher program, PHAs must verify an applicant's disability status, which they can do in a number of ways. Public housing agencies may use the receipt of federal disability benefits as sufficient proof of disability. However, PHAs must not limit proof of disability to this type of verification. Other acceptable methods of verifying disability include (but are not limited to):

- A written statement from a physician or other reliable source (such as a health care provider licensed in treating the disability). Other

reliable sources might include the state's Department of Mental Health, Development Disabilities, or Public Health, or a local Arc chapter, mental health center, or Center for Independent Living.

- Telephone contact with a physician or other reliable source, followed by PHA documentation of contact in the applicant's file.
- In-person contact with a physician or other reliable source, followed by PHA documentation of contact in the applicant's file.

Public housing agencies are not allowed to ask whether an applicant who has been chronically homeless can live independently, or to ask about the applicant's specific disability. The PHA must ensure that its HCV application does not include any illegal questions regarding the nature or severity of a person's disability or about their ability to live independently.

Verifying Homeless or Chronically Homeless Status

If a PHA adopts a waiting list preference for homeless or chronically homeless people, these applicants will be required to produce documentation verifying their status. Homeless providers, Continuums of Care (CoCs), and advocates should proactively plan with PHAs to allow records from the local Homeless Management Information System, other homeless verification forms provided by the CoC, or the CoC's established coordinated entry system to be considered sufficient documentation of homeless or chronically homeless status.

Failure to Provide Verification

Collecting the necessary documentation can be time-consuming and difficult. Advocates, family members, and service providers can provide assistance in collecting the required documents. The importance of this step in the HCV application process should not be underestimated. Households that fail to provide the PHA with the required documentation and verification will be determined ineligible for a voucher.

QUICK TIP

KEEP COPIES OF IMPORTANT DOCUMENTS

It is extremely important that households keep all third party documents in a safe and accessible place. Households may also want to give copies of this information to trusted friends, family members, or case managers. Some of the third party documents used to determine a household's initial eligibility for the voucher will have to be resubmitted at least once a year after the person obtains housing. Failure to provide this information to the public housing agency on an annual basis can be grounds for termination of the HCV assistance.

Chapter 6 – Determining the Total Tenant Payment and the Housing Choice Voucher Rent Subsidy

KEY CONCEPTS

IN THE HOUSING CHOICE VOUCHER (HCV) PROGRAM, the HCV household and the public housing agency (PHA) each pay a portion of monthly housing costs, including rent and any tenant-paid utilities, to the owner.

THE HOUSEHOLD'S SHARE OF THE RENT is called the "total tenant payment" and is based on the household's income.

A PHA USES ITS HCV "PAYMENT STANDARD" to calculate the maximum amount of the rent subsidy it will pay.

IF THE HOUSEHOLD CHOOSES A UNIT that costs more than the PHA payment standard, then the household will have to pay more of its income toward housing costs.

UNDER CERTAIN CIRCUMSTANCES, PHAs can use an exception or higher payment standard.

TO ACCOUNT FOR THE COST of tenant-paid utilities, the HCV program calculates a Utility Allowance.

THE AMOUNT OF RENTAL ASSISTANCE a PHA gives a household also depends on the household size and composition.

AN HCV HOUSEHOLD may include a live-in aide

Chapter 6 *Determining the Total Tenant Payment and the Housing Choice Voucher Rent Subsidy*

Rent Payment Overview

In the Housing Choice Voucher (HCV) program, the owner receives two payments: one from the household for its calculated rent portion, and one from the public housing agency (PHA) for the remainder of the total rent. The household's share is called the "total tenant payment" and is based on the household's income. The PHA's share is called a "rent subsidy." The amount of the HCV rent subsidy is determined by several factors, including: the income of the household; rental housing market costs in the community where the voucher is being used; the rent of the tenant's chosen unit; and the cost of any tenant-paid utilities for the unit.

To fully understand the HCV program, it is important to understand how these three components relate to one another:

- The household's total tenant payment, based on HCV program regulations;
- The rent subsidy, based on the PHA's HCV payment standard; and
- The total cost of the housing, including the rent charged by the owner and the cost of any tenant-paid utilities. The U.S. Department of Housing and Urban Development (HUD) requires this cost to be "reasonable" based on modest housing costs for the locality.

The example in Table 6.01 illustrates the relationship between these three components.

Table 6.01 Three Components of the Housing Choice Voucher Benefit

Total Tenant Payment		\$150
HCV Rent Subsidy	+	\$600
Total Housing Costs	=	\$750

Total Tenant Payment

Total tenant payment (TTP) is the amount that the household pays towards rent. The HCV program has both a minimum and a maximum TTP regulation. These regulations provide some flexibility for HCV households in how much they choose to contribute toward housing costs.

The minimum TTP is required to be the *highest* of these three calculated amounts:

- 30 percent of the household’s monthly adjusted income; or
- 10 percent of the household’s monthly gross income; or
- The portion of welfare payments specifically designated by the public welfare agency to meet the household’s housing costs (also known as "welfare rent" — contact the office of Public and Indian Housing at your local [HUD field office](#) to find out if your state has this option)

There is also a maximum TTP, which is set at 40 percent of the household's monthly adjusted income for the initial move-in.

GOOD TO KNOW

PROGRAM FEES ([24 CFR 982.510](#))

Extra fees, such as those for support services or meals, cannot be included in the total tenant payment calculation or the rent to the owner. The lease with the owner also cannot require the household to pay charges for meals or supportive services. Nor is non-payment of such charges grounds for termination of tenancy or from the Housing Choice Voucher program.

This means that HCV households must pay at least 30 percent of their income, but could pay as much as 40 percent, toward the rent and utilities when they first move into a unit. The effects of the 30 percent minimum and 40 percent maximum TTP regulations are illustrated in Table 6.02 for a household with a monthly adjusted income of \$750.

Table 6.02 Minimum and Maximum Total Tenant Payment

Tenant Monthly Adjusted Income	\$750
Minimum Total Tenant Payment @ 30% of \$750	\$225
Maximum Total Tenant Payment @ 40% of \$750	\$300

In this example, the HCV household would pay at least \$225 towards monthly housing costs, but could choose to pay up to \$300 — an increase of up to \$75 — if they wanted to rent a more costly unit. As noted later in this chapter, this choice of whether the HCV household wants to spend more than 30 percent of its monthly income toward housing costs is not made until the household selects a unit during the housing search process.

Intersection of Fair Market Rent, the Public Housing Agency Payment Standard, and the Rent Subsidy Amount

Fair Market Rent

Each year, [HUD publishes new fair market rents \(FMRs\)](#) for every housing market area in the United States. FMRs are based on the number of bedrooms in the rental unit and are intended to align with modestly priced rental housing costs in each area.

Public Housing Agency Payment Standard

A PHA's payment standards are based on the FMRs; each PHA is allowed the flexibility to set its HCV payment standard at an amount between 90 and 110 percent of the FMR for the area.

Under HCV regulations, the PHA's payment standards for its HCV program are based on the number of bedrooms in the unit to be rented. Thus, each PHA has a zero-bedroom (or studio) payment standard, a one-bedroom payment standard, a two-bedroom payment standard, etc.

These payment standards are used to calculate the maximum amount of the HCV rent subsidy the PHA will pay for units rented through the program. When the PHA raises or lowers its payment standard, the amount of the rent subsidy automatically goes up or down with it. Table 6.03 shows how the payment standard can change depending on the PHA's decision to use 90 percent, 100 percent, or 110 percent of the FMR for its one-bedroom payment standard. Six localities are used in Table 6.03 to illustrate this flexibility.

***Table 6.03 Payment Standards Options based on Fair Market Rent for One-Bedroom Units in Six Housing Market Areas
Fiscal Year 2016***

Housing Market	90% FMR	100% FMR	110% FMR
Austin, TX	\$812	\$902	\$992
Springfield, MA	\$723	\$803	\$883
Chicago, IL	\$901	\$1001	\$1101
Monroe, LA	\$509	\$565	\$622
Roanoke, VA	\$502	\$669	\$736
Santa Fe, NM	\$704	\$782	\$860

By giving PHAs the flexibility to establish their own HCV payment standards, the federal government is permitting PHAs to respond to local housing market conditions. Some housing markets are much more competitive, so that a higher percentage of FMR is required in order for voucher holders to succeed in leasing units. Simply stated, by using a higher payment standard (e.g., 110 percent of FMR), a PHA is providing HCV households with a larger rent subsidy. This allows HCV voucher holders more choice by increasing the number of units available in the community within the HCV cost limits — but does not affect the amount of their TTP.

GOOD TO KNOW

TENANT RENT/OCCUPANCY CHARGE IN THE CONTINUUM OF CARE PROGRAM

Rental assistance projects funded through the Continuum of Care (CoC) program may also charge program participants rent, using the same three calculations listed under "Total Tenant Payment" on [page 58](#) to determine the minimum amount a household must contribute. However, a major difference is that the CoC program does not allow a household to pay more than the highest of the three calculations. Public housing agencies that administer both a Housing Choice Voucher program and a rental assistance project/ funded by the CoC program must maintain separate processes for determining the amount of the household's contribution towards rent so that they are not overcharging.

Public Housing Agency Rent Subsidy Amount

Once the minimum tenant contribution and the PHA's HCV payment standards are known, the maximum amount of the HCV rent subsidy can be calculated. The maximum PHA rent subsidy is the highest amount of HCV rent subsidy that the PHA is authorized by HUD to pay to an owner. For people with little or no income, the rent subsidy provides most or all of the funding for monthly housing costs.

The maximum PHA rent subsidy is calculated by subtracting the minimum total tenant payment from the PHA payment standard. This calculation is illustrated in Table 6.04.

Table 6.04 Maximum Rent Subsidy

Public housing agency 1-Bedroom Payment Standard		\$750
Minimum total tenant payment	-	\$225
Maximum public housing agency rent subsidy	=	\$525

However, the maximum PHA rent subsidy is not necessarily the actual rent subsidy that the PHA will pay on behalf of a specific household. The actual PHA rent subsidy will be based on the cost of the unit selected by the HCV household.

The PHA ends up paying the maximum rent subsidy only if the HCV household selects a unit with housing costs that are equal to or greater than the applicable HCV payment standard. If the cost for the unit is less than the payment standard, then the PHA rent subsidy will be less. If the cost of the unit is more than the payment standard, it means that the HCV household must pay more than 30 percent of its income as its TTP.

This regulation is illustrated by the examples in Tables 6.05 and 6.06. In both of these examples, the HCV one-bedroom payment standard is \$750 and the household's minimum TTP is \$225. Therefore, the maximum PHA rent subsidy is \$525. The cost of the actual unit selected by the household varies in each table.

In Table 6.05, the cost of the actual unit selected is \$750, which is the same as the one-bedroom payment standard. The PHA will therefore pay the maximum PHA rent subsidy of \$525 and the household will pay the minimum TTP of \$225.

Table 6.05 Cost of Unit Equal to PHA Payment Standard

Public housing agency 1-bedroom payment standard: \$750		
Actual cost of the unit selected		\$750
Minimum total tenant payment @ 30%	-	\$225
Actual public housing agency rent subsidy	=	\$525

Table 6.06 illustrates what happens if the HCV household selects a unit that costs \$725, which is \$25 less than the PHA one-bedroom payment standard.

In Table 6.06, the PHA rent subsidy decreases by from \$525 to \$500 because the cost of the unit is \$25 less than the PHA payment standard. The minimum total tenant payment of \$225 does not change, even though the rent for the unit is lower.

Table 6.06 Cost of Unit Less Than the PHA Payment Standard

Public housing agency 1-bedroom payment standard: \$750		
Actual cost of the unit selected		\$725
Minimum total tenant payment @ 30%	-	\$225
Actual public housing agency rent subsidy	=	\$500

Paying More than the Minimum Total Tenant Payment

If the unit selected by the HCV household costs more than the applicable PHA payment standard, then the household will be required to pay more of its income toward housing costs (i.e., more than the minimum TTP). However, the household is not allowed to pay more than 40 percent of its income (i.e., maximum TTP) when it first moves into a unit. This situation is illustrated in Table 6.07 using the same basic income and payment standard information used in Tables 6.05 and 6.06, except the cost of the unit is now \$775, which is \$25 higher than the payment standard.

In Table 6.07, the maximum PHA rent subsidy permitted is still \$525 and the minimum total tenant payment is still \$225 for a total of \$750. However, the cost for the unit is \$775.

In order to rent this unit, the household will be required to pay the additional \$25 because the HCV rent subsidy cannot be increased.

Therefore, the TTP goes up to \$250. Because of the HCV program’s flexibility, the household will be permitted to pay the additional \$25, as long as the household’s TTP does not go above 40 percent of its income (i.e., the maximum total tenant payment), which in this example is \$300.

Table 6.07 Cost of Unit More than the PHA Payment Standard

Public housing agency 1-bedroom payment standard: \$750		
Minimum total tenant payment @30%: \$225		
Maximum total tenant payment @40%: 300		
PHA 1 bedroom payment standard		\$750
Minimum total tenant payment @ 30%	-	\$225
Actual public housing agency rent subsidy	=	\$525

Actual cost of the unit		\$775
Maximum PHA rent subsidy + minimum total payment	-	\$750
Shortfall in order to rent unit	=	\$25
Minimum total payment @ 30%	+	\$225
Actual total tenant payment needed	=	\$250

Minimum Rent Requirement (24 CFR 5.630)

As described above, the minimum tenant total payment (TTP) is required to be the highest of these amounts:

- 30 percent of the household’s monthly adjusted income; or
- 10 percent of the household’s monthly gross income; or
- The portion of welfare payments specifically designated by the public welfare agency to meet the household’s housing costs

PHAs are also permitted to establish a program-wide minimum rent amount of up to \$50. For some households with little or no income, \$50 may exceed the highest of the three calculations above.

People experiencing chronic homelessness typically have very little income and few assets. A monthly rent of even \$50 is impossible to pay if you are not receiving any income. HCV regulations require PHAs to have a financial hardship policy that waives minimum rent requirements for people in certain situations, including:

- When the household has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program;
- When the household faces eviction because it is unable to pay the minimum rent;
- When the income of the household has decreased because of changed circumstances, including loss of employment;
- When a death has occurred in the household; or
- Under other circumstances, as determined by HUD or the PHA.

Using Housing Cost Information to Select Housing

The minimum and maximum tenant contribution and the maximum PHA rent subsidy are all important factors to help households select housing that can be approved within the HCV cost guidelines. Because these HCV guidelines depend on a flexible PHA payment standard and a flexible total tenant payment, it is important that the HCV household know how to work within this framework to find appropriate housing.

Despite the complexity of calculating rental costs and subsidies, two basic regulations apply when selecting housing in the HCV program:

1. For households willing to pay up to 40 percent of monthly income toward housing costs, the maximum monthly housing cost cannot exceed the combined total of the maximum TTP and the maximum PHA rent subsidy.
2. For households willing to pay no more than 30 percent of monthly income toward housing costs, the household should seek housing with total costs that do not exceed the PHA payment standard.

Maximum Initial Rent Burden (24 CFR 982.508)

The 40 percent maximum total tenant payment regulation is designed to ensure that the amount paid by households toward housing costs is affordable. This 40 percent limit is also referred to as the “maximum initial rent burden” and is only applicable in two specific situations:

- When an HCV household first enters the program and leases a unit
- When an HCV household moves to a new unit

Thus, an HCV household may not at any time during its program participation select a new unit that will require it to pay more than 40 percent of its income towards housing costs.

The 40 percent limit does not apply in the case of an HCV household already leasing a unit through the HCV program whose owner, in accordance with the lease, subsequently decides to increase the rent. If this increase results in the household paying more than 40 percent of its income, the PHA can approve the increase, provided the new rent charged by the owner is reasonable (see Chapter 8).

“Exception Payment Standards” for a Geographic Area (24 CFR 982.503)

Under certain circumstances, PHAs can request from HUD an “exception” for a higher payment standard. If the request is granted, the PHA can set the amount above 110 percent of the FMR for all units in a particular geographic region or for all units of a given size leased by HCV households in the exception area.

REASONABLE ACCOMMODATION

REQUESTING AN EXCEPTION PAYMENT STANDARD

Some public housing agencies (PHAs) aren't aware that they can ask the U.S. Department of Housing and Urban Development for an exception payment standard as a reasonable accommodation for a person with a disability, including a person who is chronically homeless. Reasonable accommodation requests for payment standard increases may be made for a variety of reasons:

- A person with a disability may wish to reside in a neighborhood where the units exceed the payment standard because of its proximity to family supports, work, medical supports, or other disability-related needs.
- Wheelchair accessible units may be available primarily in newer buildings and therefore be more expensive than the average units.
- If no accessible units can be identified, a person with a disability may ask the owner to make modifications to an existing unit and request a higher payment standard to cover the cost, as long as the unit meets the PHA's rent reasonableness standard.

When program budgets are tight, PHAs may be unwilling to pursue an "exception payment standard" request with HUD even if higher housing costs make it difficult for HCV households to use their vouchers successfully.

"Exception Payment Standards" for People with Disabilities

[\(24 CFR 982.503\)](#) On a case-by-case basis, HUD or a PHA may approve a higher payment standard for a person with a disability as a reasonable accommodation. A higher payment standard may be needed by a person with a disability in order to locate housing that is barrier-free, close to public transportation or supportive services, or suitable for other important reasons related to their disability.

A PHA may approve an exception payment standard up to 110 percent of the FMR without obtaining HUD approval. Requests for exception payment standards above 110 percent must be submitted by the PHA to HUD, unless the PHA already has HUD approval for an exception payment standard for the entire geographic area as described above.

As noted, some PHAs aren't aware that they can ask HUD for an exception payment standard as a reasonable accommodation. Others may want to avoid the necessary paperwork. However, it is clear that the payment standard has a direct impact on an HCV household's ability to locate safe, decent, and affordable housing of its choice in the community and that these exceptions are important for people who have been chronically homeless and are trying to use the HCV program.

By working with a PHA to encourage higher payment standards for people experiencing chronic homelessness, you will help HCV households locate housing that meets their unique needs.

Voucher Size and Subsidy Standards ([24 CFR 982.402](#))

The amount of the HCV subsidy a household receives depends not only on the payment standard, but also on the household's size and composition. These characteristics dictate the voucher size (e.g., one-bedroom, two-bedroom, etc.) appropriate for the household. For example, two unmarried adults or a parent with a child would most likely qualify for a two-bedroom voucher, while a single person typically qualifies for a studio or one-bedroom voucher.

In addition to these general regulations, there are some instances when a larger voucher might be necessary for a person with a disability, including a person experiencing chronic homelessness. For example, a chronically homeless person with a physical disability might need an extra bedroom to store large pieces of medical equipment that they use on a regular or interim basis. A person with a developmental disability might have a live-in aide or rotating support service staff who spend the night and will require a bedroom. [In accordance with HUD guidance](#), in special situations such as these, the PHA can provide a larger voucher as a reasonable accommodation.

An HCV household can choose to rent a larger or smaller unit than the size of the voucher issued, as long as the rent amount fits within the PHA's payment standard for the voucher size. For example, if a household is issued a voucher for a one-bedroom unit, but the household finds a unit with two bedrooms that doesn't cost more than the PHA's one-bedroom payment standard, this unit may be approved by the PHA. If the unit is larger than the voucher size, the payment standard and subsidy amount will still be based on the voucher size issued. If the unit is smaller than the voucher size, the subsidy will be reduced accordingly. In all cases, the household may not spend over 40 percent of its adjusted income toward housing costs when it first moves in, and the rent for the unit must be reasonable in comparison to those of similar units in the community.

Live-In Aides ([24 CFR 5.403](#) and [24 CFR 982.316](#))

An HCV household may also include a live-in aide who actually resides in the unit. As defined by HUD, a live-in aide for an elderly, disabled, or handicapped person:

- Is essential to the care and well-being of the person;
- Is not obligated for the support of the person; and
- Would not be living in the unit except to provide the necessary supportive services.

Although PHAs can screen live-in aides, the income of an aide is not included when determining household income, as described in [Chapter 4](#). A PHA may apply the same screening criteria it uses for tenant screening

and refuse to approve a particular person to share the housing as a live-in aide who:

- Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program; or
- Has committed drug-related or violent criminal activity.

GOOD TO KNOW

EXAMPLES OF HOUSEHOLD COMPOSITIONS AND VOUCHER SIZES

Common household compositions and their corresponding voucher sizes include:

- One-Bedroom Voucher:
 - » A single adult
 - » Two adults
 - » A single adult with a minor dependent child
- Two-Bedroom Voucher:
 - » An individual with a disability and their live-in aide
 - » Two unrelated adults
 - » A head of household (with or without spouse) with one or two dependents
- Three-Bedroom Voucher:
 - » Three unrelated chronically homeless adults
 - » Two unrelated chronically homeless adults and a live-in aide
 - » A head of household (with or without spouse) with two or three dependents

The PHA may also withdraw prior approval of a particular live-in aide if the aide engages in any of above activities. The PHA may also establish other reasonable standards for screening live-in aides such as conducting criminal record checks.

Utility Allowances ([24 CFR 982.517](#))

Within the HCV program, “gross rent” or total housing cost is defined as the actual rent charged by the owner for the unit plus the cost of any tenant-paid utilities. In some rental housing situations, all of the utilities are included in the monthly rent charged by the owner, while in others the tenant must pay out-of-pocket for some or all of the utilities.

To determine total housing costs for units in which utility bills must be paid by the tenants, a PHA estimates the average monthly cost of utilities and adds this "Utility Allowance" to the rent actually charged by the owner.

Utility Allowances can be very complicated because they must consider all types and combinations of tenant-paid utilities that might come up when leasing units (e.g., gas heat, electric heat, oil heat, gas hot water, electric hot water, etc.) and all possible types of housing units (e.g., apartments, single family homes, duplexes, etc.).

The PHA must establish and maintain a Utility Allowance schedule for all essential tenant-paid utilities. Note that although the Utility Allowance schedule must include those services that are necessary in its locality to provide housing that complies with federal housing quality standards (described in [Chapter 7](#)), PHAs are not allowed to include costs for non-essential services such as telephone, cable TV, satellite, or internet in the Utility Allowance schedule.

Table 6.08 shows a sample monthly Utility Allowance for a one-bedroom duplex unit in which electric heat and hot water and electric lighting are paid for by the tenant.

In this example, the allowance for tenant-paid utilities is \$80 per month. The Utility Allowance is intended by HUD to reflect average monthly utility usage amounts based on year-round usage. It is not intended to be accurate for each month of the year.

GOOD TO KNOW

GROSS RENT VS. CONTRACT RENT

Housing Choice Voucher and other housing programs use two terms when discussing the costs related to subsidizing a housing unit. The “gross rent” is equal to the total housing costs, including the monthly rent charged by the owner and the cost of any tenant-paid utilities or utility allowance. The “contract rent” is the amount actually paid to the owner, which may be less than the gross rent if the tenant is responsible for paying utilities.

UTILITY ALLOWANCE = AVERAGE COSTS, NOT ACTUAL CONSUMPTION

The Utility Allowance is not paid to the tenant. Instead, it is used to reduce the actual amount of the tenant’s share of the rent paid to the owner. Housing Choice Voucher households are responsible for paying for all tenant-paid utilities even if the costs exceed the allotted Utility Allowance amount for that unit in any given month. Keep in mind that the Utility Allowance reflects average costs and not actual consumption.

Utility Allowance Schedules

HUD regulations require that Utility Allowance schedules be updated at least annually. Make sure to get a copy of the most current schedule. PHAs

that cover a wide geographic area may have multiple schedules, so make sure to check the schedule in effect for the area where each unit is located.

Table 6.08 Example of Public Housing Agency Monthly HCV Utility Allowance

TYPE OF TENANT-PAID UTILITY	1-BEDROOM DUPLEX UTILITY MONTHLY ALLOWANCE
Oil Heat	Not applicable
Gas Heat	Not applicable
Electric Heat	\$40
Electricity for lights	\$20
Gas hot water	Not applicable
Domestic hot water (oil)	Not applicable
Electric hot water	\$20
Total Utility Allowance	\$80

How to Use the Utility Allowance

The Utility Allowance is used for two purposes:

1. The PHA subtracts the Utility Allowance from the TTP to reduce the amount of rent the tenant has to pay to the owner. This reduction in the TTP theoretically results in money left over to the tenant to pay for utilities. Table 6.09 illustrates this HCV regulation.

Table 6.09 Utility Allowance Calculation

Total tenant payment		\$225
Allowance for tenant paid utilities	-	\$80
Tenant share of rent paid to owner	=	\$145

2. The PHA adds the Utility Allowance to the monthly rent charged by the owner to determine the gross rent. The gross rent is used when applying the payment standard. Table 6.10 illustrates this function of the Utility Allowance.

Table 6.10 Utility Allowance and Gross Rent

PHA One-Bedroom Payment Standard: \$750		
Rent charged by owner		\$650
Utility allowance	+	\$80
Total monthly housing cost (Gross Rent)	=	\$730

This unit’s total cost is \$730, which is \$20 less than the \$750 one-bedroom payment standard. The household’s share of rent would be reduced by \$80 (the utility allowance), leaving the household responsible for only a \$145 payment to the owner. This reduction in its rent gives the household room in its finances to pay the monthly utility bills.

REASONABLE ACCOMMODATION

UTILITY ALLOWANCES

People with disabilities, including those who have been experiencing chronic homelessness, can request a higher Utility Allowance, if needed, as a reasonable accommodation. For example, a person with physical disabilities may require a higher Utility Allowance to compensate for extra electricity used by needed medical equipment.

Negative Utility Allowance Payments ([24 CFR 5.632](#))

For people with very low incomes, deducting a Utility Allowance from the TTP may cancel out the full TTP amount, or even result in money being owed to the household. This is sometimes referred to as a negative “utility allowance payment” (UAP) and is a common occurrence for formerly homeless households in the HCV program.

It is important to note that in this situation, the negative UAP is made to the household on the assumption that it is a reimbursement for expenditures that the household has already made for utilities. Alternatively, some PHAs are willing to send the negative UAP to a utility company on behalf of the household. This policy should be described in the PHA’s HCV Administrative Plan.

Calculating Monthly Adjusted Income and Total Tenant Payment

The PHA is responsible for examining an HCV household’s income and determining its total tenant payment. To determine how much the household pays toward housing costs (i.e., rent and tenant-paid utilities) the PHA conducts a thorough examination of the household’s income — including any assets — and calculates an annual and monthly gross and adjusted income for the household.

Gross Income ([24 CFR 5.609](#))

Public housing agencies calculate a household’s gross income by examining income from a variety of sources that are anticipated during the upcoming year. This includes any income generated from assets.

Income Inclusions

Sources of income that are counted when a PHA calculates a household’s income, or “inclusions,” include:

- Wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services
- Net income from the operation of a business or profession
- Interest, dividends, and other net income of any kind from real or personal property
- 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

- Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay

GOOD TO KNOW

REIMBURSEMENTS TO THE UTILITY COMPANY

Given the lack of income of people experiencing chronic homelessness, it is highly probable that once the utility allowance is applied, there will be a negative Utility Allowance Payment (UAP) situation. Housing Choice Voucher program regulations allow public housing agencies to make negative UAP disbursements directly to a utility company on behalf of the household, instead of to the household. For people who lack money management skills, this direct payment option may be a valuable tool to ensure that the lights and other essential utilities remain on and to help maintain their credit history with the utility company. Advocates, case managers, family members, and others working with chronically homeless people should discuss this option with the public housing agency and determine the best way to set up payments to the utility company.

Income Exclusions

The PHA also leaves many sources of income out of its calculations of household income. These are referred to as “exclusions,” and include:

- Income from employment of children (including foster children) under the age of 18 years
- Payments received for the care of foster children or foster adults
- Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains, and settlement for personal or property losses
- Income of a live-in aide

Adjusted Income ([24 CFR 5.611](#))

In the context of the HCV program, “adjusted income” refers to allowances and deductions permitted by HUD that are subtracted from gross income. It does not mean “take-home pay” or “net income” for people who are employed.

Adjusted Income Allowances

The allowances and deductions that make up adjustments to gross income in the HCV program include:

- *\$480 per year allowance for each dependent* — A dependent is

defined as a household member other than the household head or their spouse who is:

- » 17 years of age or younger;
- » A full-time student; or
- » A person with a disability.

Neither the head of the household nor their spouse can ever be considered a dependent.

- *\$400 per year allowance for a disabled or elderly household* — This allowance is limited to \$400 per household, and not \$400 for each disabled member of the household.
- *Childcare allowances* — This allowance is for childcare expenses to enable a household member to work or further their education and cannot exceed the amount earned by the person who goes to work.
- *Disability assistance allowance* — This adjustment is only for equipment and resources (e.g., wheelchairs, attendant to care for person with a disability) that permits someone in the household to work. These expenses cannot be deducted unless someone in the household (either the person with the disability or someone who would otherwise provide care for that person) is enabled to work as a result of the expense. In addition, only those expenses that exceed three percent of household income can be deducted.
- *Medical expenses* — Anticipated medical expenses that, in combination with any disability assistance allowance, exceed three percent of income, can be deducted.

Whose Income Counts?

When calculating a household's gross and adjusted income, the PHA must know who the members of the household are, and what each member's income is. However, some household members' income is not included in the calculation.

INCOME NOT COUNTED

- Earned income of minors age 18 and under, including foster children
- Income of permanently absent family members

INCOME COUNTED

- Unearned income attributable to a minor (e.g., child support, SSI)
- Income of temporarily absent family members
- First \$480 of income of adult students living away from home who are not the head of household or spouse

See Appendix B on [page 126](#) for a sample Rent Calculation Worksheet that demonstrates how to determine the total tenant payment, factoring in any adjustments and the Utility Allowance.

GOOD TO KNOW

ISSUES UNIQUE TO PEOPLE WITH ZERO INCOME

Most people experiencing chronic homelessness have little or no income. In spite of their eligibility for the Housing Choice Voucher program, they may face unique barriers to being active participants. For example, households with zero income may need to request a waiver to a public housing agency's minimum rent requirement and locate alternative funding to turn on utilities in a new unit to make sure it will pass the housing quality inspection.

Self-Sufficiency Incentives ([24 CFR 5.617](#))

"Self-Sufficiency Incentives for Persons with Disabilities" (formerly known as the Earned Income Disregard) is a HUD work incentive for people with disabilities, including those who are experiencing chronic homelessness. This HCV regulation allows PHAs to disregard the increased income obtained by an individual with a disability who goes to work. This option is important in the HCV program because an increase in income usually means an increase in the household's total tenant payment. Disregarding this increase for a period of time gives the formerly chronically homeless person greater incentive to earn income from employment because the increase in income does not result in an increase in rent.

The disregard is available for the first two years of employment. With the self-sufficiency incentive, rent is not increased for the first 12 months after the person's income increases due to work. For the second 12 months, only 50 percent of the income increase is counted in calculating TTP.

To qualify for the Self-Sufficiency Incentive, an adult member of the household must be a person with a disability who was unemployed for at least one year prior to employment.

In addition to income from regular employment, income from any economic or other job training program qualifies to be disregarded.

Chapter 7 – Getting a Housing Choice Voucher and Obtaining Housing

KEY CONCEPTS

WHEN AN APPLICANT reaches the top of the waiting list, a Housing Choice Voucher (HCV) briefing is scheduled for the household to receive information about the HCV program.

DURING THE HCV BRIEFING the applicant is issued a voucher.

PUBLIC HOUSING AGENCIES (PHAS) MUST give voucher holders at least 60 days to find a housing unit that meets HCV guidelines — but PHAs can grant extensions to this 60-day period.

PHAS MUST BE ABLE TO PROVIDE assistance in locating units with accessibility features.

SOME PEOPLE ARE ALREADY LIVING in rental housing and are able to use their voucher to lease in place, including chronically homeless people receiving assistance through a permanent supportive housing or rapid re-housing program.

PHAS MAY ALLOW VOUCHERS to be used in special types of housing, including single room occupancy units and shared housing, as a reasonable accommodation.

HOUSING UNITS LEASED through the HCV program must have rents that are reasonable when compared to similar unassisted units in the community.

ALL HOUSING LEASED through the HCV program must meet the U.S. Department of Housing and Urban Development’s housing quality standards and must be physically inspected by the PHA.

Chapter 7 *Getting a Housing Choice Voucher and Obtaining Housing*

Housing Search Challenges

Getting a voucher and identifying units that meet Housing Choice Voucher (HCV) program guidelines are very important steps in the housing search process. Many households have a difficult time locating suitable housing within public housing agency (PHA) guidelines. Some have the unfortunate experience of having their voucher "expire" without finding a unit that can be approved by the PHA. Challenges in the housing search process include:

- Finding an owner willing to accept a voucher
- Finding an owner willing to rent to a household experiencing chronic homelessness
- Finding a unit of good quality that passes the PHA's housing quality standards inspection
- Finding a unit with a gross rent consistent with the PHA's guidelines (see Chapter 6)

Because of these challenges, some public PHAs have to issue vouchers to up to 10 households in order to lease 1 unit in the community.

GOOD TO KNOW

PUBLIC HOUSING AGENCY PAYMENT STRUCTURE

A public housing agency does not receive its administrative fee from the government until a voucher is used to lease a unit in the community. This means that until a household has a unit, the agency will not be reimbursed for its outreach, screening, verification, and total tenant payment calculation activities.

Housing Choice Voucher Briefings ([24 CFR 982.301](#))

Once a household has reached the top of the waiting list, an HCV briefing is scheduled. At the briefing, a [voucher](#) is issued to the applicant and the regulations and procedures for leasing units and participating in the HCV program are explained.

Briefing sessions are often conducted as group sessions with 25 or more households all receiving their vouchers at the same time. Needless to say, these sessions can be very confusing.

QUICK TIP

KNOW ALL THE NUMBERS BEFORE STARTING YOUR SEARCH

The minimum and maximum total tenant payment amounts should be provided to the Housing Choice Voucher household at the briefing. It is important that the household understand the flexibility within the voucher program before beginning the housing search. The household needs to know which units in the community can be approved within the financial limits of the program.

According to U.S. Department of Housing and Urban Development (HUD) regulations, these topics must be covered during an HCV briefing:

- A description of the program
- Discrimination and fair housing issues
- Household responsibilities
- The PHA's payment standard and Utility Allowance policies
- Searching for housing that meets HCV regulations

It is important not to miss the HCV briefing since some PHAs have rigid policies regarding missed appointments. For example, a PHA may only allow an applicant to miss one briefing session before returning the household's application to the bottom of the waiting list, or worse, discarding the application all together. It is important for people experiencing chronic homelessness — and their advocates — to plan ahead and to notify the PHA promptly if a briefing session needs to be rescheduled.

QUICK TIP

BRING FRIENDS AND FAMILY TO THE HOUSING CHOICE VOUCHER BRIEFING

People experiencing chronic homelessness can ask to have a friend, family member, advocate, or service provider accompany them to the briefing. Ideally, the person who attends the briefing session also helps with the housing search process. Allowing for this additional support at the briefing is an example of a reasonable accommodation that a public housing agency can make for a person with a disability.

The Housing Search ([24 CFR 982.303](#))

Once a voucher is issued, the household must find suitable rental housing in the community. The PHA must give the household at least 60 days to find a unit that meets HCV program guidelines. HUD regulations do not mandate a maximum search time. Rather, PHAs have the flexibility to decide what the HCV housing search time should be. Most PHAs allow between 60 and 120 days for the housing search. If a unit is not found during the established housing search time period, a PHA can grant an extension.

REASONABLE ACCOMMODATION

THE HOUSING SEARCH

People experiencing chronic homelessness, and others with disabilities, can request extensions to the housing search time (even beyond 120 days) as a reasonable accommodation if needed because of their disability. This extension allows households to keep looking for a unit. The public housing agency may require that a household provide evidence of its housing search before granting an extension, so be sure to take notes during phone calls with owners, maintain written logs of units contacted and visited, and keep any newspaper ads or computer printouts of units you have pursued.

Searching for housing with a voucher is not an easy task. In some communities there is very little rental housing available, or there may be very few vacant units that meet HCV requirements. Unfortunately, in most states, owners of rental housing are not required to accept vouchers.

For some people, a poor housing history or credit problems may also pose a significant barrier, even if the owner has no objections to the voucher program. Households that are able to locate an acceptable unit and a willing owner must then come up with the funds to cover the security and utility deposits (if required), as well as moving expenses. These problems may prevent a household from using its voucher successfully. Some PHAs try to help with the housing search process by providing lists of interested owners, or a resource room with phones and vacancy listings. However, the majority of PHAs do not provide intensive assistance with the housing search.

Accessible Housing

People with physical disabilities may have a particularly difficult time locating accessible housing that is both available and affordable within the HCV payment standard guidelines. HUD regulations require that PHAs provide assistance locating accessible units. However, in practice this "assistance" is often just a listing of a handful of accessible units in the community — which may not be vacant. Agencies that provide services to people with physical disabilities — such as local Independent Living Centers¹ — may be a valuable resource for locating housing with accessibility features. It is important to note that PHAs must provide a list of available wheelchair-accessible units to individuals who need such units.

As a result of fair housing laws, more new units of housing that are easily adaptable to meet the needs of people with disabilities are being developed each year. These laws require that all newly constructed or substantially rehabilitated rental housing with four or more units first occupied on or after March 13, 1991 be designed to include:

¹ For more information about Independent Living Centers go to www.nilc.org.

GOOD TO KNOW

HELP FROM COMMUNITY ORGANIZATIONS

Many service providers and advocacy organizations have partnered successfully with public housing agencies (PHAs) to help homeless people use vouchers. They may provide assistance with locating apartments, negotiating rents with owners, and requesting exception rents from the PHA. Some organizations also provide funds to cover moving costs such as security and utility deposits, first/last month's rent, realtor fees, and moving vans. This type of assistance can greatly improve the likelihood that the household will be successful in locating appropriate housing and moving in.

The PHA does not receive an administrative fee until a voucher is used to lease a unit in the community. This gives PHAs a financial incentive to work with community organizations that can help shorten the housing search time.

- At least one building entrance on an accessible route
- Public and common use areas that are readily accessible and useable by people with disabilities
- Doorways into and throughout the building wide enough to allow passage by someone in a wheelchair
- Dwelling units with:
 - » Accessible routes into and through the units
 - » Light switches, outlets, and thermostats in accessible locations
 - » Reinforcement in the bathroom walls to allow later installation of grab bars
 - » Kitchens and bathrooms in which a person with a wheelchair can maneuver

Low Income Housing Tax Credit Properties

In communities across the nation, thousands of properties are financed with federal Low Income Housing Tax Credits. These properties can be a good source of housing for people with disabilities — especially those who are experiencing chronic homelessness — for two reasons:

1. According to federal law, owners of tax credit properties are required to accept Housing Choice Vouchers in their units. Unfortunately, not all owners are aware of this requirement.
2. Tax credit properties are required to have a certain percentage of units that are accessible to people with physical disabilities.

Public housing agencies should keep track of tax-credit-financed rental housing in their jurisdiction, and consider granting exception rents for these

units, if necessary, in order to make them available to HCV households in need of accessible housing. For a list of properties financed with tax credits, contact the [state agency that allocates federal tax credits for rental housing](#) (e.g. state housing finance agency, state department of community affairs) or see <http://lihtc.huduser.gov>.

GOOD TO KNOW

HOUSING REGISTRIES

Some states and localities maintain registries that track accessible housing units — including those developed with Low Income Housing Tax Credits — and include updates on whether these units are vacant. These registries have been invaluable tools for helping households use their vouchers. Some examples of housing registries, such as [Mass Access](#) and [Housing Link](#), can be found at [Social Serve](#).

Leasing in Place

Some households that receive vouchers are already living in rental housing that meets their needs and may be able to "lease in place" using the voucher if the following conditions are met:

- The tenant must be in good standing with the owner
- The unit must pass a housing quality inspection (described later in this chapter)
- The unit must meet HCV payment standard requirements
- The owner must agree to participate in the HCV program and accept HCV payments from the PHA
- Both parties must sign a new HCV lease

The Continuum of Care (CoC) and Emergency Solutions Grant Programs, as well as the Department of Veterans Affairs' Supportive Services for Veteran Families program, provide rapid re-housing assistance for people who are homeless, including those experiencing chronic homelessness. These programs allow eligible households to receive time-limited rental assistance in a private rental unit in the community. Chronically homeless people currently participating in a rapid re-housing program may also be able to lease in place with a Housing Choice Voucher.

Special Housing Types (24 CFR 982 M)

Although they are not required to, PHAs may allow vouchers to be used in certain living situations referred to by HUD as "special housing types," including single room occupancy (SRO) units and shared housing (i.e., roommate situations).

Many PHAs are not very knowledgeable about special housing types and have not established HCV policies that allow vouchers to be used in these

housing settings. However, according to HUD regulations, PHAs must permit the use of any special housing type, if needed, as a reasonable accommodation for people with disabilities, including people experiencing chronic homelessness.

PHAs may not be familiar with special housing types. [Chapter 17 of HUD's Housing Choice Voucher Program Guidebook](#) provides detailed information on how PHAs should implement these special housing type options.

Single Room Occupancy

An SRO is a unit within a building that may have a shared kitchen and bathroom facilities. For HCV purposes, SRO units are occupied only by one individual and are usually found in rooming houses or renovated hotels.

According to the HCV special housing type regulations, a PHA can allow an HCV household to use the voucher to rent an SRO unit if it is of good quality and meets HCV affordability standards. For SRO housing, PHAs are instructed to use a payment standard equal to 75 percent of the studio/efficiency apartment payment standard.

In many cities across the nation, there are vacant SRO units in which people experiencing chronic homelessness may want to reside. Although not all SRO properties meet HCV standards, PHAs should permit vouchers to be used in approvable SRO housing as a reasonable accommodation.

Shared Housing

Public housing agencies may allow HCV participants to have roommates in their housing, including another person with a voucher or a person without any rental assistance. For a shared housing situation, the PHA calculates a prorated portion of the housing costs to determine the actual rent for the voucher holder and uses this figure when determining the subsidy amount to be paid by the PHA.

The HCV paperwork involved with shared housing can be cumbersome and often acts as a barrier to PHAs establishing a shared housing policy. However, as with all the HCV special housing types, a chronically homeless person or other person with a disability can request permission to use a voucher in a shared housing situation as a reasonable accommodation.

HUD regulations require that with shared housing, each HCV household must enter into a lease with the owner — so an individual who wants to rent one bedroom in a two-bedroom apartment would have to sign a lease with the owner just for their own portion of the apartment. Some owners are reluctant to allow this arrangement because if one person moves out, the remaining lease only covers part of the unit.

Renting to Relatives ([24 CFR 982.306\[d\]](#))

In general, a PHA is not allowed to approve a unit for lease under the HCV program if the owner is the parent, child, grandparent, grandchild,

REASONABLE ACCOMMODATION

ROOMMATES

A roommate situation is allowable in the Housing Choice Voucher program, referred to as "shared housing." A chronically homeless person who — due to their disability — wishes to use their voucher to rent a housing unit with a roommate should request a reasonable accommodation from the public housing agency to allow for this arrangement.

or sibling of any member of the HCV household. However, this regulation can be waived as a reasonable accommodation for a person experiencing chronic homelessness or other person with a disability.

There are numerous situations in which a chronically homeless person may need to lease a unit from a relative as an accommodation because of their disability. For instance, they may be receiving supports from a relative — such as assistance with shopping, meal preparation, or other tasks — that can be best provided if they are living with or near the relative.

Keep in mind that housing rented from a rent must be an actual rental unit that meets federal housing quality standards, and that the voucher holder must sign a lease.

QUICK TIP

THE REQUEST FOR TENANCY APPROVAL "RESERVES" A UNIT

While the (RTA) is not a formal lease agreement, it is the first time that the owner informally agrees to take the unit off the market and reserve it for the identified household. Therefore, Housing Choice Voucher households should only have an owner complete the RTA if the unit is a good match. Only one RTA should be submitted at a time.

Request for Tenancy Approval ([24 CFR 982.302](#))

Once a unit has been located, the voucher holder submits a "Request for Tenancy Approval" (RTA) form to the PHA. (A blank RTA form should have been received during the HCV briefing session.) The submission of the RTA form freezes the housing search 'clock' and signals the PHA to take the following steps:

1. Start the inspection process
2. Check to make sure rent is reasonable (see below)
3. Verify that rent meets HCV payment standard guidelines
4. Determine the subsidy amount

If the housing unit fails to meet HCV requirements, the housing search clock will be restarted and the household resumes its search for housing that can meet the HCV guidelines.

Rent Reasonableness ([24 CFR 982.507](#))

The “rent reasonableness” process is designed to ensure that owners do not overcharge for HCV units. The PHA is responsible for determining that the gross rent charged by the owner of a unit under consideration is reasonable when compared to that of similar unsubsidized (also called “unassisted”) units in the community, taking into account its location, size, type, quality, amenities, facilities, management, and maintenance. To be considered “reasonable,” the rent must also not exceed rents currently being charged by the same owner for comparable unassisted units.

Rent reasonableness is very important to PHAs, as they must deal with fluctuating rental housing costs. Consequently, PHAs often spend a substantial amount of time gathering rent data for the community and comparing HCV rents to those of unassisted units. Each PHA must include a procedure for making rent reasonableness determinations in its HCV Administrative Plan (see Chapter 11).

It is important to note that, for rent reasonableness, HCV units must be compared to similar units in the community. This means that the rents of housing units with special accessibility features must be compared to those of unassisted units with similar features.

Housing Quality Standards Inspection ([24 CFR 982 Subpart I](#))

Housing leased under the HCV program must meet HUD’s housing quality standards (HQS), and must be physically inspected by the PHA. The inspection is required to ensure that housing leased with federal funds is maintained in decent and safe condition.

If any repairs are needed, the owner must complete them before the household can rent the unit. Assistance cannot be provided for units that fail to meet HQS requirements. HUD takes the HQS inspection requirements very seriously, and can penalize PHAs financially for units in the HCV program that fail to meet its inspection standards.

The PHA begins its HQS inspection and rent calculation process once a household submits a Request for Tenancy Approval form. The PHA is required to inspect the unit promptly so that the owner does not rent it to another household while waiting for the PHA inspection. If repairs are required, the units must be re-inspected to ensure the repairs have been completed.

Conducting HQS inspections promptly and effectively can ‘make or break’ the PHA’s reputation with local owners of rental housing. Some PHAs can take 15 days to complete an inspection, a long time for an owner to hold a unit. Community organizations can learn to work with a PHA’s inspection policies, encouraging the PHA to conduct timely inspections.

Fees for Leasing Vouchers

A little-known fact about the HCV program is that a PHA only receives administrative money from HUD for vouchers that are actually being used to rent housing in the community. A PHA receives no compensation from HUD for issuing vouchers; only a monthly fee for vouchers that are leased. This monthly administrative fee is determined by HUD and ranges from \$50 to \$115 per month per voucher.

At times, HUD guidelines have allowed PHAs to receive “hard-to-house” or “[extraordinary](#)” administrative fees. These fees compensate PHAs for the extra effort needed to help people with special needs (such as veterans and people experiencing chronic homelessness) access and utilize vouchers.

Signing a Lease and Moving In

Once the unit is found to meet all HCV requirements, the household signs a written lease with the owner. The owner can use the same standard lease form they use for unassisted households, or another form of lease such as a PHA model lease. The initial lease must be at least one year long and include the HUD-prescribed . The PHA can approve a [shorter initial lease term](#) if this shorter term is the prevailing practice in that housing market area or if the shorter term would improve housing opportunities for the household.

The household may be required to pay a security deposit to the owner. This security deposit is not included as part of the HCV rental assistance and is usually not paid by the PHA. The amount of the security deposit can be for the gross rent, not just the tenant’s share of the rent. Beyond the security deposit, the owner [is not allowed to charge the household extra amounts for items that are customarily included in rent](#) in the locality, or that are provided at no additional cost to unsubsidized tenants in the building. For example, the owner cannot charge the HCV household to use the laundry facilities if these are provided for free to other tenants in the building.

In addition to the lease between the owner and household, HCV regulations require that owners enter into a written contract with the PHA — known as a [Housing Assistance Payment \(HAP\) contract](#). The HAP contract is the official document that binds the owner to the HCV program regulations and requirements. It includes both the owner’s and the PHA’s obligations for participating in the program. For example, by signing the HAP contract the owner agrees to maintain the unit so that it continues to meet HQS, and the PHA agrees to pay the owner the determined amount on time.

The PHA is responsible for paying the monthly subsidy amount to the owner in a timely manner. This payment procedure must be outlined in the PHA’s HCV Administrative Plan and must include a policy regarding the preparation of payments to owners prior to the first of the month.

GOOD TO KNOW

RENT GUARANTEE FOR PROPERTY OWNERS

The public housing agency's subsidy guarantee is a program feature that can help in negotiations with owners, especially if there is a concern about a chronically homeless person's past credit history. Since the agency guarantees the majority of the rent to the owner, a tenant's credit history should be considered less of a barrier.

In addition to the HCV subsidy from the PHA, in most instances the owner also receives a payment from the HCV household for its share of the rent.² This two-payment system — in addition to the PHA paperwork — is often cited as a reason more owners don't accept vouchers. However, the system also guarantees that the owner automatically receives the HCV rent subsidy from the PHA each month.

² For some HCV households with very low total tenant payments and high Utility Allowances, there is no tenant payment to the owner.

Chapter 8 – Keeping a Housing Choice Voucher

KEY CONCEPTS

HOUSING CHOICE VOUCHER (HCV)

HOUSEHOLDS MUST re-verify household income and composition annually, notify the public housing agency (PHA) of any changes in income or household composition, and allow the rental unit to be regularly re-inspected.

IT IS IMPORTANT that re-inspection and recertification appointments not be missed, as HCV rental assistance can be terminated as a result of missed appointments.

RENTAL PROPERTY OWNERS participating in the HCV program are required to keep housing units in good condition.

A PHA CAN ESTABLISH A POLICY that non-resident HCV applicants must live within the PHA's jurisdiction for a specified amount of time.

ALL HCV HOUSEHOLDS have the right to appeal PHA decisions regarding terminations.

Chapter 8 *Keeping a Housing Choice Voucher*

Housing Choice Voucher Household Responsibilities During Tenancy (24 CFR 982.551)

The responsibilities of the Housing Choice Voucher (HCV) household do not end when a unit is found and a lease is signed. HCV households must meet certain obligations and reporting requirements as long as they are receiving housing assistance. These obligations are described in the [Housing Choice Voucher form](#) and include:

- Recertifying income and household composition annually
- Notifying the public housing agency (PHA) promptly of certain changes in income or household composition
- Allowing the rental unit to be re-inspected at least once a year to ensure that it continues to be of good quality

The household is also responsible for meeting all obligations included in its lease with the owner. Common lease requirements include paying the rent on time, maintaining the unit in good condition, and not disturbing other tenants or neighbors.

Re-Verifying Household Income

On at least an annual basis, the HCV household must meet with PHA staff to re-verify its income and family composition. This requirement is referred to as “recertification” and is a way of ensuring that the household’s total tenant payment (TTP) and subsidy amounts are accurate.

It is important for HCV households to check their mail regularly, as important notifications from the PHA usually comes in the form of a written letter. Typically, PHAs send a letter to the household a few months prior to the household’s lease anniversary. The letter instructs households on how to make a recertification appointment and lists the necessary documentation to bring to the appointment.

At the recertification, if the household’s income has increased, then its TTP is raised and the subsidy amount is lowered. Conversely, if the household’s income has decreased, its TTP also decreases and the PHA subsidy amount increases. The PHA is required to give households reasonable notice (usually 30 days prior to the first of the month) of any increase in the household’s TTP.

The PHA may establish a policy regarding how many recertification appointments (if any) can be missed. HUD permits PHAs to terminate HCV assistance if a household misses a recertification appointment.

If there is an unexpected change in the household's income during the year (e.g. due to losing a job) the household should notify the PHA in a timely manner so that the subsidy amount can be changed. This process is referred to as an "interim recertification."

Recertification and a \$0 Housing Assistance Payment (HAP)

As a household's income increases, PHA will lower the subsidy and raise the total tenant payment. If a household's income increases substantially, there may come a point at which the subsidy amount is equal to \$0 and the household is responsible for the full housing cost of its unit. This is often referred to as a \$0 HAP situation.

When this happens, the PHA must allow the household the option of continuing in the HCV program for six months from the date of the recertification. During that period the HAP contract (see Chapter 7) between the PHA and the owner remains in effect. This policy allows time to ensure that the increase in household income is expected to be long-term. This is especially important for people who have experienced chronic homelessness and others who may not have been in the workforce recently.

If the household's circumstances change during this six-month period and the family again needs HCV assistance, the PHA must conduct an interim reexamination and reinstate assistance. At the end of six months, if the assistance has not been restored, the HAP contract is terminated and the household is no longer be part of the HCV program. The PHA must notify the household and the owners at least 30 days in advance of the proposed termination and provide an opportunity to request an informal hearing.

REASONABLE ACCOMMODATION

RECERTIFICATION

As a reasonable accommodation, a person who has been chronically homeless can request modifications to a public housing agency's recertification policies if needed due to their disability, such as allowing more time for the recertification process (including rescheduling appointments) or providing home visits to conduct recertifications.

Changes in Household Composition

During the income recertification process, the PHA must also re-verify the household's size and composition. These changes are important since they too can affect the amount of the HCV subsidy paid by the PHA.

If there is a change in the household's composition — as a result of a death or birth, for example — the household is responsible for notifying the PHA as soon as possible and should not wait until the annual recertification appointment. Many PHAs set a short time frame — often three to five days — to report any household composition changes.

Additional Household Members

Although visitors or weekend guests do not have to be reported, any new residents of the unit — even if temporary — must be reported to the PHA. Temporary residents are considered to be benefiting from the HCV program while they are residing with the HCV household. The income of any temporary resident must be reported to the PHA so that a new subsidy amount can be calculated. Any new member of the household, even if temporary, may also be screened by the PHA for prior tenant history, criminal background, or other PHA screening criteria. Each PHA's definitions of temporary and permanent household members should be included in its HCV Administrative Plan (see Chapter 11).

GOOD TO KNOW

VISITORS

Some public housing agencies have found that once a person who has been chronically homeless gets a voucher and leases a unit in the community, often friends, family, and other people in precarious housing situations move into the unit for the short or long term. These visitors can put the chronically homeless individual's lease and Housing Choice Voucher assistance at risk.

Housing Quality Standards Re-inspection

Public housing agencies are required to re-inspect all housing units subsidized with HCV rental assistance at least once a year. This is to ensure that the unit is still of good quality and meets housing quality standards (HQS) guidelines. A unit may be re-inspected more frequently if requested by the owner or the HCV household, or as part of a PHA's own internal audit of its HCV program.

An HCV household or participating owner may also request an “interim re-inspection” of the unit by the PHA, especially if there is an identified problem or complaint.

Absences from the Unit ([24 CFR 982.312](#))

The assisted unit must be the household's primary residence in order for the household to continue receiving an HCV subsidy. The HCV regulations allow for households to stay elsewhere than the housing unit, but only for brief periods of time. The PHA's HCV Administrative Plan should include information about acceptable time periods for absences.

Households should be proactive in notifying the PHA ahead of time about any planned absences. PHAs are allowed to adopt practices to confirm that a household is residing in the unit through letters to the household members at the unit, phone calls, visits, or questions to the owner or neighbors.

The household may not be absent from the unit for more than 180 consecutive days, for any reason. If this happens, the PHA has the right to terminate the household from the program.

REASONABLE ACCOMMODATION

ABSENCES FROM THE UNIT

People who have been chronically homeless and others with disabilities or special needs may need to be absent from the unit for an extended stay while they reside in an institution or hospital. Case managers, advocates, family members, and voucher holders should make sure that PHAs have policies documented in their Housing Choice Voucher Administrative Plan that allow for these temporary absences and do not result in termination.

A chronically homeless person who is terminated from the program because of an extended absence due to institutionalization can request a reasonable accommodation to have the voucher reinstated, especially if the absence was for less than 180 days.

Owner Responsibilities

Property owners receiving HCV payments from a PHA have responsibilities too. The role of the owner in the HCV program is to provide decent, safe, and sanitary housing at a reasonable rent. To qualify for HCV rental assistance, the housing unit must pass the HQS inspection discussed earlier and be maintained up to these standards as long as the owner receives rental assistance payments from the PHA. In addition, the owner is expected to provide the services (such as garbage removal, snow shoveling, etc.) agreed to as part of the lease signed with the tenant and the contract signed with the PHA.

Rent Increases

Usually, owners participating in the HCV program seek to raise rents over time in order to cover increased operating costs. According to HCV regulations, rent increases are allowable, leading to an increase in the subsidy amount, the tenant's share of the rent, or both.

Increase in the subsidy amount

Once a year, in anticipation of the anniversary date of the HAP contract, owners may request an increase in the HCV subsidy from the PHA. The

increase must result in a reasonable rent in order to be approved by the PHA. If the increase requested by the owner is unreasonable based on housing market conditions, the PHA must refuse the request on the basis that the unit would no longer meet the rent reasonableness standards of the program (see Chapter 6).

Increase in Household's Total Tenant Payment

Sometimes, a rent increase may result in the household's paying more than 40 percent of its adjusted income towards housing costs. As mentioned in [Chapter 6](#), HCV households may not pay more than 40 percent of their income toward housing costs except if they are currently receiving HCV assistance in a housing unit and the PHA approves a rent increase by the owner. This regulation is intended to give households the choice of either moving to a new unit that meets HCV guidelines, or remaining in their current unit and paying more than 40 percent of their monthly income towards housing costs. Under no circumstances can an owner demand additional rent from the tenant without the PHA's approval. It is important to note that even if the rent goes up and the household agrees to pay above 40 percent of its adjusted income towards housing costs, the PHA can still deny the request if the increase results in a gross rent that no longer meets its rent reasonableness standard.

Moving with a Voucher

A household's needs may change over time due to changes in household size or job location, or for other reasons. The tenant-based component of the HCV program is designed to allow a household to move to another PHA's jurisdiction without losing its voucher.

This regulation in the HCV program is referred to as "portability." Simply stated, portability means that an HCV household may use its voucher to lease a unit in any community in the country, as long as there is a PHA administering the program in that locality.

However, a PHA may establish a policy that requires a new HCV household to live within its jurisdiction for a specific amount of time, not to exceed one year. After that initial time period, the household may take its voucher and move outside the PHA's jurisdiction as long as the household notifies the PHA ahead of time, legally terminates its existing lease with the owner, and can find housing approvable under HCV program guidelines elsewhere.

People who need to move out of a PHA's jurisdiction because of a disability-related issue may request that this one-year waiting period be waived as a reasonable accommodation. For example, a chronically homeless person with a mental illness may be allowed to move from one PHA jurisdiction to another within the first year of HCV assistance if the move is necessary to improve access to community-based mental health services.

When a household moves with a voucher, the original PHA and the PHA in the new jurisdiction must determine which PHA will be responsible for

making HCV payments to the owner and which PHA will receive a fee from HUD to administer the voucher. These arrangements are worked out between the two PHAs and should not involve the HCV household.

GOOD TO KNOW

PORTABILITY AND ADMINISTRATIVE FEES

In some portability situations, one of the PHAs bills the other for the administration of the voucher. In this situation, the "receiving" PHA (i.e., the PHA in the community to which the household is relocating) will receive 80 percent of the administrative fee. The "initial" PHA (i.e., the PHA in the community from which the household is relocating) receives the remaining 20 percent — with the result that neither PHA is getting the full payment. This financial structure acts as a disincentive for PHAs to encourage portability. Because PHAs would prefer that HCV households remain within their jurisdiction, they often establish policies that make this more likely (such as a residency preference in the waiting list).

Voluntary and Involuntary Terminations ([24 CFR 982.552](#))

According to HUD's regulations, HCV households remain eligible for assistance until 30 percent of the household's income equals the gross rent for the unit — in other words, until the total tenant payment (TTP) equals the monthly housing cost. At that point, the household no longer qualifies for the housing subsidy.

A PHA's policy for terminating households — either voluntarily or involuntarily — from the HCV program must be described in its HCV Administrative Plan. This policy must be explained to all households at the initial HCV briefing.

Besides becoming ineligible through increased income, there are several other circumstances that could result in a household's being involuntarily terminated from the HCV program. Termination of HCV rental assistance may occur:

- If the household fails to report increases in income or changes in family size
- If any member of the household commits violent or drug-related criminal activity
- If any member of the household commits fraud, bribery, or any other corrupt criminal act in connection with any federal housing program
- If the household owes rent or other amounts to the PHA and refuses to enter into a repayment agreement or fails to comply with the terms of an existing repayment agreement
- If the household breaches an agreement to repay money owed to another PHA

- If any member of the household (or a guest of the household) threatens or engages in abusive or violent behavior toward PHA personnel or a property owner

REASONABLE ACCOMMODATION

TERMINATIONS

As a reasonable accommodation, a public housing agency can reinstate a voucher that was terminated for cause due to disability-related circumstances.

Appeals of Terminations ([24 CFR 982.554](#) and [982.555](#))

As with the decisions regarding eligibility discussed in [Chapter 5](#), PHAs must also establish a process for allowing HCV households to appeal termination decisions made by the PHA. This appeals process must be described in the HCV Administrative Plan and must include:

- A written statement to the HCV household of the termination decision, including an explanation of the basis of the PHA's decision and a notification of the household's right to request an informal hearing on the decision (including the deadline for requesting such a hearing)
- The opportunity for the household to examine — before the PHA hearing — any PHA documents directly relevant to the hearing
- The appointment by the PHA of an official Hearing Officer, who must not be the person who approved the decision under review or a subordinate of that person

During the hearing, both the PHA and the household are allowed to present any evidence that may be relevant and to question any designated witnesses. The household may also bring legal representation to this hearing — such as Legal Services or another attorney.

Chapter 9 – Special Purpose Vouchers

KEY CONCEPTS

ALMOST 800 PUBLIC HOUSING AGENCIES (PHAs) administer special purpose Housing Choice Vouchers (HCVs) that are targeted to specific populations.

IN GENERAL, THESE SPECIAL PURPOSE HCVS are governed by the same rules and regulations as the conventional HCV program.

Chapter 9 *Special Purpose Vouchers*

Vouchers for Specific Populations

Over the past decades, Congress has appropriated funds for over 157,600 vouchers — referred to collectively as "special purpose vouchers" — targeted to specific populations, including veterans, families reunifying with their children, and people with disabilities. PHAs are not required to apply for these vouchers; rather, they have the option to apply. Almost 800 public housing agencies (PHAs) across the nation now administer one or more of these special purpose voucher programs. For a complete listing, visit [TAC's database of special purpose vouchers](#).

These vouchers are considered part of the Housing Choice Voucher (HCV) program and are utilized in the same manner — with different target populations. Since any one PHA may administer several different HCV special purpose programs — each with its own eligibility criteria — it is important to learn about the different policies used for each.

The U.S. Department of Housing and Urban Development (HUD) has issued some guidance specific to special purpose voucher programs. Specifically, in 2011 [HUD published a special notice](#) to better track the utilization of these vouchers and to ensure that PHAs continue to issue them to the intended target population upon turnover.

HUD-VA Supportive Housing (VASH) Vouchers

The federal government is committed to ending homelessness among veterans. A critical tool to reach this goal is the HUD-VASH program, a collaboration between HUD and the Department of Veterans Affairs (VA). Since 2008¹, HUD has awarded over 80,000 VASH vouchers to more than 530 PHAs across the nation to help veterans and their families find and maintain housing.

These VASH vouchers are not awarded competitively to PHAs; rather, PHAs located in communities with high numbers of homeless veterans² are awarded vouchers. There is at least one PHA administering VASH vouchers in every state.

¹ Some PHAs were also awarded VASH vouchers in the 1990s as part of a demonstration program, but the program was restructured and expanded in 2008.

² Based on an analysis of HUD's point-in-time data submitted by Continuums of Care, VA medical center data on the number of contacts with homeless veterans, and performance data from public housing agencies and VA medical centers.

The VASH program is built on partnerships between PHAs and local VA medical centers. As in other collaborations described in this chapter, VASH requires the VA medical center to identify eligible veterans and refer them to the PHA, while the PHA is responsible for administering the HCV rental assistance.

There are some small but significant differences between VASH and other HCV special purpose voucher programs. In general, VASH is subject to all HCV rules and regulations; however, when Congress created the VASH program it incorporated modified screening standards. Thus, for VASH vouchers, [PHAs are only allowed to screen applicants for lifetime sex-offender status and income eligibility](#). Other screening criteria commonly applied to applicants in the HCV program — including past drug or criminal activity, and standing with federal housing programs — cannot be used to determine the eligibility of VASH applicants.

Many communities have declared an end to homelessness among veterans, with VASH a critical resource in this effort. Many others continue to work to meet this goal. The VA has encouraged communities with high levels of chronic homelessness among veterans to prioritize these veterans for some or all of the VASH vouchers at their disposal.

VASH Project-Based Vouchers

The majority of VASH assistance is tenant-based; however there are options to provide "project-based" VASH assistance. By project-basing VASH vouchers, a PHA and its partnering VA medical center may be able to increase the number of permanent supportive housing units available to veterans experiencing homelessness in a given community.

In accordance with the HCV project-based rules and with HUD's permission, a PHA can project-base up to 20 percent of its HCV allocation (see Chapter 10 for more information). [However, no more than 50 percent of a PHA's total VASH allocation may be used for project-based assistance](#). To use VASH vouchers for project-based assistance, a PHA must work closely with a VA medical center and submit a request to HUD that explains how project-based vouchers will help overcome barriers to the utilization of tenant-based vouchers.

In addition to this option, HUD has held three competitions (in 2010, 2014, and 2015) to award special project-based VASH vouchers.

Nonelderly People with Disabilities (NED) Vouchers

HUD has awarded over 55,000 vouchers to assist nonelderly people (i.e., people under age 62) with disabilities. Referred to as NED vouchers, these may be used only by people with disabilities in households that qualify as "disabled households" as defined on [page 5](#). More than 400 PHAs across the nation currently administer NED vouchers in accordance with all HCV program regulations and guidance. Given the high number of younger people experiencing chronic homelessness, these vouchers represent a key tool in a community's efforts to end chronic homelessness.

Nonelderly People with Disabilities (NED) Category 2 Vouchers

In 2011, HUD awarded 948 special NED vouchers targeted to nonelderly people with disabilities transitioning from nursing homes or other institutions to the community — referred to as NED Category 2 (NED2) vouchers. These vouchers represented one of the first collaborations between HUD and the U.S. Department of Health and Human Services as part of President Obama’s Year of Community Living initiative. Currently, 28 PHAs in 15 states administer these NED2 vouchers in partnership with state or local Medicaid/health and human services agencies responsible for helping people transition to community-based living.

The same HCV regulations and guidance apply to the NED2 vouchers as to the conventional NED vouchers, with the only difference being the target population. These vouchers have proven to be a valuable tool in helping states comply with their *Olmstead* obligations as described on [page 2](#).

GOOD TO KNOW

ESTABLISHING A NONELDERLY DISABLED BASELINE

In the past, some public housing agencies (PHAs) merged their NED vouchers into their conventional Housing Choice Voucher programs; however, guidance from the Department of Housing and Urban Development (HUD) issued in 2011 ([PIH Notice 2011-32](#)) requires each PHA to work with HUD to establish a baseline number of NED vouchers it has received. The guidance makes clear that PHAs are expected to maintain a NED voucher leasing rate of at least 95 percent, and establishes reporting mechanisms so that HUD may track this rate. If a PHA has to stop issuing vouchers due to a budget shortfall, when the PHA resumes issuing vouchers it must first issue NED vouchers to eligible households on the waiting list until the baseline number of NED vouchers are leased.

Family Unification Program

From 1992 to 2001 and again from 2008 to 2010, Congress made available new vouchers targeted to families and youth in need of housing assistance. There are now over 95 PHAs in the nation that administer almost 7,000 Family Unification Program (FUP) vouchers. These special HCVs are specifically targeted to:

- Families for whom the lack of adequate housing is a primary factor in the imminent placement of the family’s children to out-of-home care, and
- Families for whom the lack of adequate housing is a primary factor preventing children from being reunited with family members.

For FUP, families with "lack of adequate housing" include those that are:

- Homeless;
- In imminent danger of losing their housing;
- Displaced by domestic violence;
- Living in substandard or dilapidated housing;
- Living in an overcrowded unit; or
- Living in housing not accessible to the family's disabled child or children, or to the youth (see below), due to the nature of the disability.

Family Unification Program Transitional Housing for Youth

In addition to helping families to reunite or stabilize with their children, FUP vouchers can also be used to provide transitional housing for youth. Specifically, FUP youth vouchers are targeted to people at least 18 and not more than 21 years old who left foster care at age 16 or older and who lack adequate housing.

The FUP vouchers used by youth are time-limited and can only provide up to 18 months of housing assistance. Family Unification Program vouchers for youth are the only Housing Choice Vouchers that are not considered permanent housing. These time-limited vouchers can only be used for transitional housing for this target population.

Family Unification Program Outreach and Referrals

The Family Unification Program represents a collaboration between a PHA and the public child welfare agency (PCWA) responsible for providing services to families and children in crisis. These PCWAs are usually state agencies, such as the department of social services, youth services, or children and families.

Like VASH vouchers, FUP vouchers are administered through a closed referral network. In other words, FUP applications can only be submitted to PHAs through a referral from the partner PCWA. Once the agency makes a referral, the PHA places the FUP applicant on its waiting list, determines whether the family or youth meets HCV eligibility requirements, and conducts all other processes relating to issuing them a voucher.

HUD requires that the PCWA provide support services to youth while they receive rental assistance through FUP vouchers. HUD does not require that services be provided to FUP families, although partner agencies are encouraged to do so. Regardless of whether service provision is required, HUD guidance is clear that a PHA cannot terminate a FUP household for non-compliance with support services.

In communities where many families are experiencing chronic homelessness, homeless providers, Continuums of Care, and advocates should reach out to the local PCWA to determine if any of these families are eligible for services and FUP vouchers.

Chapter 10 – Project-Based Vouchers

KEY CONCEPTS

IN PROJECT-BASED ASSISTANCE, Housing Choice Vouchers (HCVs) are committed to specific units, guaranteeing an owner that the subsidy funding will be used in their property.

PROJECT-BASED UNITS ARE SUBJECT TO many of the standard rules of the HCV tenant-based voucher program.

THROUGH THE PROJECT-BASED ASSISTANCE OPTION, a public housing agency (PHA) can designate up to 20 percent of its total tenant-based voucher funds to be used in specific rental properties.

NO MORE THAN 25 PERCENT of the units in a dwelling may receive project-based vouchers unless the assisted units are in single-family properties, or are rented to elderly or disabled families or to families receiving supportive services.

HOUSEHOLDS IN UNITS WITH PROJECT-BASED VOUCHERS have the right to move after one year and to receive the next available HCV tenant-based voucher, or its equivalent, from the PHA.

PROJECT-BASED ASSISTANCE CAN BE a valuable resource for creating new affordable housing for people experiencing chronic homelessness.

PHAS ARE AUTHORIZED TO USE special preferences to select applicants for project-based units.

Chapter 10 *Project-Based Vouchers*

Project-Based Voucher Assistance

While tenant-based assistance remains the primary way public housing agencies (PHAs) use voucher funding to assist extremely low-income households, it is also important to understand how the HCV project-based voucher program (PBV) can be used. In tight rental markets, Housing Choice Voucher (HCV) participants often have difficulty identifying units to lease. Nonprofit organizations assisting people who are chronically homeless may find that PBVs can increase the supply of affordable rental housing that is subject neither to the fluctuations of the private rental housing market nor to the willingness of private owners to accept HCV tenant-based vouchers. PHAs are increasingly taking advantage of the project-based rental assistance option.

Project-based assistance means that the voucher is committed or 'tied' to one or more units in a specific building for a specific period. Committing the voucher to the property provides the owner with a guaranteed stream of rental income; this security is very attractive to some owners. The PHA then refers eligible applicants to reside in those PBV units.

Through the project-based assistance option, a PHA can designate up to 20 percent of its HCV funding to be used in specific rental properties. Both new and existing rental projects are eligible to receive project-based rental assistance, with the following conditions:

- No more than 25 percent of the units in a building may receive project-based vouchers unless the assisted units are in single family dwellings, are for elderly and disabled families, or are for families receiving supportive services.
- The PHA may contract with the property owner to provide project-based assistance for an initial term of up to fifteen years.
- Households residing in units with PBVs have the right to move after one year and receive the next available HCV tenant-based voucher, or its equivalent, from the PHA. The PHA will then refer a new applicant to the project-based assisted unit from the waiting list.

Project-based units are subject to most of the standard regulations of the HCV tenant-based voucher program. For example, households in project-based units typically must pay the minimum total tenant payment based on 30 percent of their monthly adjusted income. To ensure the quality of the housing, PHAs must inspect all units upon turnover, and must

additionally inspect a certain number of randomly selected project-based units at least annually.

Project-Based Voucher Waiting Lists and Preferences

Public housing agencies maintain a waiting list for all project-based units. A PHA may use a single HCV waiting list for both its tenant-based and project-based voucher programs, may use a separate waiting list for the project-based units, or may create individual, site-based waiting lists for the project-based units.

When a PBV waiting list is first created, applicants on the HCV tenant-based waiting list must have an opportunity to apply for the project-based units. This policy gives applicants already on the tenant-based waiting list the first chance to pursue a project-based unit before these units are made available to new applicants.

Public housing agencies are also authorized to use special preferences or criteria for selecting applicants for project-based units. For example, if the units offer certain types of supportive services to residents, the PHA may select households that indicate a need for the services offered. These waiting list preferences cannot be tied to specific disabilities, and must be clearly spelled out in the PHA's HCV Administrative Plan (see Chapter 11).

Moving with PBV Assistance

Households residing in PBV units receive the same amount of rental assistance as households in the tenant-based component of the HCV program. PBV regulations give households that have resided in project-based units for at least one year the right to move without losing HCV assistance, by requesting a tenant-based voucher or comparable resource. The PBV unit is then leased to another HCV-eligible household from the waiting list.

Creating New Housing with Project-Based Assistance

Project-based vouchers can be combined with other resources to create new housing for low-income people including those who are experiencing chronic homelessness. For example, PBVs can be combined with HUD HOME program funding, Community Development Block Grant funding, or Low Income Housing Tax Credits to acquire and rehabilitate a rental housing property, and lease the units to households with extremely low incomes such as people who are experiencing chronic homelessness.

Chapter 11 – Systems-Level Strategies to Facilitate Access to Vouchers for People Experiencing Chronic Homelessness

KEY CONCEPTS

PUBLIC HOUSING AGENCIES (PHAS) ARE REQUIRED to develop strategic plans that describe how they intend to use their resources.

THE HOUSING CHOICE VOUCHER (HCV) ADMINISTRATIVE PLAN provides information on how the PHA operates its HCV program and is a valuable resource for understanding how to use a voucher.

IT IS HELPFUL TO LEARN WHAT FACTORS influence and motivate a PHA when trying to build partnerships with it.

THERE ARE MANY STRATEGIES that Continuums of Care and homeless advocates can explore to increase access to HCVs.

Chapter 11 ***Systems-Level Strategies to Facilitate Access to Vouchers for People Experiencing Chronic Homelessness***

Collaborating with Public Housing Agencies

Learning about the plans that public housing agencies (PHAs) are required to develop can help you better understand how the Housing Choice Voucher (HCV) program currently works. In this chapter, you'll read about some innovative, systems-level strategies that can increase access to vouchers for people experiencing chronic homelessness.

All of these strategies rely on transparent partnerships between PHAs, local Continuums of Care (CoCs), and agencies working with people who are homeless.

The Public Housing Agency Plan and the HCV Administrative Plan

One way to find out how a PHA is administering its HCV program is to review its written documents. The most critical documents are the two plans required by the U.S. Department of Housing and Urban Development (HUD): the PHA Plan and the HCV Administrative Plan. Together, these two plans document the PHA's long-range strategic plans for using the HCV program to meet the housing needs of the community as well as its policies for the day-to-day administration of the program.

The Public Housing Agency Plan ([24 CFR 903](#))

Each PHA is required to have a PHA Plan approved by HUD that describes the agency's overall mission for serving low-income and very low-income individuals and families, and its strategies for using HCV and public housing resources to meet the needs of these households. For example, a PHA is required to state in its PHA Plan if it intends to apply for any new vouchers targeted to special populations, such as homeless veterans or people with disabilities.

In consultation with a resident advisory board, each PHA is responsible for developing a PHA Plan that includes a statement on the housing needs of low-income and very low-income people in the community and explains how the PHA will address those needs.

In addition to getting input from residents, the PHA must conduct a public hearing to discuss the plan and invite public comment. The hearing must be held at a location that is convenient to the residents served by the PHA.

Some PHA Plans may not be very useful. For example, some do not include any data on the housing needs of homeless people or people with disabilities. Or, a PHA Plan may document a significant housing need

GOOD TO KNOW

NEEDS ASSESSMENTS IN PHA PLANS

A Public Housing Agency (PHA) Plan must include a needs assessment, describing the needs of income-eligible people who live within the PHA's jurisdiction and those people who are on the PHA's waiting lists. This assessment should include information about people experiencing chronic homelessness and other people with disabilities. The data could come from a variety of sources, including the point-in-time annual homeless count and the Homeless Management Information System used by Continuums of Care and homeless providers. This data can be provided in writing before or during a comment period or through testimony at a public hearing.

among chronically homeless people, for example, but may not describe any strategies to meet that need. To address this problem, you should work closely with a PHA to ensure that its PHA Plan — which can be amended if it is not accurate — is complete and responsive to the housing needs of people with disabilities, including those experiencing chronic homelessness. This is one of the best opportunities to ensure that the homeless crisis in your community is documented.

The HCV Administrative Plan ([24 CFR 982.54](#))

Any PHA that receives HCV funds from HUD must develop and make available upon request a HUD-approved HCV Administrative Plan that outlines its policies and procedures for managing the HCV program. At a minimum, the Administrative Plan must describe how HCV households are assisted in locating suitable housing; how calculations are made and the housing assistance payment amounts determined; and what safeguards are in place to prevent the misuse of funds.

The HCV Administrative Plan is the main resource for learning what discretionary policies a PHA has established. It details the policies concerning eligibility criteria, applications, waiting list management, tenant selection policies, housing inspection standards, and PHA administrative responsibilities.

How to Get Copies of PHA Plans and HCV Administrative Plans

These two plans contain valuable information and must be made available to the public. You can ask any local PHA for a copy of its HCV Administrative Plan and its PHA Plan. Some PHAs will supply a complete copy and may even post the plans online. Other PHAs, especially those with few staff members, may only display copies in their office and may charge for making copies of them.

Forming Partnerships to Increase Access

Many homeless agencies, service providers, and Continuums of Care have developed partnerships with PHAs that have led to increased access to

HCVs by chronically homeless people and improved residential stability for many HCV households. Such relationships leverage the strengths of each agency — combining the PHA’s housing resources with the community organizations’ expertise in working with people who are experiencing chronic homelessness. To be successful, partnerships should be spelled out in writing and incorporate ongoing communication protocols.

Developing a Relationship with a Public Housing Agency

One of the best ways to get access to vouchers for people experiencing chronic homelessness is to develop a strong working relationship with the PHA. Meet with the executive director, the HCV manager, and members of the PHA board to learn about the PHA’s organizational structure. Discuss the housing needs of chronically homeless people, listen to any PHA concerns and questions, and brainstorm ways to work better together.

Continuums of Care, homeless providers, advocates, and other agencies can serve as great resources to the PHA. Explain the services your agency provides to people experiencing chronic homelessness and describe the CoC and the local homeless system. Invite the PHA to attend and participate in local CoC and homeless planning meetings to learn more. Leveraging this relationship can lead to benefits for many parties. For example, a community agency that provides housing search assistance to chronically homeless voucher holders who are looking for rental units could lead to a shorter housing search time and a faster lease-up, expediting the PHA’s receipt of an administrative fee for that leased voucher.

A strong partnership can put systems in place proactively to help people experiencing chronic homelessness and ease a PHA’s administrative burden. For example, Chapter 7 described how chronically homeless people could request that friends, family members, advocates, or service providers attend the HCV briefing as a reasonable accommodation. Working with the PHA, an agency could help this to become a regular, even encouraged, PHA practice rather than requiring the PHA to process individual requests on a case-by-case basis.

Influencing Housing Choice Voucher Policies

There may be policies that are impeding the access of homeless people, especially those experiencing chronic homelessness, to HCV housing assistance. Remember that the PHA Plan and the HCV Administrative Plan can be amended. After reading this guidebook and learning more about the HCV program, you may want to approach a PHA to advocate for changes in its HCV policies and procedures.

To work effectively with a PHA, it is important to have a clear understanding of the ways that HCV housing assistance can and cannot be used. The [Code of Federal Regulations](#), [HUD notices](#), and regulations published in the [Federal Register](#) contain very useful information about the HCV program.

GOOD TO KNOW

THINK LIKE A PUBLIC HOUSING AGENCY

It is important to understand what motivates and influences public housing agencies (PHAs) so that you can build a partnership that works for all parties. For example, PHAs do not receive any federal reimbursement for their time spent during the outreach, application, screening, or housing search processes. Partnerships that help alleviate some of these upfront costs or shorten the housing search time may be especially attractive to a PHA.

Keep in mind that due to federal funding limitations, some PHAs have had to cut staff or limit the availability of assistance. PHAs in this situation may be reluctant to enter into a partnership that they think will increase their workload.

Finally, each PHA is organized slightly differently and will be responsive to different political and environmental pressures. Partnership-building activities should account for these dynamics.

AMENDING THE HCV ADMINISTRATIVE PLAN

When a PHA makes a significant change to its Housing Choice Voucher (HCV) Administrative Plan, the revisions must be formally adopted by the PHA board of commissioners or other authorized PHA officials. Given this, some PHAs may be reluctant to make HCV policy changes that would result in a change to the Administrative Plan.

All policies should be included in the HCV Administrative Plan. However, not all policy changes require an amendment to the plan. It is up to the PHA to establish policies regarding what types of changes constitute a significant amendment to the HCV Administrative Plan.

Innovative Waiting List Preferences

The Move-Up Preference

Since the 1980s, CoCs have used HUD homeless assistance grants to create permanent supportive housing (PSH) for people experiencing homelessness. Currently there are almost 404,000 beds across the nation targeted to people experiencing homelessness.¹

In some cases, PSH programs may be providing assistance to people who no longer need the level of support services provided. In some cases, these people are able to leave the program and move into other housing.

¹ From HUD's 2015 Continuum of Care Homeless Assistance Programs Housing Inventory Count Report: https://www.hudexchange.info/resource/reportmanagement/published/CoC_HIC_NatlTer-DC_2015.pdf

However, some people, particularly those with disabilities who rely on limited federal disability benefits, may not be able to afford housing in the community without some type of housing assistance. In summary, in many communities there are people in permanent supportive housing who no longer need the services, but who do still need the rental subsidy.

As part of a “move-up strategy,” PHAs can implement a [limited preference for people residing in PSH](#) who no longer need the level of supportive services provided in the PSH program. This preference can help create ‘flow’ in the system, allowing new people to transition into a PSH project once a current participant has moved up to an HCV.

Homeless providers and CoCs should review the current inventory of PSH in their community and determine how many people would be eligible for a move-up strategy preference. To be effective, the preference should include criteria that require the person to have lived in PSH for a significant amount of time (e.g., three years) and should be based on referrals from homeless or other service providers documenting that the person has built up a positive tenancy history.

Since units funded with CoC Program assistance must meet many of the same standards as in the HCV program (i.e. rent reasonableness, housing quality standards), some preference-eligible people may be able to “lease in place” once they receive a voucher. Remember, PHAs don’t get paid until a voucher is leased in a unit so this option may be particularly attractive to them.

GOOD TO KNOW

THE IMPORTANCE OF PREFERENCES IN ENDING CHRONIC HOMELESSNESS

Given the homelessness crisis facing the nation, it is important to encourage public housing agencies to implement preferences that assist people who are homeless to move quickly through the waiting list. Some examples of HCV preferences that may benefit homeless people include:

- People who are experiencing chronic homelessness
- People living in transitional housing or receiving time-limited housing assistance
- Previously homeless people living in permanent supportive housing as part of a move-up strategy
- Previously homeless people living in single room occupancy units

The Housing Stability Preference

The move-up strategy described above targets people in CoC-funded permanent supportive housing who no longer need the same level or types of support services. Another group is those people living in PSH who are receiving individual, person-centered services — the kind of services that are provided to the person regardless of where they are living. Thus, if a person moved from CoC Program-funded PSH to an HCV, the services available to them would remain the same.

With this in mind, PHAs can develop a limited local preference for people who have resided in PSH for an extended period of time (e.g., three years or more) and who are receiving services that are mobile and able to move with them, such as those funded by Medicaid. As with the move-up strategy, this “housing stability” strategy decreases logjams by allowing new chronically homeless residents to move into PSH after current PSH tenants have transitioned to an HCV.

CoCs and homeless providers are encouraged to conduct an analysis of the existing PSH programs and the funding sources for any support services. This analysis should focus on whether these services would continue for recipients who moved into different housing.

The Bridge Subsidy Preference

Given that there aren't sufficient HCVs to meet the housing need, [many states and localities have developed other tenant-based rental assistance programs](#). Often funded by the HOME program or with state or local appropriations, these tenant-based rental assistance programs usually target specific populations such as people experiencing homelessness.

These programs are often referred to as “bridge subsidies” since they are meant to span the gap to HCV assistance. They are usually considered transitional and sometimes are time-limited with the expectation that the household will eventually receive a permanent rental voucher, such as an HCV, and will no longer need the bridge subsidy.

If designed correctly, bridge subsidy programs should mirror the HCV program with regards to rent standards, lease arrangements, tenant share of rent, and housing quality standards. By copying the HCV design features, the program can prepare a household to transition easily from the bridge subsidy to the HCV and in many cases, stay in the same unit.

PHAs can implement a limited preference for bridge subsidy programs or other time-limited programs serving people who are homeless or chronically homeless. This preference allows the PHA to lease a voucher immediately — a benefit to the PHA — and helps the bridge subsidy program to serve additional households.

The Rapid Rehousing Preference

In recent years the federal government has made funding available for communities to provide rapid re-housing (RRH) assistance. This new

GOOD TO KNOW

BRIDGE RENTAL ASSISTANCE PROGRAMS AND LEASING IN PLACE

Many states and localities have created temporary rental assistance programs using HOME tenant-based rental assistance or other discretionary government funding. These programs are often referred to as bridge rental assistance since they meet a household's housing needs until a voucher is available.

To be most effective, bridge rental assistance policies should mirror Housing Choice Voucher program requirements so that a tenant and owner can seamlessly transition from one subsidy resource to another. By establishing a local waiting list preference for participants in a bridge rental assistance program, a public housing agency can allow these households to lease in place — thereby eliminating the housing search and allowing the agency to start collecting its monthly administrative fee right away.

model provides time-limited rental assistance (usually not more than 24 months and often much less) to a household along with case management and some limited services. The goal of the model is to shorten stays in emergency shelter or on the streets by quickly identifying households and moving them into permanent housing. In most RRH programs the housing is considered permanent, with the household signing a lease and having full rights of tenancy, although the rental assistance is time-limited.

Many communities have chosen to target RRH assistance to those households that will be able to sustain housing on their own with minimal support after the rental assistance ends. However, some communities have chosen to use RRH for people experiencing chronic homelessness as a means to move them out of shelters and off the streets. When the RRH assistance ends, some of these people will be unable to afford to pay for housing on their own, especially if they are relying on federal disability benefits as a main source of income.

Continuums of Care and homeless providers may want to discuss with the local PHA the possibility of a limited preference for RRH programs. As with the PSH described above, most RRH-assisted units already meet the HCV requirements for rent and quality, so a preference would allow RRH households to lease in place and the PHA to receive an administrative fee immediately.

Addressing Eligibility and Move-In Barriers

Despite a PHA's best efforts, many chronically homeless people who are successful in getting a voucher have a difficult time locating a unit in the

community. If they do find a property owner willing to rent to them, they often face further barriers such as move-in costs, security deposits, furnishings, and utility deposits.

Addressing Poor Housing Histories

One of the major reasons that some owners will not rent to people experiencing chronic homelessness is that they often have poor credit (or no credit) and problematic housing histories. Even though the PHA will be guaranteeing the majority of the rent to the owner through the subsidy payment, owners are still wary of renting to high-risk households.

To help address this issue, some communities have developed education programs that award certificates to people who complete a training in ‘how to be a good tenant.’² These tenant education programs usually require participants to attend classes and do homework. The certificates can then be presented to an owner as a way of remediating any past tenancy problems. Some communities are providing these classes to shelter residents and at drop-in centers and have reached out to local realtor networks for endorsement.

Assistance with Security Deposits and Move-In Costs

While HCV assistance subsidizes a household’s monthly rent, the HCV program does not pay for security deposits or other upfront moving costs, such as utility deposits or moving trucks. Owners often charge a security deposit, typically equal to one month’s full rent; if a unit’s total rent is \$1,000, the owner can charge a \$1,000 deposit — which the household is responsible for paying — even if the household’s share of the rent is only \$100 per month. As you may imagine, for households that have been chronically homeless and that may rely on very low fixed incomes, these move-in costs can be significant barriers to moving into permanent housing. This also negatively impacts a PHA’s ability to successfully lease up HCV households.

Continuums of Care and homeless service providers are well positioned to help chronically homeless households overcome move-in cost barriers by leveraging existing resources, such as Emergency Solutions Grants and Supportive Services for Veteran Families. Both programs can pay for security and utility deposits as well as moving expenses. Other options include private or philanthropic dollars to which a CoC may have access; for example, the local United Way or realtors’ association may be interested in pooling funds. Additionally, some cities have allocated portions of their Community Development Block Grant funds to address move-in cost barriers for homeless households.

PHAs may be interested in setting up formal, streamlined referral arrangements with agencies administering funds for move-in costs as a way to increase their lease-up rates among chronically homeless households. Establishing a systematic referral partnership with your local PHA to fund move-in costs for homeless households may also be a compelling reason

² For examples of such trainings, see [Rentwise](#) in Nebraska, and [Rent Right](#) in Vermont.

for the PHA to consider implementing a homeless or chronically homeless waiting list preference in its HCV program.

Data Sharing

The U.S. Department of Housing and Urban Development requires each CoC to establish and operate a Homeless Management Information System (HMIS). That includes information about the characteristics and service and housing utilization for the people in a community who are experiencing homelessness. The system can also be used to generate reports, evaluate programs, and process intake and referral information as part of a coordinated entry system. HMIS is a valuable tool in working with PHAs and increasing access to HCVs for people who are experiencing chronic homelessness.

Public Housing Agency Waiting List Data

Most PHAs do not have enough vouchers to meet the need in their community, and have created an HCV waiting list. Often these waiting lists are closed and are very long. People experiencing chronic homelessness who have unstable housing may not remember that they are currently on an HCV waiting list. Some people who applied for a voucher in the past may have since begun to experience chronic homelessness.

Continuums of Care and homeless providers may find it useful to determine if there are people currently on the HCV waiting list who are experiencing chronic homelessness. This will help the CoC and the PHA plan for possible preference categories or other interventions.

Sharing waiting list information is not always easy, since PHAs may only provide information to the applicant directly. However, joint “Releases of Information” can enable the PHA and HMIS to share data. By linking these two data sources, the community will become more aware of the local housing needs and better able to develop appropriate strategies.

Verification and Documentation

Documenting a person’s eligibility for HCV is a key component in securing a voucher. HMIS often contains much of the information needed to document a person’s homeless status, disability status, past housing history, and household characteristics. By allowing HMIS-generated documentation to be used by HCV applicants who are experiencing chronic homelessness, PHAs can reduce the amount of time spent gathering information and streamline the verification process.

Glossary

This glossary contains definitions of specific technical terms used in the Housing Choice Voucher (HCV) program. These terms are often used by public housing agencies (PHAs) and in guidance from the U.S. Department of Housing and Urban Development (HUD), and may be useful when navigating through the HCV program.

If you are more familiar with HUD's Homeless Assistance programs, Continuum of Care (CoC) and Emergency Solutions Grants (ESG), note that there are many subtle yet significant differences between HCV and both of these other programs. These distinctions are highlighted throughout the guidebook and are summarized in Appendix A on [page 123](#).

If there is any confusion, the 'final word' on HCV program regulations is found in Part 24 of the U.S. Code of Federal Regulations (24 CFR). Updates to these regulations are published from time to time in the Federal Register. HUD also occasionally issues Notices or other guidance related to specific programmatic issues. **Section 8 Made Simple – Special Edition** has attempted to simplify these regulations. However, it is important to refer to the federal documents whenever more information is needed.

ABSORPTION – The point at which a PHA receiving a household that has moved into its area stops billing the initial PHA for assistance on behalf of the household. After absorption, the receiving PHA uses funds available under its own Annual Contributions Contract.

ADMINISTRATIVE FEE – Payment made by HUD to a public housing agency for administration of the HCV program.

ADJUSTED INCOME – A household's annual income minus a number of mandatory deductions. The mandatory deductions include amounts for: dependents, status as an elderly or disabled household, unreimbursed childcare expenses, unreimbursed medical expenses (for elderly/disabled households only), and unreimbursed disability assistance expenses.

ADMISSION – the effective date of the first housing assistance payment contract for a household (the first day of the initial lease term). This is the point when the household becomes a participant in the HCV program.

ANNUAL CONTRIBUTIONS CONTRACT (ACC) – A written contract between HUD and a PHA. Under the contract HUD agrees to provide funding for operation of the program, and the PHA agrees to comply with HUD requirements for the program.

ANNUAL GROSS INCOME – The anticipated total income from sources received by the head of household, their spouse (even if temporarily absent), and each additional member of the household. This includes all net income derived from assets for the 12-month period following the effective date of certification or review of income, but excludes income that is temporary, nonrecurring, or sporadic.

APPLICABLE PAYMENT STANDARD – The payment standard that applies to a given household, based on its size and composition.

APPLICANT (APPLICANT HOUSEHOLD) – A household that has applied for admission to the HCV program, but is not yet a participant in the program.

CHILDCARE EXPENSES – Amounts paid by the household for the care of children 12 years of age and under, where such care is necessary to enable a household member to be gainfully employed or to further their education, and only to the extent that such amounts are not otherwise reimbursed. The amount deducted must reflect reasonable charges for childcare, and, in the case of childcare necessary to permit employment, the amount deducted cannot exceed the amount of income received from the employment.

CODE OF FEDERAL REGULATIONS (CFR) – The codification of the general and permanent federal regulations published by the Office of the Federal Register and the Government Publishing Office. The Housing Choice Voucher regulations are found in 24 CFR.

CONTRACT RENT – The amount of rent actually paid to a unit’s owner, which may be less than the gross rent if the tenant is responsible for paying utilities.

DEPENDENT – A member of a household (excluding foster children) other than the head of household or their spouse who is under 18 years of age, a person with a disability, or a full-time student.

DISABILITY ASSISTANCE EXPENSES – Reasonable expenses for attendant care and auxiliary apparatus for a handicapped or disabled household member that are necessary to enable a household member (including the handicapped or disabled member) to be employed.

DISABLED FAMILY OR HOUSEHOLD – In the HCV program, a disabled family or household is defined as:

- A single adult with a disability living alone;
- One or more unrelated disabled adults living with one or more live-in aides;
- A related family in which the head of household or their spouse is a disabled adult;
- Two or more related adults with disabilities living together; or
- Two or more unrelated adults with disabilities living together.

DISABLED PERSON – See Person with a Disability

DRUG-RELATED CRIMINAL ACTIVITY – This term means:

- Drug-trafficking; or
- Illegal use, or possession for personal use, of a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. 802]).

DRUG-TRAFFICKING – The illegal manufacture, sale, or distribution — or the possession with intent to manufacture, sell ,or distribute — of a controlled substance (as defined in Section 102 of the Controlled Substances Act [21 U.S.C. 802]).

EARNED INCOME – Income from wages, tips, salaries, other employee compensation, and any earnings from self-employment.

ELIGIBILITY – The PHA may only admit eligible applicants to the HCV program. To be eligible, the applicant must be a family, must meet income requirements, and must be a U.S. citizen or a non-citizen who has eligible immigration status as determined in accordance with 24 CFR Part 5.

EXTREMELY LOW-INCOME HOUSEHOLD – A household whose annual income does not exceed 30 percent of the median income for the area as determined by HUD, with adjustments for smaller and larger families.

FAIR MARKET RENT (FMR) – The rent, including the cost of utilities (except telephone) that would be required to obtain privately owned, existing, decent, safe, and sanitary rental housing of a modest (non-luxury) nature with suitable amenities in a given area. Fair market rents for existing housing are established by HUD for units of varying sizes (number of bedrooms), and are published in the Federal Register in accordance with 24 CFR part 888.

FAMILY –

- A single-person family such as:
 - » An elderly person;
 - » A person with a disability; or
 - » Any other single person.
- Two or more unrelated elderly or disabled people living together (see 'unrelated disabled household'), or one or more elderly or disabled people living with one or more live-in aides.
- A 'family' with a child or children.
- See also disabled family.

FAMILY UNIT SIZE – The appropriate number of bedrooms for a household. Family unit size is determined by the PHA under its subsidy standards and outlined in its HCV Administrative Plan.

FULL-TIME STUDENT – A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

GROSS RENT – The total housing costs for a unit, including the monthly rent charged by the owner plus the cost of any tenant-paid utilities or utility allowance.

HOUSING ASSISTANCE PAYMENT (HAP) – The monthly assistance payment by a PHA to an owner.

HOUSING ASSISTANCE PAYMENT CONTRACT (HAP CONTRACT) – A written contract between a PHA and an owner, in the form prescribed by HUD, in which the PHA agrees to make housing assistance payments to the owner on behalf of an eligible household.

HOUSING QUALITY STANDARDS (HQS) – The HUD minimum quality standards for housing assisted under its tenant-based programs. See 24 CFR 982.401 for specifics.

HOUSEHOLD – Household members and others who live under the same roof.

HUD REQUIREMENTS – HUD requirements for the HCV program, issued by HUD headquarters as regulations, Federal Register notices, or other binding program directives.

INITIAL CONTRACT RENT – The contract rent at the beginning of a household's initial lease term.

INITIAL PHA – In portability, this is the PHA that originally selected a household that subsequently decides to move to a different PHA's jurisdiction.

INITIAL LEASE TERM – The initial term of the assisted lease.

INITIAL RENT TO OWNER – The rent paid to a unit's owner at the beginning of the initial lease term.

INTERIM EXAMINATION/CERTIFICATION – Re-certifying a household's eligibility for the HCV program before the annual re-certification. Interim exams occur when there is a change in the household's income, household composition, or other critical factors that could influence the total tenant payment or a participant's eligibility.

JURISDICTION – The area in which a PHA has authority under applicable state and local law to administer the HCV program.

LANDLORD – see Owner.

LEASE – A written agreement between an owner and a tenant for the leasing of a dwelling unit. The lease establishes the conditions for occupancy of the dwelling unit by a household.

LIVE-IN AIDE – A person who resides with an elderly person or a person with a disability and who:

- Is considered essential to the care and well-being of the person(s);
- Is not obligated for the support of the person(s); and
- Would not be living in the unit except to provide the necessary supportive services.

HUD regulations currently do not specifically address residential supportive services staff who may be needed for the overnight care of a person with disabilities. However, as a reasonable accommodation, it may be possible to ask for a larger voucher size to allow for an extra bedroom for rotating caregivers.

LOCAL PREFERENCES – HCV waiting list preferences established by a PHA.

MEDIAN INCOME – The dollar amount that divides the local population into two equal parts: those with incomes higher than that amount and those with incomes lower than that amount. The income limits for the HCV program published by HUD each year depend on the median income levels for each housing market area in the country.

OWNER – Any person or entity with the legal right to lease or sublease a unit to a household.

PARTICIPANT (PARTICIPANT FAMILY OR HOUSEHOLD) – A household that has been admitted to the HCV program and is currently assisted in the program. The household becomes a participant on the effective date of the first HAP contract executed by the PHA for the household (the first day of the initial lease term).

PAYMENT STANDARD – The amount used by a PHA to calculate the housing assistance payment for a family. The PHA adopts a payment standard for each unit size and for each Fair Market Rent area in its jurisdiction. The payment standard for a household is the maximum monthly subsidy payment.

PERSON WITH A DISABILITY – An individual who:

- Has a disability as defined in Section 223 of the Social Security Act; or
- Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act; or
- Has a physical or emotional impairment that is expected to be of long-continued and indefinite duration and that
 - » Substantially impedes their ability to live independently; and
 - » Is of such a nature that such ability could be improved by more suitable housing conditions.

PORTABILITY – Renting a dwelling unit with HCV tenant-based assistance outside the jurisdiction of the initial PHA.

PROJECT-BASED – Rental assistance that is attached to a structure or unit.

PUBLIC HOUSING AGENCY (PHA) – An organization that enters into a contract directly with HUD to administer the HCV program.

PUBLIC HOUSING AUTHORITY – A state, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) authorized to engage in or assist in the development or operation of low-income housing, including an Indian public housing authority.

REASONABLE RENT – A rent that does not exceed:

- The amount charged for comparable units in the private unassisted market; or
- The rent charged by the same owner for a comparable assisted or unassisted unit in the building or premises.

RECEIVING PHA – In portability, a PHA that receives a household selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher, and provides program assistance to the household.

RE-CERTIFICATION/RE-EXAMINATION – Re-certifying that a household is still eligible for the HCV program — including a review of income, household composition, and other applicable changes — and making changes in the total tenant payment and housing assistance payment when necessary. This is done on at least an annual basis, with interim exams conducted when necessary due to changes.

RENT BURDENED – Spending more than 30 to 40 percent of household income on rent.

RENT TO OWNER – The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance, and utilities to be provided by the owner in accordance with the lease.

SHARED HOUSING – A housing unit occupied by two or more unrelated individuals or families, with common space for shared use by the occupants of the unit and a separate private space for each assisted family.

SUBSIDY STANDARDS – Standards established by a PHA to determine the appropriate number of bedrooms and amounts of subsidy for households of different sizes and compositions. See also Family Unit Size.

SUSPENSION – Stopping the clock on the term of a household's search time when the household submits a request for lease approval, until the PHA approves or denies the request.

TENANT – The person or people (other than a live-in aide) who execute the lease as lessee of the dwelling unit.

TENANT-BASED – Rental assistance that is not attached to a specific structure.

THIRD PARTY VERIFICATION – Documentation from a person or agency other than the HCV program applicant (such as an employer, public agency, or physician).

TOTAL TENANT PAYMENT – The portion of the gross rent payable by an eligible household participating in the HCV program.

TRANSITIONAL HOUSING – Temporary (generally up to 24 months) housing programs for homeless families and individuals.

UNRELATED DISABLED HOUSEHOLD – A group of people consisting of two or more unrelated people with disabilities, or one or more unrelated disabled person (people) with disabilities living with one or more live-in aide(s) on the same lease.

UTILITY ALLOWANCE – An allowance provided to Housing Choice Voucher holders to offset the costs of any tenant-paid utilities. This allowance is an estimate of utility costs based on the type and location of the unit and the type of utilities, and is subtracted from the total tenant payment.

VERY LOW-INCOME HOUSEHOLD – A household 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.

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 HOLDER – A household holding a voucher with unexpired housing search time.

WAITING LIST – The majority of PHAs do not have enough Housing Choice Vouchers to meet the housing needs of everyone in the community. In this situation, the PHA must establish and maintain an HCV waiting list.

WAITING LIST PREFERENCE – PHAs are allowed to establish local preferences for administering their HCV waiting list to reflect the needs of their particular community. Applicants who qualify for these preferences may be able to move ahead of other households on the waiting list.

Appendix A: Housing Choice Voucher Program vs. Continuum of Care Program

	Housing Choice Voucher Program	Continuum of Care Program - Permanent Supportive Housing with Rental Assistance
What is the program?	Rental assistance program.	Rental assistance program with supportive services for homeless persons with disabilities.
Who funds the program?	HUD Office of Public and Indian Housing.	HUD Office of Community Planning and Development.
What agencies can administer the funding at the local level?	Public housing agencies (PHAs).	Nonprofit organizations, public housing agencies (PHAs), states, local governments, and instrumentalities of state or local government.
How does an agency receive funding?	PHAs receive a contract from HUD. Renewals are automatic.	Eligible agencies apply through their local Continuum of Care (CoC). Renewals are not automatic.
Does HUD require match funding?	No match funding is required.	Twenty-five percent of the entire grant must be matched with cash or in-kind sources.
What type of rental assistance is allowed?	<ul style="list-style-type: none"> Tenant-based rental assistance (TRA) Project-based vouchers (PBV) 	<ul style="list-style-type: none"> Tenant-based rental assistance (TRA) Sponsor-based rental assistance (SRA) Project-based rental assistance (PRA)
What are the eligible uses of program funds?	Program funds support rental assistance. PHAs also receive a monthly administrative fee based on the number of units leased.	Program funds support rental assistance, security deposits, vacancy payments, damage payments, and administrative costs.
Who is eligible for assistance?	Very low-income families and individuals (at or below 50% of area median income) are eligible. Participants must be U.S. citizens, or non-citizens with “eligible immigration status.”	Individuals and families that are homeless and disabled according to the definitions used by HUD’s homeless assistance programs are eligible. There are no income eligibility criteria.
How does a household apply for assistance?	Eligible participants must apply at their local PHA. PHAs accept HCV applications when their waiting lists are open.	The application process is determined by each recipient agency and the Continuum of Care.
Are there specific target populations?	Seventy-five percent of households admitted to the program must have incomes at or below 30 percent of the area median income.	At least one member of the household must have a disability as defined by HUD. Additional targeting may be included in the CoC Notice of Funding Availability.

	HCV Program	CoC Program
What are reasons for being denied assistance?	<p>Applicants will be denied if they do not meet income requirements. A PHA may also prohibit admission of a household if it determines that any household member has recently engaged in:</p> <ul style="list-style-type: none"> • Violent or drug-related criminal activity • 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 • Other criminal activity which may threaten the health or safety of the owner, property management staff, or persons performing a function or responsibility on behalf of the PHA <p>The PHA must also establish standards that prohibit admission if:</p> <ul style="list-style-type: none"> • Any household member is currently engaging in illegal use of a drug; • The PHA has reasonable cause to believe that a household member's illegal drug use or a pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; • Any household member has ever been convicted of manufacture or production of methamphetamine on the premises of federally assisted housing; or • The applicant is a subject to registration as a lifetime sex offender under a state program. 	<p>Applicants are not homeless or disabled. The regulations also allow programs to exclude registered sex offenders under certain circumstances.</p>
In what housing can assistance be used?	<p>All housing must meet Housing Quality Standards and have gross rents that are determined to be reasonable in comparison to non-assisted units with similar size, condition, amenities, location, etc.</p>	<p>All housing must meet Housing Quality Standards and have gross rents that are determined to be reasonable in comparison to non-assisted units with similar size, condition, amenities, location, etc.</p>

	HCV Program	CoC Program
Is a lease required?	A lease is required, and in general must be for one year.	A lease is required. The initial lease term must be for at least a year, and terminable only for cause.
How much rent do program participants pay?	Program participants must pay rent equal to the highest of: <ul style="list-style-type: none"> • 30 percent of the household's monthly adjusted income; • 10 percent of the household's monthly gross income; or • The portion of the household's welfare assistance, if any, that is designated for housing costs 	Program participants must pay rent equal to the highest of: <ul style="list-style-type: none"> • 30 percent of the household's monthly adjusted income; • 10 percent of the household's monthly gross income; or • The portion of the household's welfare assistance, if any, that is designated for housing costs
Is there a minimum rent charge?	The PHA may impose a minimum rent of up to \$50, regardless of income, but this requirement may be waived for extenuating circumstances.	The agency is not allowed to impose a minimum rent charge.
Are there limitations on where a program participants can live?	TRA: Participants may move with a voucher (referred to as <i>portability</i>) as long as there is a PHA administering the program in the new locality. PHAs may put limits on portability such as requiring new participants who resided outside of the PHA's jurisdiction when the voucher was first issued to live within the PHA's jurisdiction for a specific amount of time (not to exceed a year). PBV: Participants must live in a specific unit. Participants who have resided in the PBV-assisted unit for at least one year have the right to move and continue to receive HCV assistance by requesting a tenant-based voucher or comparable resource from the PHA.	TRA: Participants may be required to live in a specific area for their entire period of participation, or in a specific structure for the first year and in a specific area for the remainder of the period of participation. PRA: participants must live in a specific unit. SRA: Participants must live in a unit leased by a non-profit organization.
Are supportive services required?	Supportive services are not required.	Supportive services are not required, but must be available to program participants to enable them to live independently throughout the duration of their residence in the project.
Where are program policies documented?	Relevant program policies are documented in the PHA's HCV Administrative Plan.	Recipients are required to document some procedures for managing the project.

Appendix B: Rent Calculation Worksheet

1. Income (Annual Gross Income) 1. _____

2. Income Exclusion 2. _____

Note: Do not deduct unless income exclusion amounts were included in Line 1 calculation

3. Annual Net Income 3. _____

A. Dependent Allowance

4. Number of dependents, i.e., number of family members (other than head of household or spouse) who are under 18, disabled, handicapped, and/or full-time students 4. _____

5. Multiply line 4 by \$480 5. _____

B. Child Care Expenses

6. Enter anticipated unreimbursed expenses for care of children age 12 and under which will allow household member to work or pursue education. It may not exceed the amount of income from such work 6. _____

C. Handicapped Assistance Allowance

If resident does not have handicapped assistance expenses and if the head of household, their spouse, or the sole household member is not handicapped, disabled, or at least 62 years of age, skip to number 15

7. Handicapped assistance expenses 7. _____

8. Multiply line 3 by 0.03 8. _____

9. Subtract line 8 from line 7 9. _____

10. Amount earned by family members which was made possible by the handicapped assistance expense 10. _____

11. Enter the smaller of lines 9 and 10. This is the handicapped assistance allowance 11. _____

D. Medical Expenses

If head of household, their spouse, or the sole household member is 62 years of age or older, or disabled, complete 12-14; otherwise, skip to number 15

12. Medical expenses 12. _____

13. If line 9 is > 0, enter the amount from line 12; otherwise, add lines 7 and 12 and subtract line 8 13. _____

E. Elderly or Disabled Persons Family Allowance

14. Elderly or disabled family allowance. Enter \$400 14. _____

Adjusted Income

15. Total income adjustments

Add lines 5, 6, 11, 13, and 14

15. _____

16. Adjusted income

Subtract line 15 from line 3

16. _____

Resident Rent Determination

17. 30% of Adjusted Monthly Income

Divide line 16 by 12 and multiply by 0.3

17. _____

18. 10% of Monthly Income

Divide line 3 by 12 and multiply by 0.1

18. _____

19. Welfare rent, if applicable

19. _____

20. Maximum Resident Rent/Total Tenant Payment

Enter the largest of lines 17, 18, and 19

20. _____

If the rent includes utilities, stop here. Otherwise, proceed to number 21

Determination of Maximum Resident Rent for Units Where Utilities are Not Included in the Rent

21. Utility Allowance

21. _____

22. Maximum Resident Rent

Subtract line 21 from line 20

22. _____

Appendix C: Staying Current on the Housing Choice Voucher Program

FEDERAL GUIDANCE

Realizing the importance of the Section 8 Housing Choice Voucher (HCV) program in ending chronic homelessness, the federal government has issued guidance to public housing agencies encouraging them to use its resources to achieve this goal. Examples of this guidance include:

- [PIH Notice 2013-15: Guidance on housing individuals and families experiencing homelessness through the Public Housing and Housing Choice Voucher programs](#)
- [PIH Notice 2015-19: Guidance for Public Housing Agencies and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions](#)
- [Expanding Opportunities to Housing Individuals and Families Experiencing Homelessness through the Public Housing and Housing Choice Voucher Programs, Questions and Answers](#)
- [Ending Homelessness Through the Housing Choice Voucher and Public Housing Programs. Notice PIH 2013-15 Webinar](#)
- [Letter to PHA Executive Directors from HUD Secretary Regarding Screening for Criminal Records](#)
- [Letter to PHA Executive Directors from HUD Secretary and Assistant Secretary Regarding Commitment to Ending Homelessness](#)
- [PHA Guide to Participation in the Continuum of Care and Other Collaborative Planning](#)
- [Public and Indian Housing: Ending and Preventing Homelessness](#)
- [PHA Guidebook to Ending Homelessness \(from US Interagency Council on Homelessness\)](#)
- [Joint Statement of the Department of Housing and Urban Development and the Department of Justice: Reasonable Accommodations Under the Fair Housing Act](#)

STAYING INFORMED

Changes are made to the HCV program regulations and guidance on a regular basis. To stay informed, consider joining listservs sponsored by:

- [National Low Income Housing Coalition](#)
- [Center for Budget and Policy Priorities](#)
- [National Alliance to End Homelessness](#)

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