

**HOUSING CHOICE VOUCHER PROGRAM
ADMINISTRATIVE PLAN: Proposed Changes for 2023-2024**

Page	Section	Change/Add
2-4	<p>Discrimination Complaints-</p> <p>Complaints under the Equal Access Final Rule [Notice PIH 2014-20] (NEW SECTION ADDED)</p>	<p>New Info Added: Complaints under the Equal Access Final Rule [Notice PIH 2014-20]</p> <p>Notice PIH 2014-20 requires an articulated complaint process for allegations of discrimination under the Equal Access Final Rule. The Equal Access Final Rule requires that PHAs provide equal access regardless of marital status, gender identity, or sexual orientation. The PHA will be informed on these obligations by the HUD Field Office or FHEO when an Equal Access complaint investigation begins.</p> <p><u>MHA Policy</u></p> <p>Applicants or tenant families who believe that they have been subject to unlawful discrimination based on marital status, gender identity, or sexual orientation under the Equal Access Rule may notify the MHA either orally or in writing. Within 10 business days of receiving the complaint, the MHA will provide a written notice to those alleged to have violated the rule. The MHA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD’s Office of Fair Housing and Equal Opportunity (FHEO). The MHA will attempt to remedy discrimination complaints made against the MHA and will conduct an investigation into all allegations of discrimination. Within 10 business days following the conclusion of the MHA’s investigation, the MHA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation as to why corrective action is not warranted. The MHA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16)</p> <p><u>VAWA Complaint Processing [Notice FHEO 2023-01] MHA Policy</u></p> <p>Applicant or tenant families who wish to file a VAWA</p>

		<p>complaint against MHA may notify the MHA either orally or in writing.</p> <p>The MHA will advise the family of their right to file VAWA complaint with HUD’s Office of Fair Housing and Equal Opportunity (FHEO). The MHA will inform the family that no later than one year after the alleged VAWA violation has occurred or terminated, applicants and tenants who believe they have been injured by a VAWA violation or will be injured by such violation that is about to occur may file a VAWA complaint using FHEO’s online complaint form via mail, email, or telephone.</p> <p>The MHA will attempt to remedy the complaints made against them and will conduct an investigation into all allegations of discrimination.</p> <p>The MHA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16)</p>
3-2	<p>3-I.B. FAMILY AND HOUSEHOLD [24 CFR 982. 5.403; FR Notice 02/03/12; Notice PIH 2014-20 and FR Notice 2/14/23]</p> <p>The terms <i>family</i> and <i>household</i> have different meanings in the HCV program.</p> <p>Family To be eligible for assistance, an applicant must qualify as a family. <i>Family</i> as defined by HUD includes, but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or a group of persons residing together. Such group includes but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, or the remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.</p>	<p>New Info Added: 3-I.B. FAMILY AND HOUSEHOLD [24 CFR 5.403; FR Notice 02/03/12; Notice PIH 2014-20; and FR Notice 2/14/23]</p> <p>The terms <i>family</i> and <i>household</i> have different meanings in the HCV program.</p> <p>Family: To be eligible for assistance, an applicant must qualify as a family. <i>Family</i> as defined by HUD includes, but is not limited to the following, regardless actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H), and is homeless or is at risk of becoming homeless at age 16 or older; or a group of persons residing together. Such group includes but is not limited to a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled family, a displaced family, remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.</p>

3-7	<p>3-I.K. FOSTER CHILDREN AND FOSTER ADULTS <i>Foster adults</i> are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609]. (VERBIAGE REMOVED/CHANGED)</p>	<p>New Info Added: 3-I.K. FOSTER CHILDREN AND FOSTER ADULTS <i>A Foster adult</i> is a member of the household who is 18 years of age or older and meets the definition of a foster adult under state law. In general, a foster adult is a person who is 18 years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other of any court competent jurisdiction. <i>A foster child</i> is a member of the household who meets the definition of a <i>foster child</i> under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other of any court competent jurisdiction.</p>
3-10	<p>Using Income Limits for Eligibility [24 CFR 982.201] Income limits are used for eligibility only at admission. Income eligibility is determined by comparing the annual income of an applicant to the applicable income limit for their family size.</p>	<p>New Info Added: Using Income Limits for Eligibility [24 CFR 982.201] Income limits are used for eligibility only at admission. Income eligibility is determined by comparing the annual income of an applicant to the applicable income limit for their family size. Income and net family assets of household members are excluded when determining income eligibility; however, household members are considered for purposes of unit size and subsidy standards.</p>
3-15	<p>3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230; HCV GB, p. 5-13] HUD requires each adult family member, and the head of household, spouse, or cohead, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family’s eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements.</p> <p>The PHA must deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3)].</p>	<p>New Info Added: 3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 5.230; HCV GB, p. 5-13] HUD requires that each adult family member, and the head of household, spouse, or cohead, and any household member who is 18 years or older, sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and other consent forms as needed to collect information relevant to the family’s eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements. The consent form remains effective until the family is denied assistance, assistance terminated, or the family provides written notification to revoke consent.</p> <p>The PHA must deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR 5, Subparts B and F [24 CFR 982.552(b)(3) and 24 CFR 5.232(a)].</p> <p>However, this does not apply if the applicant or participant, or any member of their family, revokes</p>

		<p>their consent with respect to the ability of the PHA to access financial records from financial institutions, unless the PHA establishes a policy that revocation of consent to access financial records will result in denial of admission or termination of assistance or admission. [24 CFR 5.232(c)]</p> <p><u>MHA Policy</u></p> <p>The MHA has established a policy that the family’s revocation of consent to allow the PHA to access records from financial institutions will result in denial of assistance.</p>
3-20/3-21	<p>3-IL.F. EIV SYSTEM SEARCHES [EIV FAQs; EIV SYSTEM TRAINING 9/30/20; and Notice PIH 2023-27] (NEW SECTION ADDED)</p>	<p>New Info Added: 3-IL.F. EIV SYSTEM SEARCHES [EIV FAQs; EIV SYSTEM TRAINING 9/30/20; and Notice PIH 2023-27]</p> <p>Existing Tenant Search Prior to admission to the program, the PHA must search for all household members using the EIV Existing Tenant Search module. The PHA must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. The PHA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.</p> <p>If the tenant is a new admission to the PHA, and a match is identified at a multifamily property, the PHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.</p> <p><u>MHA Policy</u> The MHA will contact the other PHA or owner identified in the report to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including a form HUD-50058 or 50059, as applicable, showing an end of participation. The MHA will only approve assistance contingent upon the move-out from the currently occupied assisted unit.</p> <p>Debts Owed to PHAs and Terminations All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations. Prior to admission to the program, the PHA must search for each adult family member in the Debts Owed to PHAs and Terminations module.</p> <p>If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA</p>

		<p>determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.</p> <p><u>MHA Policy</u></p> <p>The MHA will require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household.</p> <p>The MHA will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, the MHA will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.</p> <p>Income and Income Validation Tool (IVT) Reports</p> <p>For each new admission, the PHA is required to review the EIV Income and IVT Reports to confirm and validate family reported income within 120 days of the IMS/PIC submission date of the new admission. The PHA must print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within 60 days of the EIV Income or IVT report dates.</p>
3-21	<p>PART III: DENIAL OF ASSISTANCE3-III.A. OVERVIEW A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance.</p>	<p>New Info Added:</p> <p>PART III: DENIAL OF ASSISTANCE3-III.A. OVERVIEW A family that does not meet the eligibility criteria discussed in Parts I and II, must be denied assistance. A PHA may deny assistance for an applicant because of the family’s action or failure to act as described in 24 CFR 982.552 or 982.553. In this section we will discuss other situations and circumstances in which denial of assistance is mandatory for the PHA, and those in which denial of assistance is optional for the PHA.</p> <p>While the regulations state that the PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history, more recent HUD rules and OGC guidance must also be taken into consideration when determining whether a particular individual’s criminal history merits denial of admission.</p> <p>When considering any denial of admission, PHAs may not use arrest records as the basis for the denial. Further, HUD does not require the adoption of “One Strike” policies and reminds PHAs of their obligation to safeguard the due</p>

		<p>process rights of applicants and tenants [Notice PIH 2015-19].</p> <p>HUD’s Office of General Counsel issued a memo on April 4, 2016, regarding the application of Fair Housing Act standards to the use of criminal records. This memo states that a PHA violates the Fair Housing Act when their policy or practice has an unjustified discriminatory effect, even when the PHA had no intention to discriminate. Where a policy or practice that restricts admission based on criminal history has a disparate impact on a particular race, national origin, or other protected class, that policy or practice is in violation of the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the PHA, or if that interest could be served by another practice that has a less discriminatory effect [OGC Memo 4/4/16.] HUD codified this stance on disparate impact and discriminatory effects in a final rule dated March 31, 2023. In doing so, HUD also standardized its long-practiced three-step approach to assessing burdens of proof.</p> <p>PHAs who impose blanket prohibitions on any person with any conviction record, no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then will be unable to show that such policy or practice is necessary to achieve a substantial, legitimate, nondiscriminatory interest. Even a PHA with a more tailored policy or practice that excludes individuals with only certain types of convictions must still prove that its policy is necessary. To do this, the PHA must show that its policy accurately distinguishes between criminal conduct that indicates a demonstrable risk to resident safety and property and criminal conduct that does not.</p>
3-24	<p>3-III.C. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE HUD permits, but does not require, the PHA to deny assistance for the reasons discussed in this section. Criminal Activity [24 CFR 982.553] HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity. (REMOVED/CHANGED)</p>	<p>New Info Added: 3-III.C. RESTRICTION ON ASSISTANCE BASED ON ASSETS [24 CFR 5.618]</p> <p>There are two circumstances under which a family is ineligible to receive assistance based on asset ownership.</p> <p>First, assistance may not be provided to any family if the family’s net assets exceed \$100,000 (adjusted annually by HUD). Second, the family has real property that is suitable for occupancy by the family as a residence and the family has:</p> <ul style="list-style-type: none"> • A present ownership interest in real property; and • A legal right to reside in the real

		<p>property; and</p> <ul style="list-style-type: none"> • The effective legal authority to sell (based on state and local laws of the jurisdiction where the property is located) the real property. <p>However, the real property restriction does not apply in the following circumstances:</p> <ul style="list-style-type: none"> • Any property for which the family is receiving assistance for a manufactured home under 24 CFR 982.620 or under the HCV Homeownership program; • Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property; • Any family that is offering the property for sale; or • Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking. <p>- When a family ask for an exception because a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the PHA must comply with all the confidentiality requirements under VAWA. The PHA must accept self-certification from the family member, and the restrictions on requesting documentation under VAWA apply.</p> <p>A property is considered <i>suitable for occupancy</i> unless the family demonstrates that it:</p> <ul style="list-style-type: none"> • Does not meet the disability-related needs for all members of the family (e.g. physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.) • Is not sufficient for the size of the family; <p><u>MHA Policy</u></p> <p>The MHA defines not sufficient for the size of the family as being overcrowded based on the MHA’s Housing Quality Standards in Chapter 8 of this policy.</p>
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		<ul style="list-style-type: none"> • Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family’s place of work or school would be a hardship to the family, as determined by the PHA or owner.) • Is not safe to reside in because of the physical condition of the property (e.g., property’s physical condition poses a risk to the family’s health and safety and the condition of the property cannot be easily remedied); or • Is not property that a family may reside in under the state or local laws of the jurisdiction where the property is located.
3-26	<p>3-III.D. SCREENING Screening for Eligibility PHAs are authorized to obtain criminal conviction records from law enforcement agencies to screen applicants for admission to the HCV program. This authority assists the PHA in complying with HUD requirements and PHA policies to deny assistance to applicants who are engaging in or have engaged in certain criminal activities. In order to obtain access to the records the PHA must require every applicant family to submit a consent form signed by each adult household member [24 CFR 5.903]. (REMOVED/CHANGED)</p>	<p>New Info Added: 3-III.D. OTHER PERMITTED REASONS FOR DENIAL OF ASSISTANCE</p> <p>HUD permits, but does not require, the PHA to deny assistance for the reasons discussed in this section.</p> <p>Criminal Activity [24 CFR 982.553] HUD permits, but does not require, the PHA to deny assistance if the PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the family would receive assistance, certain types of criminal activity.</p> <p>MHA Policy If any household member is currently engaged in or has engaged in any of the following criminal activities, within the past five years, the family will be denied assistance. <i>Drug-related criminal activity</i>, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].</p> <p>Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity. Immediate vicinity means within a three-block radius of the premises.</p> <p>Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse; or criminal activity that may threaten the health or safety of property owners, management staff, and persons performing contract administration functions or other responsibilities on behalf of the MHA (including an MHA employee or a MHA contractor, subcontractor, or agent). Evidence of such criminal activity includes, but is not limited to: Any conviction for drug-related or violent</p>

		<p>criminal activity within the past 5 years.</p> <p>Records of arrests for drug-related or violent criminal activity within the past 5 years, although a record of arrest(s) will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity.</p> <p>Any record of eviction from public or privately-owned housing as a result of criminal activity within the past 5 years.</p> <p>A conviction for drug-related or violent criminal activity will be given more weight than an arrest for such activity.</p> <p>In making its decision to deny assistance, the MHA will consider the factors discussed in Section 3-III.F and 3-III.G.. Upon consideration of such factors, the MHA may, on a case-by-case basis, decide not to deny assistance.</p>
3-32	<p>3-III.H. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING</p> <p>The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying an applicant admission to the HCV program on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant otherwise qualifies for assistance or admission.</p>	<p>New Info Added:</p> <p>3-III.H. PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING</p> <p>The Violence against Women Act of 2013 (VAWA) and the HUD regulation at 24 CFR 5.2005(b) prohibit PHAs from denying an applicant admission to the HCV program on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant otherwise qualifies for assistance or admission.</p> <p>Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD’s recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.</p>
4-6	<p>4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]</p> <p>Purging the Waiting List</p>	<p>New Info Added:</p> <p>4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]</p> <p>Purging the Waiting List</p> <p><u>MHA Policy</u></p> <p>When waiting time for applicants for housing average more than twelve (12) months, MHA may</p>

		<p>confirm applicants' continued interest in the HCV program and ensure that all applicants and applicant information is current and timely. To update the waiting list, the MHA will send an update request via first class mail or email to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that MHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.</p> <p>The family's response must be in writing and may be delivered in person, by mail or email. Responses should be postmarked or received by the MHA no later than 15 business days from the date of the MHA letter.</p> <p>If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.</p> <p>If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.</p> <p>If the notice is returned by the post office with a forwarding address, the notice will be re- sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent.</p> <p>If a family is removed from the waiting list for failure to respond, the MHA may reinstate the family if it is determined that the lack of response was due to MHA error, or to circumstances beyond the family's control, as a result of a family member's disability, or as a direct result of status as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including an adverse factor resulting from such abuse.</p>
4-11	<p>The Application Interview Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview.</p>	<p>The Application Interview Any required documents or information that the family is unable to provide at the interview must be provided within 7 calendar days.</p>
5-2-5-4	<p>5-I.B. BRIEFING [24 CFR 982.301]</p>	<p>New Info Added:</p> <p>In-Person Briefings</p> <p>At the briefing, the PHA must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973) and ensure that the briefing site is accessible to individuals with disabilities. For a more thorough discussion of accessibility requirements, refer to Chapter 2.</p> <p><u>MHA Policy</u></p> <p>In-person briefings will generally be conducted in group</p>

	<p>meetings. At the family’s written request, the MHA may provide an individual briefing.</p> <p>Generally, the head of household is required to attend the briefing. If the head of household is unable to attend, the MHA may approve another adult family member to attend the briefing.</p> <p>Families that attend group briefings and still need individual assistance will be referred to an appropriate MHA staff person.</p> <p>Briefings will be conducted in English. For limited English proficient (LEP) applicants, the MHA will provide interpretation services in accordance with the PHA’s LEP plan (See Chapter 2).</p> <p>Remote Briefings [Notice PIH 2020-32]</p> <p>Remote briefings may be conducted over the phone, via video conferencing, or through other virtual platforms.</p> <p><u>MHA Policy</u></p> <p>The MHA has the sole discretion to require that briefings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster. If the MHA schedules a remote briefing, the MHA will conduct a face-to-face briefing upon request of the applicant as a reasonable accommodation for a person with a disability if safety and health concerns can be reasonably addressed.</p> <p>In addition, the MHA will conduct a briefing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have childcare or transportation that would enable them to attend the briefing, or if the applicant believes an in-person briefing would create an undue health risk. The MHA will consider other reasonable requests for a remote briefing on a case-by-case basis.</p> <p>Accessibility Requirements for Persons with Disabilities and LEP Individuals</p> <p>As with in-person briefings, the platform for conducting remote briefings must be accessible and the briefing conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual.</p>
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		<p>If no method of conducting a remote briefing is available that appropriately accommodates an individual’s disability, the PHA may not hold against the individual their inability to participate in the remote briefing, and the PHA should consider whether postponing the remote briefing to a later date is appropriate or whether there is a suitable alternative.</p> <p>Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances.</p> <p>Limited English Proficiency (LEP) requirements also apply to remote briefings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote briefings.</p> <p>Conducting Remote Briefings</p> <p>The PHA must ensure that the lack of technology or inability to use technology for remote briefings does not pose a disadvantage to families that may not be apparent to the PHA. The PHA must ensure that the family has appropriate technological access in order to fully participate in the remote briefing.</p> <p><u>MHA Policy</u></p> <p>At least 10 business days prior to scheduling the remote briefing, the MHA will provide written notification via first class mail and/or email to families participating in the briefing to advise of technological requirements and to request the family notify the MHA of any known barriers. If any family does not respond within five business days, or if the written notification is returned by the post office or the email is rejected, the MHA will contact the family by telephone to identify potential technological barriers and to determine which technology resources are accessible to the family. The MHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person briefing or have a one-on-one briefing over the phone, as appropriate.</p> <p>The MHA will conduct remote briefings via a video conferencing platform when available. If applicants are unable to adequately access the video conferencing platform, the briefing will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in, the remote briefing will be postponed, and an in-person alternative or one-on-one briefing over the phone will be provided.</p> <p>The MHA will provide login information and/or conferencing call-in information and an electronic copy of the briefing packet via email at least five business days before the briefing. The MHA will provide a paper copy of the briefing packet upon family request and may reschedule the briefing to allow adequate time for the family to receive</p>
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		<p>the physical briefing packet.</p> <p>The MHA will ensure that all electronic information stored or transmitted as part of the briefing meets the requirements for accessibility for persons with disabilities and persons with LEP, and is secure, including ensuring personally identifiable information (PII) is protected.</p> <p>The MHA will ensure that families who participate in remote briefings have the opportunity to ask questions as part of the briefing.</p> <p>If families lose connectivity during any remote briefing or otherwise feel they were unable to access information presented during the briefing, the family may request a one-on-one briefing over the phone or in person with the MHA.</p>
6-1	<p>Chapter 6 INCOME AND SUBSIDY DETERMINATIONS</p> <p>INTRODUCTION</p> <p><u>Part I: Annual Income.</u> HUD regulations specify the sources of income to include and exclude to arrive at a family’s annual income. These requirements and PHA policies for calculating annual income are found in Part I.</p> <p><u>Part II: Adjusted Income.</u> Once annual income has been established HUD regulations require the PHA to subtract from annual income any of five mandatory deductions for which a family qualifies. These requirements and PHA policies for calculating adjusted income are found in Part II.</p> <p><u>Part III: Calculating Family Share and PHA Subsidy.</u> This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining PHA subsidy and required family payment.</p>	<p>New Info Added:</p> <p>Chapter 6 INCOME AND SUBSIDY DETERMINATIONS</p> <p>INTRODUCTION</p> <p><u>Part I: Annual Income.</u> HUD regulations specify the sources of income which are excluded from the family’s annual income. These requirements and PHA policies for calculating annual income are found in Part I.</p> <p><u>Part II: Assets.</u> HUD regulations specify the types of assets which are excluded from a family’s annual income. These requirements and PHA policies are calculating income from assets are found in Part II.</p> <p><u>Part III: Adjusted Income.</u> Once annual income has been established, HUD regulations require the PHA to subtract from annual income any of five mandatory deductions for which a family qualifies and allow the PHA to adopt additional permissive deductions. These requirements and PHA policies for calculating adjusted income are found in Part III.</p> <p><u>Part IV: Calculating Family Share and PHA Subsidy.</u> This part describes the statutory formula for calculating total tenant payment (TTP), the use of utility allowances, and the methodology for determining PHA subsidy and required family payment.</p>
6-2	<p>PART I: ANNUAL INCOME 6-I.A. OVERVIEW (SECTION REMOVED/CHANGED)</p>	<p>New Info Added:</p> <p>PART I: ANNUAL INCOME 6-I.A. OVERVIEW</p> <p>All amounts, not specifically excluded in 24 CFR 5.609(b);</p> <p>All amounts received from all sources by each member of the family who is 18 years of age or older or is head of the household or spouse;</p>

		<p>Unearned income by or on behalf of each dependent who is under 18 years of age; and</p> <p>Imputed returns of an asset based on the current passbook savings rate, as determined by HUD, when the value of net family assets exceeds \$50,000 (which amount HUD will adjust annually) and the actual returns from a given asset cannot be calculated.</p> <p>In addition to this general definition, the regulations at 24 CFR 5.609(b) provide a comprehensive listing of all sources of income that are excluded from annual income. Note, unlike previous versions of the regulations, the current regulations governing annual income do not list sources of income that are to be included. Instead, HUD relies on the definition of excluded income under 24 CFR 5.609(b) to provide the scope of what is included. To that end, generally, all income is included unless it is specifically excluded by regulation.</p> <p>Annual income includes “all amounts received,” not the amount that a family may be legally entitled to receive but did not receive. For example, a family’s child support or alimony income must be based on the payments received, not the amounts to which the family is entitled by court or agency orders [Notice PIH 2023-27].</p> <p>Annual income also includes all actual anticipated income from assets (provided the income is not otherwise excluded) even if the asset itself is excluded from net family assets [Notice PIH 2023-27]. 24 CFR 5.603(b)(1) describes HUD regulations for treating specific types of income and assets. The full texts of those portions of the regulations are provided in the exhibits at the end of this chapter as follows:</p> <p>Annual Income Full Definition (Exhibit 6-1)</p> <p>Treatment of Family Assets (Exhibit 6-2)</p> <p>The Effect of Welfare Benefit Reduction (Exhibit 6-3)</p>
6-4	<p>Temporarily Absent Family Members The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit [HCV GB, p. 5-18].</p>	<p>New Info Added:</p> <p>Temporarily Absent Family Members The current regulations governing annual income do not specifically address temporarily absent family members. The regulations also do not define “temporarily” or “permanently” absent or specify a timeframe associated with a temporary versus a permanent absence.</p>

		<p><u>MHA Policy</u></p> <p>Unless specifically excluded by regulations, the income of all family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit.</p> <p>Generally, an individual who is or is expected to be absent from the assisted unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally, an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.</p>
6-7/6-8	<p>6-I.C. ANTICIPATING ANNUAL INCOME</p>	<p>Change to/New Info Added:</p> <p>6-I.C. CALCULATING ANNUAL INCOME</p> <p>The methodology used for calculating income differs depending on whether the income is being calculated at initial occupancy, interim reexaminations, or at annual reexamination. However, income from assets is always anticipated regardless of certification type.</p> <p><u>Anticipating Annual Income [24 CFR 5.609(c)(1)</u></p> <p>At initial occupancy and for an interim reexamination of a family income, the PHA is required to use anticipated income (current income) for the upcoming 12-month period following the new admission or interim reexamination effective date. Policies related to verifying income are found in Chapter 7.</p> <p><u>MHA Policy</u></p> <p>When the MHA cannot readily anticipate income based upon current circumstances (e.g., in the case of temporary, sporadic, or variable employment, seasonal employment, unstable working hours, or suspected fraud), the MHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.</p> <p>Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to the MHA to show why the historic pattern does not represent the family’s anticipated income.</p> <p>In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how the MHA annualized projected income.</p>

	<p>Known Changes in Income</p> <p>The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the MHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs. This requirement will be imposed even if the MHA’s policy on reexaminations does not require interim reexaminations for other types of changes.</p> <p>When tenant provided third party documents are used to anticipate annual income, they will be dated within the last 60 days of the reexamination interview date.</p> <p>(REMOVED)</p> <p>Projecting Income</p> <p>In HUD’s EIV webcast of January 2008, HUD made clear that PHAs are not to use EIV quarterly wages to project annual income.</p> <p>(REMOVED)</p>	<p>New Info Added:</p> <p>Known Changes in Income</p> <p>The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases the MHA will calculate annual income using current circumstances and then should the change in income require the PHA to conduct an interim reexamination, conduct an interim reexamination in accordance with the PHA policy in Chapter 11.</p> <p>New Info Added:</p> <p>Calculating Annual Income at Annual Reexamination [24 CFR.609(c)(2); Notice PIH 2023-27</p> <p>At annual reexamination, PHAs must first determine the family’s income for the previous 12-month period and use this amount as the family income for annual reexamination; however, adjustments to reflect current income must be made. Any change of income since the family’s last annual reexamination, including those that did not meet the threshold to process interim reexamination of the family income in accordance with PHA policies in Chapter 11 and HUD regulations, must be considered. If, however, there have been no changes to income, then the amount of income calculated for the previous 12-month period is the amount that will be used to determine the family’s rental assistance. Income from assets is always anticipated, irrespective of the income examination type. Policies related to conducting annual reexaminations are located in Chapter 11.</p>
6-9	<p>6-I.D. EARNED INCOME</p> <p>Types of Earned Income Included in Annual Income <i>Wages and Related Compensation</i></p> <p>The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other</p>	<p>New Info Added:</p>

	<p>compensation for personal services is included in annual income [24 CFR 5.609(b)(1)].</p> <p>Types of Earned Income <u>Not</u> Counted in Annual Income</p> <p><i>Temporary, Nonrecurring, or Sporadic Income</i> [24 CFR 5.609(c)(9)]</p> <p>This type of income (including gifts) is not included in annual income. Sporadic income includes temporary payments from the U.S. Census Bureau for employment lasting no longer than 180 days [Notice PIH 2009-19].</p> <p>(REMOVED)</p>	<p>Wages and Related Compensation [24 CFR 5.609(a); Notice PIH 2023-27]</p> <p>The earned income of each family member of the family 18 years of age or older, or who is the head of household or spouse/cohead regardless of age, is included in annual income. Income received as a day laborer or seasonal worker is also included in annual income, even if the source, date, or amount of the income varies [24 CFR 5.609(b)(24)].</p> <p>Earned income means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and governmental subsidies for certain benefits), or any cash or in-kind benefits [24 CFR 5.100].</p> <p>A day laborer is defined as an individual hired and paid one day at a time without an agreement that the individual will be hired to work again in the future [24 CFR 5.603(b)].</p> <p>A seasonal worker is defined as an individual who is hired into a short-term position (e.g., for which the customary employment period for the position is six months or fewer) and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry [24 CFR 5.603(b)]. Some examples of seasonal work include employment limited to holidays or agricultural seasons. Seasonal work may include but is not limited to employment as a lifeguard, ballpark vendor, or snowplow driver [Notice PIH 2023-27].</p> <p><u>MHA Policy</u></p> <p>For persons who regularly receive bonuses or commissions, the MHA will verify and then average amounts received for the two years preceding admission or reexamination. If only a one-year history is available, the MHA will use the prior year amounts. In either case the family may provide, and the MHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, the MHA will count only the amount estimated by the employer. The file will be documented appropriately. The MHA will include an annual income full amount, before any payroll deductions of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation.</p>
6-10	<p>Certain Earned Income of Full-Time Students</p> <p>Earnings in excess of \$480 for each full-time student 18 years old or older (except for the head, spouse, or cohead) are not counted [24 CFR 5.609(c)(11)]. To be considered “full-</p>	<p>Section Change/New Info Added:</p> <p>Earned Income of Full-Time Students [24 CFR 5.609(b)(14)]</p> <p>The earned income of a dependent full-time in excess of amount of the dependent deduction is excluded from annual</p>

	<p>time,” a student must be considered “full-time” by an educational institution with a degree or certificate program [HCV GB, p. 5-29].</p> <p>6-I.E. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES</p>	<p>income. All sources of unearned income, except those specifically excluded by the regulation, are included. A family member other than the head of household or spouse/cohead is considered a full-time student if they attend school or vocational training on full-time basis [24 CFR 5.603(b)].</p> <p>To be considered “full-time,” a student must be considered “full-time” by an educational institution with a degree or certificate program [HCV GB, p. 5-29].</p> <p>New Info Added: (New Section)</p> <p>6-I.E. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES [24 CFR 5.617; Streamlining Final Rule (SFR) Federal Register 3/8/16; Notice PIH 2023-27]</p> <p>HOTMA removed the statutory authority for the EID. The EID is available only to families that are eligible for and participating in the program as of December 31, 2023, or before; no new families may be added on or after January 1, 2024. If a family is receiving the EID prior to or on the effective date of December 31, 2023, they are entitled to the full amount of the benefit for a full 24-month period. The policies below are applicable only to such families. No family will still be receiving the EID after December 31, 2025. The EID will sunset on January 1, 2026, and the PHA policies below will no longer be applicable as of date or when the last qualifying family exhausts their exclusion period, whichever is sooner.</p>
6-14	<p>6-I.E. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES [24 CFR 5.617; Streamlining Final Rule (SFR) Federal Register 3/8/16; Notice PIH 2023-27]</p> <p>The earned income disallowance (EID) encourages people with disabilities to enter the work force by not including the full value of increases in earned income for a period of time. The full text of 24 CFR 5.617 is included as Exhibit 6-4 at the end of this chapter. Eligibility criteria and limitations on the disallowance are summarized below.</p> <p>(REMOVED/CHANGED)</p>	<p>New Info Added:</p> <p>6-I.E. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES</p> <p>HOTMA removed the statutory authority for the EID. The EID is available only to families that are eligible for and participating in the program as of December 31, 2023, or before; no new families may be added on or after January 1, 2024. If a family is receiving the EID prior to or on the effective date of December 31, 2023, they are entitled to the full amount of the benefit for a full 24-month period. The policies below are applicable only to such families. No family will still be receiving the EID after December 31, 2025. The EID will sunset on January 1, 2026, and the PHA policies below will no longer be applicable as of date or when the last qualifying family exhausts their exclusion period, whichever is sooner.</p>
6-15	<p>Calculation of the Disallowance Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member’s current income with his or her “baseline</p>	<p>Calculation of the Disallowance Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member’s current income with his or her “baseline income.” The family member’s baseline income is</p>

<p>income.” The family member’s baseline income is his or her income immediately prior to qualifying for the EID. The family member’s baseline income remains constant throughout the period that he or she is participating in the EID. While qualification for the disallowance is the same for all families, calculation of the disallowance will differ depending on when the family member qualified for the EID. Participants qualifying prior to May 9, 2016, will have the disallowance calculated under the “Original Calculation Method” described below which requires a maximum lifetime disallowance period of up to 48 consecutive months. Participants qualifying on or after May 9, 2016, will be subject to the “Revised Calculation Method” Which shortens the lifetime disallowance period to 24 consecutive months. Under both the original and new methods, the EID eligibility criteria, the benefit amount, the single lifetime eligibility requirement and the ability of the applicable family member to stop and restart employment during the eligibility period are the same.</p> <p>Under both the original and new methods, the EID eligibility criteria, the benefit amount, the single lifetime eligibility requirement and the ability of the applicable family member to stop and restart employment during the eligibility period are the same.</p> <p>(REMOVED)</p> <p>Lifetime Limitation</p> <p>The EID has a four-year (48-month) lifetime maximum. The four-year eligibility period begins at the same time that the initial exclusion period begins and ends 48 months later. The one-time eligibility for the EID applies even if the eligible individual begins to receive assistance from another housing agency, if the individual moves between public housing and Section 8 assistance, or if there are breaks in assistance.</p> <p>Revised Calculation Method</p> <p>Initial 12-Month Exclusion</p> <p>During the initial exclusion period of 12 consecutive months, the full amount (100 percent) of any increase in income attributable to new employment or increased earnings is excluded.</p> <p>MHA Policy</p> <p>The initial EID exclusion period will begin on the</p>	<p>his or her income immediately prior to qualifying for the EID. The family member’s baseline income remains constant throughout the period that he or she is participating in the EID.</p> <p>New Info Added:</p> <p>Lifetime Limitation</p> <p>The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. During the 24-month period, an individual remains eligible for EID even if they begin to receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance. The EID will sunset on January 1, 2026. In no circumstances will a family member’s exclusion period continue past January 1, 2026.</p>
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	<p>first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.</p> <p>Second 12-Month Exclusion During the second exclusion period of 12 consecutive months, the PHA must exclude at least 50 percent of any increase in income attributable to employment or increased earnings.</p> <p>MHA Policy During the second 12-month exclusion period, the MHA will exclude 100 percent of any increase in income attributable to new employment or increased earnings.</p> <p>Lifetime Limitation The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends 24 months later. During the 24-month period, an individual remains eligible for EID even if they begin to receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance.</p> <p>(REMOVED)</p>	
6-16	<p>6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)] Annual income includes “the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].</p> <p>Business Expenses Net income is “gross income less business expense” [HCV GB, p. 5-19].</p>	<p>New Info Added: 6-I.F. BUSINESS AND SELF-EMPLOYMENT INCOME [24 CFR 5.609(b)(28); Notice PIH 2023-24] Annual income includes “the net income from the operation of a business or profession. <i>Net income is gross income minus business expenses that allows the business to operate. Gross income is all income amounts received into the business, prior to the deduction of business expenses.</i></p> <p>New Info Added: Independent Contractors Income received as an independent contractor is included in annual income, even if the source, date, or amount of the income varies [24 CFR 5.609(b)(24)]. <i>An independent contractor is defined as an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done [24 CFR 5.603(b)].</i></p>
6-18	<p>Assets Owned by a Business Entity</p>	<p>Section Added/New Info Added: Assets Owned by a Business Entity</p>

		<p>If a business entity (e.g., limited liability company or limited liability partnership) owns the asset, then the family’s asset is their ownership stake in the business, not some portion of the business’s assets. However, if the family holds the assets in their own name (e.g., they own one-third of a restaurant) rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets (e.g., one-third of the value of the restaurant) [Notice PIH 2023-27].</p>
6-19-6-24	<p>6-I.G. ASSETS [24 CFR 5.609(b)(3); 24 CFR 5.603(b)] <u>(INFO REMOVED/CHANGED)</u></p>	<p>Change to/New Info Added: 6-I.G. STUDENT FINANCIAL ASSISTANCE [FR Notice 2/14/23 and Notice PIH 2023-27]</p> <p>Introduction</p> <p>Section 479B of the HEA requires that all assistance under Title IV of the HEA and Bureau of Indian Affairs student financial assistance, even assistance provided to students in excess of tuition and required fees or charges, be excluded from HUD income calculations.</p> <p>For Section 8 programs only, however for over 10 years through FY 2022, HUD appropriations have included a provision that for certain students receiving Section 8 assistance, any amounts received in excess of tuition and any other required fees and charges are considered income (with the exception of students who lived with their parents or who were over the age of 23 with a dependent child).</p> <p>While the language in various consolidated appropriations act is limited to federal fiscal year covered by the act, this does not rule out the possibility that similar language will be included in future year’s appropriations bill.</p> <p>For any funds from a year where HUD’s appropriations act includes this limitation, it will apply with respect to Section 8 participants. The PHA will follow the pre-HOTMA Section 8 student financial assistance limitation described below.</p> <p>During years in which an appropriations act does not contain this Section 8 student financial assistance limitation (or any other such limitation), then the determination of student financial assistance as included/excluded income for all Section 8 students defaults to the methodology described for the public housing program and listed below.</p> <p>Pre-HOTMA Section 8 Student Financial Assistance Limitations [FR 4/10/06; Notice PIH 2015-21]</p> <p>In 2005, Congress passed a law (for Section 8 programs only) requiring that certain student financial assistance be included in annual income. Prior to that, the full amount of student financial assistance was excluded. For some students, the full exclusion still applies.</p> <p>The regulation requiring the inclusion of certain student financial assistance applies to students who satisfy all of the following conditions:</p>

		<p>They are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965.</p> <p>They are seeking or receiving Section 8 assistance on their own- that is from their parents- through the HCV program, the project-based voucher program, or the moderate rehabilitation program.</p> <p>They are 24 years of age OR they have no dependent children.</p> <p>For students who satisfy these three conditions, a financial assistance in excess of tuition and any other required fees and charges received: (1) under the 1965 WEA), (2) from a private source, or (3) from an institution of higher education, as defined under the 1965 HEA, must be included in annual income.</p> <p>To determine annual income in accordance with the above requirements, the PHA will use the definitions of <i>dependent child</i>, <i>institution of higher education</i>, and <i>parents</i> in Chapter 3, along with the following definitions. [FR 4/10/06, pp. 18148-18150]:</p> <p><i>Assistance under the Higher Education Act of 1965</i> includes Pell Grants, Federal Supplement Educational Opportunity Grants, Academic Achievement Incentive Scholarships, State Assistance under the Leveraging Educational Assistance Partnership Program, the Robert G. Byrd Honors Scholarship Program, and Federal Work Study programs.</p> <p><i>Assistance from private sources</i> means assistance from nongovernmental sources, including parents, guardians, and other persons not residing with the student in an HCV assisted unit.</p> <p><i>Tuition and fees</i> are defined in the same manner in which the Department of Education defines tuition and fees [Notice PIH 2015-21].</p> <p>This is the amount of tuition and required fees covering a full academic year most frequently charged to students.</p> <p>The amount represents what a typical student would be charged and may not be the same for all students at an institution.</p> <p>If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an academic year is used to estimate average tuition.</p> <p>Required fees include all fixed-sum charges that are required of a large proportion of all students. Examples include, but are not limited to, writing and science lab fees and fees specific to the student's major or program (i.e., nursing program).</p> <p>Expenses related to attending an institution of higher education must not be included as tuition. Examples include, but are not limited to, room and board, books, supplies, meal</p>
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	<p>plans, transportation and parking, student health insurance plans and other non-fixed-sum charges.</p> <p>Any student financial assistance not subject to inclusion under the regulations is fully excluded from annual income, whether it is paid directly to the student or to the educational institution the student is attending. This includes any financial assistance received by:</p> <p>Students residing with parents who are seeking or receiving Section 8 assistance.</p> <p>Students who are enrolled in an educational institution that does not meet the 1965 HEA definition of <i>institution of higher education</i>.</p> <p>Students who are over 23 AND have at least one dependent child, as defined in Section 3-II.E.</p> <p>Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.</p> <p>HOTMA Student Financial Assistance Requirements [24CFR 5.609(b)(9)]</p> <p>The regulations under HOTMA distinguish between two categories of student financial assistance paid to both full-time and part-time students.</p> <p>Types of Assistance</p> <p>Any assistance to students under section 479B of the Higher Education Act of 1965 (Title IV of the HEA) must be excluded from the family's annual income [24 CFR 5.609(b)(9)(i.)].</p> <p>Examples of assistance under title IV of the HEA included:</p> <ul style="list-style-type: none"> Federal Pell Grants Teach Grants Federal Work Study Programs Federal Perkins Loans <p>Income earned in employment and training programs under section 134 of the Workforce Innovation and Opportunity Act (WIOA); or</p> <ul style="list-style-type: none"> Bureau of Indian Affairs/Education student assistance programs The Higher Education Tribal Grant The Tribally Controlled Colleges or Universities Grant Program <p>Any other grant-in-aid, scholarship, or other assistance amounts an individual receives for the actual covered costs charges by the institute of higher education not otherwise excluded by the Federally mandated income exclusions are excluded [24 CFR 5.609(b)(9)(ii)]. <i>Actual covered costs</i> are defined as the actual costs of:</p>
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		<p>Tuition, books, and supplies; including supplies to support students with learning disabilities or other disabilities</p> <p>Room and board; and</p> <p>Other fees required and charged to a student by the education institution</p> <p>For a student who is not the head of household or spouse/cohead, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.</p> <p>Further, to qualify, other student financial assistance must be expressly:</p> <p>For tuition, book, supplies, room and board, or other fees required and charged to the student by the educational institution;</p> <p>To assist a student with the costs of higher education; or</p> <p>To assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the educational institution and not residing in an assisted unit.</p> <p>The student’s financial assistance may be paid directly to the student or to the educational institution on the student’s behalf. However, any student financial assistance paid to the student must be verified by the PHA.</p> <p>The financial assistance must be a grant or scholarship received from:</p> <p>The Federal government;</p> <p>A state, tribal, or local government ;</p> <p>A private foundation registered as a nonprofit;</p> <p>A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or</p> <p>An institution of higher education.</p> <p>Student financial assistance, does not include:</p> <p>Financial support provided to the student in the form of a fee for services performed; (e.g., a work study or teaching fellowship that is not excluded under section 479B of the Higher Education Act HEA);</p> <p>Gifts, including gifts from family or friends; or</p> <p>Any amount of the scholarship or grant that, either by itself or in combination with assistance excluded under the HEA, exceeds the actual covered costs of the student.</p> <p>Calculating Income from Student Financial Assistance [HOTMA Student Financial Assistance Resource Sheet;</p>
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		<p>Notice PIH 2023-27]</p> <p>The formula for calculating the amount of other student financial assistance that is excluded from income always begins with deducting the assistance received under 479B of the HEA from the total actual covered costs, because the 479B assistance is intended to pay the student’s actual covered costs. When a student receives assistance from both Title IV of the HEA and from other sources, the assistance received under Title IV of the HEA must be applied to the student’s actual covered costs first and then other student financial assistance is applied to any remaining actual covered costs. Once actual costs are covered, any remaining student financial assistance is considered income.</p> <p><u>MHA Policy</u></p> <p>If a student only receives financial assistance under Title IV of the HEA and does not receive any other student financial assistance, the MHA will exclude the full amount of the assistance received under Title IV from the family’s annual income. The MHA will not calculate actual covered costs in this case.</p> <p>If the student does not receive any assistance under Title IV of the HEA but does receive assistance from another source, the MHA will first calculate the actual covered costs to the student in accordance with 24 CFR 5.609(b)(ii). The MHA will then subtract the total amount of the student’s financial assistance from the student’s actual covered costs. The MHA will include any amount of financial assistance in excess of the student’s actual covered costs in the family’s annual income.</p> <p>When a student receives assistance from both Title IV of the HEA and from other sources, the PHA will first calculate the actual covered costs to the student in accordance with 24 CFR 5.609(b)(ii). The assistance received under Title IV of the HEA will be applied to the student’s actual covered costs first and then the other student’s financial assistance will be applied to any remaining actual covered costs.</p> <p>If the amount of assistance excluded under Title IV of the HEA equals or exceeds the actual covered costs, none of the assistance included under other student financial assistance” would be excluded from income.</p> <p>If the amount of assistance excluded under Title IV of the HEA is less than the actual covered costs, the PHA will exclude the amount of other student financial assistance up to the amount of the remaining actual covered costs.</p>
6-32-6-35	<p>6-I.H. PERIODIC PAYMENTS Periodic payments are forms of income received on a regular basis. HUD regulations specify</p>	<p>New Info Added: 6-I.H. PERIODIC PAYMENTS</p>

<p>periodic payments that are and are not included in annual income.</p> <p>Lump-Sum Payments for the Delayed Start of a Periodic Payment Most lump-sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income. Additionally, any deferred disability benefits that are received in a lump-sum or in prospective monthly amounts</p>	<p>Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are not included in annual income. Regulations do not specify which types of periodic payments are included in annual income. Income that has a discrete end date and will not be repeated beyond the coming year is excluded from a family's annual income because it is nonrecurring income. However, this does not include unemployment income and other types of periodic payments that are received at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that can be extended. For example, a family receives income from a guaranteed income program in their city that has a discrete beginning and end date. While the guaranteed income will be repeated in the coming year, it will end before the family's next annual reexamination. This income is fully excluded from annual income. Insurance payments and settlements for personal or property losses, including but not limited to payments under health insurance, motor vehicle insurance, and workers' compensation, are excluded from annual income. However, periodic payments paid at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that are received in lieu of wages for workers' compensation are included in annual income. Payments received in lieu of wages for worker's compensation are excluded, even if paid in periodic payments, if the income will last for a period of less than one year.</p> <p><u>MHA Policy</u> The MHA will include in annual income 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. Payments in lieu of earnings, such as unemployment and disability compensation, and severance pay are also counted as income if they are received in the form of periodic payments.</p> <p>Changed to/New Info Added: Lump-Sum Payments for the Delayed Start of a Periodic Payment Deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs (VA) disability benefits that are received in a lump sum amount or in prospective monthly amounts are excluded from annual income.</p>
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	<p>from the Department of Veterans Affairs are to be excluded from annual income [24 CFR 5.609(c)(14)].</p>	<p><u>MHA Policy</u></p> <p>The MHA will include in annual income lump sums received as a result of delays in processing periodic payments (other than those specifically excluded by the regulation), such as unemployment or welfare assistance. When a delayed-start payment is received that is to be included and the family reports this during the period in which the MHA is processing an annual reexamination, the MHA will adjust the family’s rent retroactively for the period the payment was intended to cover.</p> <p>If the delayed-start payment is received outside of the time the MHA is processing an annual reexamination, then the MHA will consider whether the amount meets the threshold to conduct an interim reexamination. If so, the MHA will conduct an interim in accordance with MHA policies in Chapter 11. If not, the MHA will consider the amount when processing the family’s next annual recertification.</p> <p>New Info Added:</p> <p>Retirement Accounts [24 CFR 5.609(b)(26); Notice PIH 2023-27]</p> <p>Income received from any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals is not considered actual income from assets.</p> <p>However, any distribution of periodic payments from such accounts is included in annual income at the time they are received by the family.</p> <p>An asset moved to a retirement account held by a member of the family is not considered to be an asset disposed of for less than fair market value.</p> <p>Social Security Benefits [Notice PIH 2018-24]</p> <p>The PHA is required to use the gross benefit amount to calculate annual income from Social Security benefits. Annually in October, the Social Security Administration (SSA) announces the cost-of-living adjustment (COLA) by which federal Social Security and SSI benefits are adjusted to reflect the increase, if any, in the cost of living. The federal COLA does not apply to state-paid disability benefits. Effective the day after the SSA has announced the COLA, PHAs are required to factor in the COLA when determining Social Security and SSI annual income for all annual reexaminations and interim reexaminations of family income that have not yet been completed and will be effective January 1 or later of the upcoming year [Notice PIH 2023-27].</p> <p><u>MHA Policy</u></p> <p>Annual income includes “all amounts received,” not the amount that a family may be legally entitled to receive but</p>
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		<p>which they do not receive. When the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from their benefit amount until the overpayment is paid in full, the MHA will use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount. Further, if a family’s social security income is garnished for any reason, the PHA will use the net amount after the garnishment in order to calculate the family’s income.</p> <p>Alimony and Child Support</p> <p>Annual income includes “all amounts received,” not the amount that a family may be legally entitled to receive but which they do not receive. For example, a family’s child-support or alimony income must be based on payments received, not the amounts to which the family is entitled by court or agency orders [Notice PIH 2023-27].</p> <p><u>MHA Policy</u></p> <p>The MHA will count all regular payments of alimony or child support awarded as part of a divorce or separation agreement.</p> <p>The MHA will count court-awarded amounts for alimony and child support unless the family certifies and the MHA verifies that the payments are not being made.</p> <p>In order to verify that payments are not being made, the MHA will review child support payments over the last three months.</p> <p>If payments are being made regularly, the PHA will use the amount received during the last 12 months (excluding any lump sums received). If payments have been made for a period less than 12 months, the PHA will average all payments that have been made.</p> <p>At new admission or interim recertification, if any lump sum payments were made in the past 12 months, the PHA will determine the likelihood of the family receiving another similar payment within the next 12 months before deciding whether or not this amount will be included in the calculation of annual income.</p> <p>If the PHA determines and can appropriately verify that the family in all likelihood will not receive a similar payment, then the amount will not be considered when projecting annual income.</p> <p>If the PHA determines that it is likely that the family will receive a similar payment and can appropriately verify it, the amount will be included when projecting annual income.</p> <p>If no payments have been made in the past three months and there are no lump sums, the PHA will not include alimony or child support in annual income.</p>
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6-36	<p>6-I.I. PAYMENTS IN LIEU OF EARNINGS Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one time lump sum (as a settlement, for instance), they are treated as lump sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6 I.H and the discussion of lump sum receipts in section 6 I.G.) (REMOVED/CHANGED)</p>	<p>Changed to/New Info Added: NONRECURRING INCOME [24 CFR 5.609(b)(24) and Notice PIH 2023-27 Nonrecurring income, which is income that will not be repeated beyond the coming year (e.g., 12 months following the effective date of the certification) based on information provided by the family, is excluded from annual income. The PHA may accept a self-certification from the family stating that the income will not be repeated in the coming year. See Chapter 7 for PHA policies related to verification of nonrecurring income. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income as nonrecurring income, even if the source, date, or amount of the income varies. Income that has a discrete end date and will not be repeated beyond the coming year during the family's upcoming annual reexamination period will be excluded from a family's annual income as nonrecurring income. This exclusion does not include unemployment income and other types of periodic payments that are received at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that can be extended. Income amounts excluded under this category may include, but are not limited to: Nonrecurring payments made to the family or to a third party on behalf of the family to assist with utilities; Payments for eviction prevention; Security deposits to secure housing; Payments for participation in research studies (depending on the duration); and General one-time payments received by or on behalf of the family. Nonrecurring income that is excluded under the regulations includes: Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment [24 CFR 5.609(b)(24)(i)]. Direct federal or state payments intended for economic stimulus or recovery [24 CFR 5.609(b)(24)(ii)]. Amounts directly received by the family as a result of state refundable tax credits or state or federal tax refunds at the time they are received [24 CFR 5.609(b)(24)(iii) and (iv)].</p>
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		<p>Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries) [24 CFR 5.609(b)(24)(v)].</p> <p>Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization [24 CFR 5.609(b)(24)(vi)]. When calculating annual income, PHAs are prohibited from assigning monetary value to non-monetary in-kind donations received by the family [Notice PIH 2023-27]. Non-recurring, non-monetary in-kind donations from friends and family are excluded as non-recurring income.</p> <p>Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings [24 CFR 5.609(b)(24)(vii)].</p>
6-38	<p>6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)] (SECTION REMOVED/ CHANGED)</p>	<p>Changed to/New Info Added: 6-I.K. STATE PAYMENTS TO ALLOW INDIVIDUALS WITH DISABILITIES TO LIVE AT HOME [24 CFR 5.609(b)(19)] Payments made by or authorized by a state Medicaid agency (including through a managed care entity) or other state or federal agency to an assisted family to enable a member of the assisted family who has a disability to reside in the family’s assisted unit are excluded. Authorized payments may include payments to a member of the assisted family through state Medicaid-managed care systems, other state agencies, federal agencies or other authorized entities. The payments must be received for caregiving services a family member provides to enable another member of the assisted family who has a disability to reside in the family’s assisted unit. Payments to a family member for caregiving services for someone who is not a member of the assisted family (such as for a relative that resides elsewhere) are not excluded from income. Furthermore, if the agency is making payments for caregiving services to the family member for an assisted family member and for a person outside of the assisted family, only the payments attributable to the caregiving services for the caregiver’s assisted family member would be excluded from income.</p>
6-39	<p>6-I.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9); Notice PIH 2015-21] (SECTION REMOVED/CHANGED)</p>	<p>Changed to/New Info Added: 6-I.L. CIVIL RIGHTS SETTLEMENTS [24 CFR 5.609(b)(25); FR Notice 2/14/23] Regardless of how the settlement or judgment is structured, civil rights settlements or judgments, including settlements or judgments for back pay, are excluded from annual income. This may include amounts received because of litigation or other actions, such as conciliation agreements, voluntary</p>

		<p>compliance agreements, consent orders, other forms of settlement agreements, or administrative or judicial orders under the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act (Section 504), the Americans with Disabilities Act, or any other civil rights or fair housing statute or requirement.</p> <p>While these civil rights settlement or judgment amounts are excluded from income, the settlement or judgment amounts will generally be counted toward the family’s net family assets (e.g., if the funds are deposited into the family’s savings account or a revocable trust under the control of the family or some other asset that is not excluded from the definition of <i>net family assets</i>). Income generated on the settlement or judgment amount after it has become a net family asset is not excluded from income. For example, if the family received a settlement or back pay and deposited the money in an interest-bearing savings account, the interest from that account would be income at the time the interest is received.</p> <p>Furthermore, if a civil rights settlement or judgment increases the family’s net family assets such that they exceed \$50,000 (as annually adjusted by an inflationary factor), then income will be imputed on the net family assets pursuant to 24 CFR 5.609(a)(2). If the imputed income, which HUD considers unearned income, increases the family’s annual adjusted income by 10 percent or more, then an interim reexamination of income will be required unless the addition to the family’s net family assets occurs within the last three months of the family’s income certification period and the PHA or owner chooses not to conduct the examination.</p>
6-40-6-44	<p>6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME</p>	<p>New Info Added:</p> <p>6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME</p> <p>Other exclusions contained in 24 CFR 5.609(b) that have not been discussed earlier in this chapter include the following:</p> <ul style="list-style-type: none"> • Payments received for the care of foster children or foster adults or state or tribal kinship or guardianship care payments [24 CFR 5.609(b)(4)]. • Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers’ compensation [24 CFR 5.609(b)(5)]. However, periodic payments paid at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that are

		<p>received in lieu of wages for workers' compensation are included in annual income [Notice PIH 2023-27].</p> <ul style="list-style-type: none"> • Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical care expenses for any family member [24 CFR 5.609(b)(6)]. • Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled [24 CFR 5.609(b)(7)]. • Income and distributions from any Coverdell education savings account under Section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under Section 529 of such Code [24 CFR 5.609(b)(10)]. • Income earned by government contributions to, and distributions from, "baby bond" accounts created, authorized, or funded by federal, state, or local government [24 CFR 5.609(b)(10)]. • The special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(b)(11)]. • Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance [24 CFR 5.609(b)(17)]. This income exclusion applies only to veterans in need of regular aid and attendance and not to other beneficiaries of the payments, such as a surviving spouse [Notice PIH 2023-27]. • Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car) [24 CFR 5.609(b)(20)]. The loan borrower or co-borrower must be a member of the family for this income exclusion to be applicable [Notice PIH 2023-27]. • Payments received by tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other federal
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		<p>law [24 CFR 5.609(b)(21)].</p> <p>Generally, payments received by tribal members in excess of the first \$2,000 of per capita shares are included in a family’s annual income for purposes of determining eligibility. However, as explained in Notice PIH 2023-27, payments made under the Cobell Settlement, and certain per capita payments under the recent Tribal Trust Settlements, must be excluded from annual income in HUD programs that adopt the definitions of annual income in 24 CFR 5.609, the Census Long Form, and the IRS Form 1040, including the programs affected by Notice PIH 2023-27.</p> <ul style="list-style-type: none"> • Replacement housing “gap” payments made in accordance with 49 CFR Part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another federally subsidized housing unit. Such replacement housing “gap” payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments [24 CFR 5.609(b)(23)]. • Income earned on amounts placed in a family’s Family Self-Sufficiency account [24 CFR 5.609(b)(27)]. • Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred e.g., special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(12)(ii)]. • Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(b)(12)(i)]. • Amounts received under a resident service stipend not to exceed \$200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development [24 CFR 5.600(b)(12)(iii)]. <p>Incremental earnings and benefits to any family member resulting from participation in qualifying training program funded by HUD or in qualifying federal, state, tribal, or local employment training programs (including training programs not affiliated with a local government) and</p>
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	<p>training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program unless those amounts are excluded under 24 CFR 5.609(b)(9)(i) [24 CFR 5.609(b)(12)(iv)].</p> <p><u>MHA Policy</u></p> <p>The MHA defines <i>training program</i> as “a learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual’s ability to obtain employment. It may have performance standards to measure proficiency. Training may include but is not limited to: (1) classroom training in a specific occupational skill, (2) on-the-job training with wages subsidized by the program, or (3) basic education” [expired Notice PIH 98-2, p. 3].</p> <p>The MHA defines <i>incremental earnings</i> and benefits as the difference between (1) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program and (2) the total amount of welfare assistance and earnings of the family member after enrollment in the program [expired Notice PIH 98-2, pp. 3–4].</p> <p>In calculating the incremental difference, the MHA will use as the pre-enrollment income the total annualized amount of the family member’s welfare assistance and earnings reported on the family’s most recently completed HUD-50058.</p> <p>End of participation in a training program must be reported in accordance with the PHA’s interim reporting requirements (see Chapter 11).</p> <p>Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(b)(13)].</p> <p>Adoption assistance payments for a child in excess of the amount of the dependent deduction per adopted child [24 CFR 5.609(b)(15)].</p> <p>Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(b)(20)].</p> <p>Amounts that HUD is required by federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(b) apply. HUD will publish a notice in the Federal Register to identify the benefits that qualify for this exclusion. Updates will be</p>
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		published when necessary.
6-45	PART II: ADJUSTED INCOME (SECTION REMOVED/CHANGED)	<p>Section Changed to/New Info Added:</p> <p>PART II: ASSETS</p> <p>6-II.A. OVERVIEW</p> <p>Annual income includes all actual anticipated income from assets (unless otherwise excluded by the regulations) even if the asset itself is excluded from net family assets [Notice PIH 2023-27].</p> <p>The regulation at 24 CFR 5.603(b)(3) provides a list of items that are excluded from the calculation of net family assets. Note, unlike previous versions of the regulations, the current regulations do not list types of assets that are included in annual income. Instead, HUD relies on the definition of items excluded from assets to provide the scope of what is included. Exhibit 6-2 provides the regulatory definition of net family assets.</p> <p>Optional policies for family self-certification of assets are found in Chapter 7. Policies related to the asset limitation may be found in Chapter 3.</p> <p>Income from assets is always anticipated, irrespective of the income examination type.</p> <p><u>MHA Policy</u></p> <p>The MHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. The MHA will use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected, (2) it is not feasible to anticipate a level of income over 12 months, or (3) the MHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income, but the property is currently vacant, the MHA can take into consideration past rental income along with the prospects of obtaining a new tenant.</p> <p>Anytime current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to the MHA to show why the asset income determination does not represent the family’s anticipated asset income.</p>
6-46-6-47	6-II.B. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(b)(2)]	<p>New Info Added:</p> <p>6-II.B. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE [24 CFR 5.603(b)(2)]</p> <p>PHAs must include the value of any business or family assets disposed of by an applicant or participant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application or reexamination, as applicable, in</p>

		<p>excess of the consideration received for the asset. An asset moved to a retirement account held by a member of the family is not considered to be an asset disposed of for less than fair market value. [Notice PIH 2023-27].</p> <p>Minimum Threshold The HCV Guidebook permits the PHA to set a threshold below which assets disposed of for less than fair market value will not be counted [HCV GB, p. 5-27].</p> <p><u>MHA Policy</u> The MHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than \$1,000.</p> <p>Separation or Divorce The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.</p> <p><u>MHA Policy</u> All assets disposed of as part of a separation or divorce settlement will be considered assets for which important consideration not measurable in monetary terms has been received. In order to qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.</p> <p>Foreclosure or Bankruptcy Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale. Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.</p> <p>Asset Owned by a Business Entity If a business entity (e.g., limited liability company or limited partnership) owns the asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name (e.g., they own one third of a restaurant) rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets (e.g., one-third of the value of the</p>
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6-47-6-53	<p>6-II.C. ASSET INCLUSIONS AND EXCLUSIONS Checking and Savings Accounts [Notice PIH 2023-27]</p>	<p>restaurant) [Notice PIH 2023-27].</p> <p>Family Declaration</p> <p><u>MHA Policy</u></p> <p>Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. The MHA may verify the value of the assets disposed of if other information available to the PHA does not appear to agree with the information reported by the family.</p> <p>6-II.C. ASSET INCLUSIONS AND EXCLUSIONS Checking and Savings Accounts [Notice PIH 2023-27]</p> <p>HUD considers bank accounts as non-necessary items of personal property. Whether or not necessary personal property is counted toward net family assets depends on the combined value of all of the family’s assets.</p> <p>When the combined value of net family assets is greater than \$50,000, as adjusted by inflation, checking and/or savings accounts would be counted toward net family assets.</p> <p>When the combined value of all non-necessary personal property does not exceed \$50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets. In this case, the value of the family’s checking and/or savings accounts would not be considered when calculating net family assets.</p> <p>However, actual income from checking and savings accounts is always included in a family’s annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded.</p> <p>ABLE Accounts [24 CFR 5.609(b)(10); Notice PIH 2019-09]</p> <p>An Achieving a Better Life Experience (ABLE) account is a type of tax-advantaged savings account that an eligible individual can use to pay for qualified disability expenses. Section 103 of the ABLE Act mandates that an individual’s ABLE account (specifically, its account balance, contributions to the account, and distributions from the account) is excluded when determining the designated beneficiary’s eligibility and continued occupancy under certain federal means-tested programs. The PHA must exclude the entire value of the individual’s ABLE account from the household’s assets. Distributions from the ABLE account are also not considered income. However, all wage income received, regardless of which account the money is paid to, is included as income.</p>
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		<p>Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds [24 CFR 5.603(b)(1)]</p> <p>HUD considers financial investments such as stocks and bonds non-necessary items of personal property. Whether non-necessary personal property is counted toward net family assets depends on the combined value of all of the family's assets.</p> <p>When the combined value of net family assets is greater than \$50,000, as adjusted by inflation, financial investments such as stocks and bonds are considered part of net family assets. In this case, the value of the family's checking and/or savings accounts would be counted toward net family assets.</p> <p>When the combined value of all non-necessary personal property does not exceed \$50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets. In this case, the value of the family's financial investments such as stocks and bonds would not be considered when calculating net family assets.</p> <p>However, actual income from financial accounts is always included in a family's annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded. When a stock issues dividends in some years but not others (e.g., due to market performance), the dividend is counted as the actual return when it is issued, but when no dividend is issued, the actual return is \$0. When the stock never issues dividends, the actual return is \$0.</p> <p><u>MHA Policy</u></p> <p>The MHA will include interest or dividends earned by investment accounts as actual income from assets even when the earnings are reinvested.</p> <p>The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.</p> <p>In determining the market value of an investment account, the MHA will use the value of the account on the most recent investment report.</p>
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		<p>Necessary and Non-Necessary Personal Property [24 CFR 5.603(b)(3)(i)]</p> <p>All assets are categorized as either real property (e.g., land, a home) or personal property.</p> <p>Personal property includes tangible items, like boats, as well as intangible items, like bank accounts.</p> <p>The value of necessary items of personal property is excluded from the calculation of net family assets. Necessary items of personal property include a car used for commuting or medical devices.</p> <p>HUD defines necessary personal property as items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family’s home. Necessary personal property also includes items that assist a household member with a disability, including any items related to disability-related needs, or that may be required for a reasonable accommodation for a person with a disability. Necessary personal property does not include bank accounts, other financial investments, or luxury items. Items of personal property that do not qualify as necessary personal property are classified as non-necessary personal property.</p> <p>The combined value of all non-necessary items of personal property is only included in annual income when the combined total value exceeds \$50,000 (adjusted annually by HUD). When the combined value of all non-necessary personal property does not exceed \$50,000, as adjusted by inflation, all non-necessary personal property is excluded from net family assets.</p> <p>While not an exhaustive list, the following table from Notice PIH 2023-27 provides examples of necessary and non-necessary personal property.</p> <p><u>MHA Policy</u></p> <p>In determining the value of non-necessary personal property, the MHA will use the family’s estimate of the value. The MHA may obtain an appraisal if there is reason to believe that the family’s estimated value is off by \$50 or more. The family must cooperate with the appraiser but cannot be charged any costs related to the appraisal.</p>
		<p>New Info Added:</p>

		<p>Lump-Sum Additions to Net Family Assets [24 CFR 5.609(b)(24)(viii); Notice PIH 2023-27]</p> <p>The regulations exclude income from lump-sum additions to family assets, including lottery or other contest winnings as a type of nonrecurring income.</p> <p>In addition, lump sums from insurance payments, settlements for personal or property losses, and recoveries from civil actions or settlements based on claims of malpractice, negligence, or other breach of duty owed to a family member arising out of law that resulted in a member of the family becoming a family member with a disability are excluded from income.</p> <p>Further, deferred periodic amounts from Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts are also excluded from income.</p> <p>However, these amounts may count toward net family assets. The PHA must consider any actual or imputed returns from assets as income at the next applicable income examination. In the case where the lump sum addition to assets would lead to imputed income, which is unearned income, that increases the family’s annual adjusted income by 10 percent or more, then the addition of the lump sum to the family’s assets will trigger an immediate interim reexamination of income in accordance with Chapter 11. This reexamination of income must take place as soon as the lump sum is added to the family’s net family assets unless the addition takes place in the last three months of family’s income certification period and the PHA chooses not to conduct the examination.</p> <p>For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.</p> <p><u>MHA Policy</u></p> <p>Any lump-sum receipts are only counted as assets if they are retained by a family in a form recognizable as an asset. [RHIIP FAQs]. For example, if the family receives a \$1,000 lump sum for lottery winnings, and the family immediately spends the entire amount, the lump sum will not be counted toward net family assets.</p> <p>Jointly Owned Assets [Notice PIH 2023-27]</p> <p>For assets owned jointly by the family and one or more individuals outside of the assisted family, the PHA must include the total value of the asset in the calculation of net family assets, unless:</p> <ul style="list-style-type: none"> • The asset is otherwise excluded; • The family can demonstrate that the asset is inaccessible to them; or
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		<ul style="list-style-type: none"> • The family cannot dispose of any portion of the asset without the consent of another owner who refuses to comply. <p>If the family demonstrates that they can only access a portion of an asset, then only that portion's value is included in the calculation of net family assets for the family.</p> <p>Any income from a jointly owned asset must be included in annual income, unless:</p> <ul style="list-style-type: none"> • The income is specifically excluded; • The family demonstrates that they do not have access to the income from that asset; or • The family only has access to a portion of the income from that asset. <p>If the family demonstrates that they can only access a portion of the income from an asset, then only that portion's value is included in the calculation of income from assets.</p> <p>If an individual is a beneficiary who is entitled to access the account's funds only upon the death of the account's owner, and may not otherwise withdraw funds from an account, then the account is not an asset to the assisted family, and the family should provide proper documentation demonstrating that they are only a beneficiary on the account.</p> <p>Trusts [24 CFR 5.609(b)(2) and 5.603(b)(4)]</p> <p>A trust is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).</p> <p>The following types of trust distributions are excluded from annual income:</p> <ul style="list-style-type: none"> • Distributions of the principal or corpus of the trust; and • Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor. <p>The basis for determining how to treat trusts relies on information about who has access to either the principal in the account or the income from the account. There are two types of trusts, <i>revocable and irrevocable</i>.</p> <p>When the creator sets up an <i>irrevocable</i> trust, the creator has no access to the funds in the account. Irrevocable trusts not under the control of any member of the family or household are not assets. Typically, special needs trusts are considered irrevocable. The value of the trust is not included in net family assets, so long as the fund continues to be held in a trust that is not revocable by, or under the control of, any member of the family or household [24 CFR 5.603(b)(4)].</p>
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	<p>Where an irrevocable trust is excluded from net family assets, the PHA must not consider actual income earned by the trust (e.g., interest earned, rental income if property is held in the trust) for so long as the income from the trust is not distributed. If the value of the trust is not considered part of the family’s net assets, then distributions from the trust are treated as follows:</p> <ul style="list-style-type: none"> • All distributions from the trust’s principal are excluded from income. • Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust’s principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor. <p><i>A revocable trust</i> is a trust that the creator of the trust may amend or end (revoke). When there is a revocable trust, the creator has access to the funds in the trust account.</p> <p>The value of revocable trusts that are not under the control of the family are excluded from net family assets. This happens when a member of the assisted family is the beneficiary of a revocable trust, but the grantor is not a member of the assisted family. In this case the beneficiary does not “own” the revocable trust, and the value of the trust is excluded from net family assets. For the revocable trust to be considered excluded from net family assets, no family or household member may be the account’s trustee. If this is the case, then distributions from the trust are treated as follows:</p> <ul style="list-style-type: none"> • All distributions from the trust’s principal are excluded from income. • Distributions of income earned by the trust (i.e., interest, dividends, realized gains, or other earnings on the trust’s principal), are included as income unless the distribution is used to pay for the health and medical expenses for a minor. <p>Revocable trusts under the control of the family or household (e.g., the grantor is a member of the assisted family or household) are considered assets and must be included in net family assets.</p> <p>If the value of the trust is considered part of the family’s net assets, then distributions from the trust are not considered income to the family. The PHA must count all actual returns (e.g., interest earned) from the trust as income or, if the trust has no actual returns (e.g., if the trust is comprised of farmland that is not in use) and the total value of the combined net family assets exceeds \$50,000 (as that amount is updated for inflation), as imputed returns, as applicable.</p> <p>Life Insurance [FR Notice 2/14/23 and Notice PIH 2023-27]</p>
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		<p>Net family assets do not include the value of term life insurance, which has no cash value to the individual before death.</p> <p>The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family’s assets. The cash value is the surrender value. While the cash value of an insurance policy is considered an asset, the face value of any policy is not. If such a policy earns dividends or interest that the family could elect to receive, the amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.</p> <p>Tax Refunds [24 CFR 5.603(b)(3)(xi) and Notice PIH 2023-27]</p> <p>All amounts received by a family in the form of federal tax refunds or refundable tax credits are excluded from a family’s net family assets for a period of 12 months after receipt by the family.</p> <p>At the time of an annual or interim reexamination of income, if the federal tax refund was received during the 12 months preceding the effective date of the reexamination, then the amount of the refund that was received by the family is subtracted from the total value of the account in which the federal tax refund or refundable tax credits were deposited. When the subtraction results in a negative number, then the balance of the asset is considered \$0.</p> <p>If the tax refund or refundable tax credit is deposited into another excluded asset, such as a retirement account or a Coverdell Education Savings Account, then the deposit will have no effect on the balance of the asset (i.e., there is no need for the PHA to subtract the amount of the deposit from the value of the excluded asset).</p> <p>Asset Exclusions [24 CFR 5.603(b)]</p> <p>The following are excluded from the calculations of net family assets:</p> <ul style="list-style-type: none"> • The value of any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals [24 CFR 5.603(b)(3)(iii)]. • The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located [24 CFR 5.603(b)(3)(iv)]. <p>Real property as used in this part has the same meaning as that provided under the law of the state in which the property is located [24 CFR 5.100].</p>
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		<p>Examples of this include but are not limited to co-ownership situations (including situations where one owner is a victim of domestic violence), where one party cannot unilaterally sell the real property; property that is tied up in litigation; and inherited property in dispute [Notice PIH 2023-27].</p> <ul style="list-style-type: none"> • Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a family member being a person with a disability [24 CFR 5.603(b)(3)(v)]; • The value of any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 [24 CFR 5.603(b)(3)(vi)]; • The value of any qualified tuition program under Section 529 of such Code [24 CFR 5.603(b)(3)(vi)]; • The value of any “baby bond” account created, authorized, or funded by federal, state, or local government [24 CFR 5.603(b)(3)(vi)]; • Interests in Indian trust land [24 CFR 5.603(b)(3)(vii)]; • Equity in a manufactured home where the family receives assistance under 24 CFR part 982 [24 CFR 5.603(b)(3)(viii)]; • Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR part 982 [24 CFR 5.603(b)(3)(ix)]; • Family Self-Sufficiency accounts [24 CFR 5.603(b)(3)(x)]; • Federal tax refunds or refundable tax credits for a period of 12 months after receipt by the family [24 CFR 5.603(b)(3)(xi)]. • The full amount of assets held in an irrevocable trust [Notice PIH 2023-27]; and • The full amount of assets held in a revocable trust where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household [Notice PIH 2023-27].
6-53-6-55	6-II.D. DEPENDENT DEDUCTION	<p>Section Changed to/ New Info Added:</p> <p>6-II.D. DETERMINING INCOME FROM ASSETS</p> <p>In some cases, amounts that are excluded from net family assets may be included as annual income when disbursements are made to a family from an asset. In other cases, amounts are excluded from annual income as a lump-</p>

	<p>sum addition to net family assets, but those funds are then considered a net family asset if held in an account or other investment that is considered part of net family assets [Notice PIH 2023-27].</p> <p>Net Family Assets</p> <p>Net family assets are defined as the net cash value of all assets owned by the family, after deducting reasonable costs that would be incurred in disposing real property, savings, stocks, bonds, and other forms of capital investment.</p> <p>MHA Policy</p> <p>Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions such as settlement costs and transfer taxes [New PH OCC GB, Income Determinations, p. 24].</p> <p>The calculation of asset income sometimes requires the PHA to make a distinction between an asset’s market value and its cash value.</p> <ul style="list-style-type: none"> • The market value of an asset is its worth in the market (e.g., the amount a buyer would pay for real estate or the total value of an investment account). • The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash. <p>The cash value of real property or other assets with negative equity would be considered \$0 for the purposes of calculating net family assets. Negative equity in real property or other investments does not prohibit the family from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets [Notice PIH 2023-27].</p> <p>Actual Income from Assets</p> <p>Income from assets must be included on the Form HUD-50058 regardless of the amount of income. Actual income from assets is always included in a family’s annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded by 24 CFR 5.609(b).</p> <p>Income or returns from assets are generally considered to be interest, dividend payments, and other actual income earned on the asset, and not the increase in market value of the asset. The increase in market value is relevant to the cash value of the asset for the purpose of determining total net family assets and imputing income.</p> <p>The PHA may determine the net assets of a family based on a self-certification by the family that the net family assets do not exceed \$50,000 (adjusted annually by HUD), without taking additional steps to verify the accuracy of the</p>
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		<p>declaration [24 CFR 5.618(b)]. Policies related to verification of assets are found in Chapter 7 of this policy.</p> <p>The PHA may not calculate or include any imputed income from assets when net family assets total \$50,000 or less [24 CFR 5.609(b)(1)]. The actual income from assets must be included on the Form HUD-50058.</p> <p>Imputed Income from Assets</p> <p>When net family assets exceed \$50,000 (adjusted annually by HUD), the PHA may not rely on self-certification. If actual returns can be calculated, the PHA must include actual income from the asset on Form HUD-50058 (for example, a savings account or CD where the rate of return is known). If actual returns cannot be calculated, the PHA must calculate imputed returns using the HUD-determined passbook rate (for example, real property or a non-necessary item of personal property such as a recreational boat). If the PHA can compute actual income from some but not all assets, the PHA must compute actual returns where possible and use the HUD determined passbook rate for assets where actual income cannot be calculated [24 CFR 5.609(a)(2)].</p> <p>An asset with an actual return of \$0 (such as a non-interest-bearing checking account), is not the same as an asset for which an actual return cannot be computed (such as non-necessary personal property). If the asset is a financial asset and there is no income generated (for example, a bank account with a zero percent interest rate or a stock that does not issue cash dividends), then the asset generates zero actual asset income, and imputed income is not calculated. When a stock issues dividends in some years but not others (e.g., due to market performance), the dividend is counted as the actual return when it is issued, and when no dividend is issued, the actual return is \$0. When the stock never issues dividends, the actual return is consistently \$0.</p>
6-58	6-III.C. ELDERLY OR DISABLED FAMILY DEDUCTION	<p>Section Changed to/ New Info Added: 6-III.C. ELDERLY OR DISABLED FAMILY DEDUCTION</p> <p>A single deduction of \$525 is taken for any elderly or disabled family (which amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, rounded to the next lowest multiple of \$25) [24 CFR 5.611(a)(2)].</p>
6-58-6-59	6-III.D. HEALTH AND MEDICAL CARE EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i) and 5.603(b)]	<p>Section Changed to/ New Info Added: 6-III.D. HEALTH AND MEDICAL CARE EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i) and 5.603(b)]</p> <p>Unreimbursed health and medical care expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed ten percent of annual income. This deduction is permitted only for families in which the head, spouse, or cohead is at least 62 or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted.</p>

6-59-6-60	<p>6-III.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]</p>	<p>Definition of Medical Expenses New Info Added: HUD regulations define <i>health and medical care expenses</i> at 24 CFR 5.603(b) to mean “any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.” Medical insurance premiums continue to be eligible for health and medical care expenses. Health and medical care expenses may be deducted from annual income only if they are eligible and not otherwise reimbursed and may only be deducted for elderly or disabled families.</p> <p>Although HUD revised the definition of health and medical care expenses to reflect the Internal Revenue Service (IRS) general definition of medical expenses, HUD is not permitting PHAs to specifically align their policies with IRS Publication 502 for determining which expenses are included in HUD’s mandatory deduction for health and medical care expenses. PHAs must review each expense to determine whether it is eligible in accordance with HUD’s definition of health and medical care expenses.</p> <p>New Info Added: 6-III.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)] Unreimbursed reasonable expenses for attendant care and auxiliary apparatus for each member of the family who is a person with disabilities may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.</p> <p>Eligible Auxiliary Apparatus [Notice PIH 2023-27] Auxiliary apparatus items may include expenses for wheelchairs, ramps, adaptations to vehicles, guide dogs, assistance animals, or special equipment to enable a person who is blind or has low vision to read or type or special equipment to assist a person who is deaf or hard of hearing.</p> <p>Eligible Attendant Care Examples of attendant care expenses can include teaching a person with disabilities how to perform day-to-day tasks independently like cleaning, bathing, doing</p>
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		<p>laundry, and cooking. Attendant care can be 24-hour care, or care during sporadic periods throughout the day. The family determines the type of attendant care that is appropriate for the person with disabilities.</p>
6-65-6-68	<p>PART III.G. HARDSHIP EXEMPTIONS [24 CFR 5.611(c), (d), and(e)</p> <p>Health and Medical Care and Disability Assistance Expenses [24 CFR 5.611(c); Notice PIH 2023-27]</p>	<p>New Info Added:</p> <p>Health and Medical Care and Disability Assistance Expenses [24 CFR 5.611(c); Notice PIH 2023-27]</p> <p>The regulations provide for two types of hardship exemption categories for families that qualify for unreimbursed health and medical care expenses and/or disability assistance expenses. A family will benefit from this hardship exemption only if the family has eligible expenses that can be deducted in excess of five percent of annual income. In order to claim unreimbursed health and medical care expenses, the family must have a head, cohead, or spouse that is elderly or a person with a disability. In order to claim unreimbursed reasonable attendant care and auxiliary apparatus expenses, the family must include a person with a disability, and the expenses must enable any member of the family (including the member who is a person with a disability) to be employed.</p> <p>Families may be eligible for relief under one of two categories; phased-in relief or general relief, as defined below.</p> <p>Phased-In Relief</p> <p>The first category is applicable to all families who received a deduction for unreimbursed health and medical care and/or reasonable attendant care or auxiliary apparatus expenses based on their most recent income review prior to January 1, 2024. The family must receive phased-in relief if they are determined to be eligible as of January 1, 2024. These families will begin receiving a 24-month phased-in relief at their next annual or interim reexamination, whichever occurs first.</p> <p>For these families, the threshold amount is phased-in as follows:</p> <ul style="list-style-type: none"> • The family is eligible for a deduction totaling the sum of expenses that exceeds 5 percent of annual income for the first 12 months. • At the conclusion of 12 months, the family is eligible for a deduction totaling the sum of their expenses that exceed 7.5 percent of annual income for another 12 months. • At the conclusion of 24 months, the standard threshold amount of 10 percent would be used, unless the family qualifies for relief under the general hardship relief category. <p>- When an eligible family’s phased-in relief begins at an</p>

		<p>interim reexamination, the PHA will need to process another transaction one year later to move the family along to the next phase. The transaction can be either an interim reexamination if triggered, or a non-interim reexamination transaction.</p> <p>Prior to the end of the 24-month period, the family may request a hardship exemption under the second category as described below. If the family is found eligible under the second category, the hardship exemption under the first category ends, and the family’s hardship is administered in accordance with the requirements listed below. Once a family requests general relief, the family may no longer receive phased-in relief.</p> <p>PHAs must track the 24-month phase-period for each eligible family, even if a family’s expenses go below the appropriate phase-in percentage, during the first or second 12-month phase-in period. The phase-in must continue for families who move to another public housing unit at the same PHA. When the family is treated as a new admission under a different property/program (e.g., the family moves from public housing to the HCV program), unless the PHA has a written policy to continue the phased-in relief upon admission, the family’s expense deduction will be calculated using the 10-percent threshold unless request for general relief is approved by the PHA. When a family moves with continued assistance or ports to a new PHA, the family must continue to receive the phased-in relief. The family must receive the remaining calendar months of the percentage phase-in. The PHA must use the existing phase-in documentation to determine the remaining calendar months and the percentage phase-in.</p> <p><u>MHA Policy</u></p> <p>The MHA will not continue the phased-in relief for families who move from public housing to HCV. These families will be treated as new admissions and the sum of expenses that exceeds 10 percent of annual income will be used to calculate their adjusted income.</p> <p>General Relief</p> <p>The second category is for families that can demonstrate:</p> <ul style="list-style-type: none"> • Their health and medical and/or disability assistance expenses increased (other than the transition to the higher threshold); or • The family’s financial hardship is a result of a change in circumstances (as defined in PHA policy) that would not otherwise trigger an interim reexamination. <p>The family may request a hardship exemption under the second category regardless of whether the family previously received the health and medical and/or disability assistance deductions or are currently or were previously receiving relief under the phased-in relief category above. HUD</p>
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	<p>requires that PHAs develop policies defining what constitutes a hardship for purposes of this exemption.</p> <p>The PHA must obtain third-party verification of the hardship or must document in the file the reason third-party verification was not available. PHAs must attempt to obtain third-party verification prior to the end of the 90-day hardship exemption period.</p> <p><u>MHA Policy</u></p> <p>To qualify for a hardship exemption, a family must submit a request in writing. The request must show that the family's health and medical and/or disability assistance expenses have increased (other than the transition to the higher threshold) and that the family's financial hardship is a result of a change in circumstances. The MHA defines a change in circumstances as a decrease in income or increase in other expenses that has resulted in the family's financial hardship but does not, on its own, trigger an interim reexam in accordance with PHA policies.</p> <p>Examples of circumstances constituting a financial hardship may include the following situations:</p> <p>The family is awaiting an eligibility determination for a federal, state, or local assistance program, such as a determination for unemployment compensation or disability benefits;</p> <p>The family's income decreased because of a loss of employment, death of a family member, or due to a natural or federal/state declared disaster; or</p> <p>Other circumstances as determined by the PHA.</p> <p>The family must provide third-party verification of the hardship with the request. If third-party verification is not available, the PHA will document the file with the reason and will attempt to obtain third-party verification prior to the end of the 90-day hardship exemption period.</p> <p>The PHA must promptly notify the family in writing of the change in the determination of adjusted income and the family's rent resulting from hardship exemptions. The notice must inform the family of when the hardship exemption will begin and expire [24 CFR 5.611(e)(2)].</p> <p><u>MHA Policy</u></p> <p>The MHA will make a determination of whether the family qualifies within 30 calendar days and will notify the family in writing of the result within 10 business days of the determination.</p> <p>If the MHA denies the hardship exemption request, the MHA notice will also state that if the family does not agree with the MHA determination, the family may request a hearing.</p> <p>If the family qualifies for an exemption, the MHA will include the date the hardship exemption will begin and the</p>
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	<p>date it will expire as well as information on how to request a 90-day extension based on family circumstances.</p> <p>If the family qualifies, the family will receive a deduction for the sum of eligible expenses that exceed five percent of annual income.</p> <p>The family’s hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever is earlier. However, the PHA may, at its discretion, extend the relief for one or more additional 90-day periods while the family’s hardship condition continues. PHAs are not limited to a maximum number of 90-day extensions.</p> <p>PHAs must establish written policies regarding the types of circumstances that will allow a family to qualify for a financial hardship and when such deductions may be eligible for additional 90-day extensions. PHAs must develop policies requiring families to report if the circumstances that made the family eligible for the hardship exemption are no longer applicable.</p> <p><u>MHA Policy</u></p> <p>The family may request an extension either orally or in writing prior to the end of the hardship exemption period. The MHA will extend relief for an additional 90-days if the family demonstrates to the MHA’s satisfaction that the family continues to qualify for the hardship exemption based on circumstances described above. The MHA will require updated verification based on the family’s current circumstances. Additional extension may be granted on a case-by-case basis provided the family continues to request extensions prior to the end of each hardship exemption period. Families must report if the circumstances that made the family eligible for the hardship exemption are no longer applicable. At any time, the MHA may terminate the hardship exemption if the MHA determines that the family no longer qualifies for the exemption.</p> <p>Childcare Expense Hardship Exemption [24 CFR 5.611(d) and Notice PIH 2023-27]</p> <p>A family whose eligibility for the childcare expense deduction is ending may request a financial hardship exemption to continue receiving the deduction. If the family demonstrates to the PHA’s satisfaction that the family is unable to pay their rent because of the loss of the childcare expense deduction, and that the childcare expense is still necessary even though the family member is not working, looking for work, or seeking to further their education, the PHA must recalculate the family’s adjusted income and continue the childcare deduction.</p> <p>The PHA must develop a policy to define what constitutes a hardship, which includes the family’s inability to pay rent. The PHA must obtain third-party verification of the hardship or must document in the file the reason third-party</p>
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	<p>verification was not available. PHAs must attempt to obtain third-party verification prior to the end of the 90-day hardship exemption period.</p> <p><u>MHA Policy</u></p> <p>For a family to qualify, they must demonstrate that their inability to pay rent would be as a result of the loss of this deduction. The MHA defines this hardship as a potential decrease in income or increase in other expenses that would result from the loss of the childcare expense and such loss would impact the family’s ability to pay their rent.</p> <p>Some factors to consider when determining if the family is unable to pay rent may include determining that the rent, utility payment, and applicable expenses (childcare expenses or health and medical expenses) are more than 40 percent of the family’s adjusted income, or verifying whether the family has experienced unanticipated expenses, such as large medical bills, that have affected their ability to pay their rent.</p> <p>The family must also demonstrate that the childcare expense is still necessary even though the family member is no longer employed or furthering their education. The MHA will consider qualification under this criterion on a case-by-case basis (for example, if the family member who was employed has left their job in order to provide uncompensated care to an elderly friend or family member who is severely ill and lives across town).</p> <p>The family must provide third-party verification of the hardship with the request. If third-party verification is not available, the MHA will document the file with the reason and will attempt to obtain third-party verification prior to the end of the 90-day hardship exemption period.</p> <p>The PHA must promptly notify the family in writing of the change in the determination of adjusted income and the family’s rent resulting from hardship exemptions.</p> <p>If the PHA denies the request, the notice must specifically state the reason for the denial. PHAs must provide families 30 days’ notice of any increase in rent.</p> <p>If the PHA approves the request, the notice must inform the family of when the hardship exemption will begin and expire [24 CFR 5.611(e)(2)]. The notice must also state the requirement for the family to report to the PHA if the circumstances that made the family eligible for relief are no longer applicable and that the family’s adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption [Notice PIH 2023-27].</p> <p><u>MHA Policy</u></p> <p>The MHA will make a determination of whether the family qualifies within 30 calendar days and will notify the family in writing of the result within 10 business days of the determination.</p>
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		<p>If the MHA denies the hardship exemption request, the MHA notice will also state that if the family does not agree with the MHA determination, the family may request an informal hearing.</p> <p>If the family qualifies for an exemption, the MHA will include all required information listed above as well as information on how to request a 90-day extension based on family circumstances.</p> <p>If the family qualifies, the hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days.</p> <p>The PHA may, at its discretion, extend the hardship exemptions for additional 90-day periods based on family circumstances and as stated in PHA policies. PHAs are not limited to a maximum number of 90-day extensions. PHAs must develop policies requiring families to report if the circumstances that made the family eligible for the hardship exemption are no longer applicable.</p> <p>PHAs must promptly notify families in writing if they are denied either an initial hardship exemption or an additional 90-day extension of the exemption. If the PHA denies the request, the notice must specifically state the reason for the denial.</p> <p>PHAs must notify the family if the hardship exemption is no longer necessary and the hardship exemption will be terminated because the circumstances that made the family eligible for the exemption are no longer applicable. The notice must state the termination date and provide 30 days' notice of the rent increase, if applicable.</p> <p><u>MHA Policy</u></p> <p>The family may request an extension either orally or in writing prior to the end of the hardship exemption period. The MHA will extend relief for an additional 90-days if the family demonstrates to the MHA's satisfaction that the family continues to qualify for the hardship exemption. The MHA will require updated verification based on the family's current circumstances. Additional extension may be granted on a case-by-case basis provided the family continues to request extensions prior to the end of each hardship exemption period. Families must report if the circumstances that made the family eligible for the hardship exemption are no longer applicable. At any time, the MHA may terminate the hardship exemption if the PHA determines that the family no longer qualifies for the exemption.</p>
6-77-6-78	<p>6-IV.D. APPLYING UTILITY ALLOWANCES [24 CFR 982.517] Reasonable Accommodation HCV program regulations require a PHA to approve a utility allowance amount higher than</p>	<p>New Info Added: 6-IV.D. APPLYING UTILITY ALLOWANCES [24 CFR 982.517]</p>

<p>shown on the PHA’s schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, the PHA will approve an allowance for air-conditioning, even if the PHA has determined that an allowance for air-conditioning generally is not needed.</p> <p>The family must request the higher allowance and provide the PHA with an explanation of the need for the reasonable accommodation and information about the amount of additional allowance required [HCV GB, p. 18-8].</p>	<p>Reasonable Accommodation and Individual Relief</p> <p>On request from a family that includes a person with disabilities, the PHA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible and usable by the family member with a disability [24 CFR 982.517(e)]. (See Chapter 2 for policies regarding the request and approval of reasonable accommodations.)</p> <p>PHA may grant requests for individual relief from charges in excess of the utility allowance on reasonable grounds, such as special factors not within control of the resident, as the PHA deems appropriate. The family must request the higher allowance and provide the PHA an explanation of the need for individual relief and an explanation about the amount of additional allowance required [see HCV GB, p. 18-8].</p> <p>PHAs should develop criteria for granting individual relief, notify residents about the availability of individual relief, and notify participants about the availability of individual relief programs (sometimes referred to as “Medical Baseline discounts”) offered by the local utility company.</p> <p><u>MHA Policy</u></p> <p>The family must request the higher allowance and provide the MHA with information about the amount of additional allowance required.</p> <p>The MHA will consider the following criteria as valid reasons for granting individual relief:</p> <p>The family’s consumption was mistakenly portrayed as excessive due to defects in the meter or errors in the meter reading.</p> <p>The excessive consumption is caused by a characteristic of the unit or owner-supplied equipment that is beyond the family’s control, such as a particularly inefficient refrigerator or inadequate insulation. The allowance should be adjusted to reflect the higher consumption needs associated with the unit until the situation is remedied. The resident should be granted individual relief until the allowance is adjusted.</p> <p>Excessive consumption is due to special needs of the family that are beyond their control, such as the need for specialized equipment in the case of a family member who is ill, elderly, or who has a disability.</p> <p>In determining the amount of the reasonable accommodation or individual relief, the MHA will allow a reasonable measure of additional usage as necessary. To arrive at the amount of additional utility cost of specific equipment, the family may provide information from the manufacturer of the equipment, or the family or MHA may conduct an internet search for an estimate of usage or additional</p>
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		<p>monthly cost.</p> <p>Information on reasonable accommodation and individual relief for charges in excess of the utility allowance will be provided to all families at admission as part of the information on payment standards and utility allowances in the briefing packet. The PHA will also provide information on utility relief programs or medical discounts (sometimes referred to as “Medical Baseline discounts”) that may be available through local utility providers.</p> <p>At its discretion, the MHA may reevaluate the need for the increased utility allowance at any regular reexamination.</p> <p>If the excessive consumption is caused by a characteristic of the unit or MHA-supplied equipment that is beyond the family’s control, such as a particularly inefficient refrigerator or inadequate insulation, the individual relief to the resident will cease when the situation is remedied.</p>
7-1-7-2	<p>7-1.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230; and Notice PIH 2023-27]</p> <p>Consent Forms</p> <p>It is required that all adult applicants and participants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the PHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family’s eligibility and level of assistance.</p>	<p>New Info Added:</p> <p>7-1.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230; and Notice PIH 2023-27]</p> <p>Consent Forms</p> <p>The family must supply any information that the PHA or HUD determines is necessary to the administration of the program and must consent to PHA verification of that information [24 CFR 982.551]. All adult family members must sign consent forms as needed to collect information relevant to the family’s eligibility and level of assistance. While PHAs must use form HUD-9886, this form does not release all the information necessary to the administration of the program. The PHA must also develop its own release forms to cover all other necessary information.</p> <p>HUD-9886 [24 CFR 5.230(b)(1), b(2), (c)(4), and (c)(5)]; Notice PIH 2023-27</p> <p>It is required that all adult applicants and participants sign form HUD-9886, Authorization for Release of Information. All adult family members (and the head and spouse/cohead, regardless of age) are required to sign the Form HUD-9886 at admission. Participants, prior to January 1, 2024, signed and submitted Form HUD-9886 at each annual reexamination. HOTMA eliminated this requirement and instead required that the Form HUD-9886 be signed only once. On or after January 1, 2024 (regardless of the PHA’s HOTMA compliance date), current program participants must sign and submit a new Form HUD-9886 at their next interim or annual reexamination. This form will only be signed once. Another Form HUD-9886 will not be submitted to the PHA except under the following circumstances:</p> <ul style="list-style-type: none"> • When a current member of the family turns

		<p>18; or</p> <ul style="list-style-type: none"> As required by HUD or the PHA in administrative instructions. The PHA has the discretion to establish policies around when family members must sign consent forms when they turn 18. PHAs must establish these policies stating when family members will be required to sign consent forms at intervals other than at reexamination. <p><u>MHA Policy</u> Family members turning 18 years of age between annual recertifications will be notified in writing that they are required to sign the required Consent to the Release of Information Form HUD-9886 at the family's next annual or interim reexamination, whichever is earlier. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the PHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). The PHA may obtain any financial record from any financial institution, as the terms financial record and financial institution are defined in the Right to Financial Privacy Act (12 U.S.C. 3401), whenever the PHA determines the record is needed to determine an applicant's or participant's eligibility for assistance or level of benefits [24 CFR 5.230(c)(4)]. The executed form will remain effective until the family is denied assistance, assistance is terminated, or the family provides written notification to the PHA to revoke consent.</p> <p>New Info Added:</p> <p>Penalties for Failing to Consent [24 CFR 5.232] However, this does not apply if the applicant, participant, or any member of their family, revokes their consent with respect to the ability of the PHA to access financial records from financial institutions, unless the PHA establishes a policy that revocation of consent to access financial records will result in denial or termination of assistance or admission [24 CFR 5.232(c)]. PHAs may not process interim or annual reexaminations of income without the family's executed consent forms.</p>
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	<p>Penalties for Failing to Consent [24 CFR 5.232] If any family member who is required to sign a consent form fails to do so, the PHA will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with PHA procedures.</p>	<p><u>MHA Policy</u> The MHA has established a policy that revocation of consent to access financial records will result in denial of admission or termination of assistance in accordance with MHA policy. In order for a family to revoke their consent, the family must provide written notice to the MHA. Within 10 business days of the date the family provides written notice, the MHA will send the family a notice acknowledging receipt of the request and explaining that revocation of consent will result in denial or termination of assistance, as applicable. At the same time, the MHA will notify their local HUD office.</p>
7-3-7-5	<p>7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS</p>	<p>Section Changed to/ New Info Added:</p> <p>7-I.B. USE OF OTHER PROGRAMS' INCOME DETERMINATIONS [24 CFR 5.609(c)(3) and Notice PIH 2023-27]</p> <p>PHAs may, but are not required to, determine a family's annual income, including income from assets, prior to the application of any deductions, based on income determinations made within the previous 12-month period, using income determinations from means-tested federal public assistance programs. PHAs are not required to accept or use determinations of income from other federal means-tested forms of assistance. If the PHA adopts a policy to accept this type of verification, the PHA must establish in policy when they will accept Safe Harbor income determinations and from which programs. PHAs must also create policies that outline the course of action when families present multiple verifications from the same or different acceptable Safe Harbor programs.</p> <p>Means-tested federal public assistance programs include:</p> <ul style="list-style-type: none"> • Temporary Assistance for Needy Families (TANF) (42 U.S.C. 601, et seq.); • Medicaid (42 U.S.C. 1396 et seq.); • Supplemental Nutrition Assistance Program (SNAP) (42 U.S.C. 2011 et seq.); • Earned Income Tax Credit (EITC) (26 U.S.C. 32); • Low-Income Housing Credit (LIHTC) program (26 U.S.C. 42); • Special Supplemental Nutrition Program for Woman, Infants, and Children (WIC) (42 U.S.C. 1786); • Supplemental Security Income (SSI) (42 U.S.C. 1381 et seq.); • Other programs administered by the HUD Secretary;

		<ul style="list-style-type: none"> • Other means-tested forms of federal public assistance for which HUD has established a memorandum of understanding; and • Other federal benefit determinations made in other forms of means-tested federal public assistance that the Secretary determines to have comparable reliability and announces through the Federal Register. <p>If the PHA elects to use the annual income determination from one of the above-listed forms of means-tested federal public assistance, then they must obtain the income information by means of a third-party verification. The third-party verification must state the family size, must be for the entire family, and must state the amount of the family’s annual income. The annual income need not be broken down by family member or income type. Annual income includes income earned from assets, therefore when using Safe Harbor to verify a family’s income, PHAs will neither further inquire about a family’s net family assets, nor about the income earned from those assets, except with respect to whether or not the family owns assets that exceed the asset limitation in 24 CFR 5.618. The Safe Harbor documentation will be considered acceptable if any of the following dates fall into the 12-month period prior to the receipt of the documentation by the PHA:</p> <ul style="list-style-type: none"> • Income determination effective date; • Program administrator’s signature date; • Family’s signature date; • Report effective date; or • Other report-specific dates that verify the income determination date. <p>The only information that PHAs are permitted to use to determine income under this method is the total income determination made by the federal means-tested program administrator. Other federal programs may provide additional information about income inclusions and exclusions in their award letters; however, these determinations and any other information must not be considered by the PHA. PHAs are not permitted to mix and match Safe Harbor income determinations and other income verifications.</p> <p>If the PHA is unable to obtain Safe Harbor documentation or if the family disputes the other program’s income determination, the PHA must calculate the family’s annual income using traditional methods as outlined in Notice PIH 2023-27 and this chapter.</p> <p>If the PHA uses a Safe Harbor determination to determine the family’s income, the family is obligated to report</p>
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		<p>changes in income that meet the PHA’s reporting requirement and occur after the effective date of the transaction.</p> <p>The amounts of unreimbursed reasonable attendant care expenses and child-care expenses deducted from a family’s annual income, except for when a family is approved for a child-care expense hardship exemption, must still be capped by the amount earned by any family member who is enabled to work as a result of the expense. PHAs are therefore required to obtain third-party verification of the applicable employment income and cap the respective expense deductions accordingly.</p> <p><u>MHA Policy</u></p> <p>When available and applicable, the MHA will accept other programs’ Safe Harbor determinations of income at annual reexamination to determine the family’s total annual income. The MHA will still require third-party verification of all deductions such as the health and medical care expense or childcare expense deductions. Further, if the family is eligible for and claims the disability assistance expense or childcare expense deductions, where applicable, the MHA will obtain third-party verification of the amount of employment income of the individual(s) enabled to work in order to cap the respective expenses as required.</p> <p>Prior to using any Safe Harbor determination from another program, the MHA will ask the family if they agree with the income amounts listed. If the family disputes the income amounts on the Safe Harbor determination, the MHA will obtain third-party verification of all sources of income and assets (as applicable).</p> <p>The MHA will not accept other programs’ determinations of income for any new admission or interim reexamination.</p> <p>With the exception of income determinations made under the Low-Income Housing Tax Credit (LIHTC) program, the MHA will accept Safe Harbor determinations from any of the programs listed above.</p> <p>In order to be acceptable, the income determination must:</p> <ul style="list-style-type: none"> • Be dated within 12 months of the dates listed above; • State the family size • Be for the entire family (i.e., the family members listed in the documentation must match the family’s composition in the assisted unit, except for household members); and • Must state the amount of the family’s annual income. <p>The determination need not list each source of income individually. If the PHA does not receive any acceptable</p>
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		<p>income determination documentation or is unable to obtain documentation, then the PHA will revert to third-party verification of income for the family.</p> <p>When families present multiple verifications from the same or different acceptable Safe Harbor programs, the PHA will use the most recent income determination, unless the family presents acceptable evidence that the PHA should consider an alternative verification from a different Safe Harbor source.</p> <p>When the PHA uses a Safe Harbor income determination from another program, and the family's income subsequently changes, the family is required to report the change to the PHA. Depending on when the change occurred, the change may or may not impact the PHA's calculation of the family's total annual income. Changes that occur between the time the PHA receives the Safe Harbor documentation and the effective date of the family's annual reexam will not be considered. If the family has a change in income that occurs after the annual reexam effective date, the PHA will conduct an interim reexam if the change meets the requirements for performing an interim reexamination as outlined in Chapter 11. In this case, the PHA will use third-party verification to verify the change.</p>
7-5-7-6	<p>7-I.C. UP-FRONT INCOME VERIFICATION (UIV)</p>	<p>Section Changed to/ New Info Added: 7-I.C. STREAMLINED INCOME DETERMINATIONS [24 CFR 960.257(c); Notice PIH 2023-27] HUD permits PHAs to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years, the PHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or other inflationary adjustment factor. Streamlining policies are optional. The PHA may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, the PHA must perform third-party verification of all income sources. Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources. Two streamlining options are available, depending upon the percentage of the family's income that is received from fixed sources. When 90 percent or more of a family's unadjusted income is from fixed sources, the PHA may apply the inflationary adjustment factor to the family's fixed-income sources, provided that the family certifies both that 90 percent or more of their unadjusted income is fixed and that their sources of fixed income have not changed from the previous year. Sources of non-fixed income are not required to be adjusted and must</p>

		<p>not be adjusted by a COLA, but PHAs may choose to adjust sources of non-fixed income based on third-party verification. PHAs have the discretion to either adjust the non-fixed income or carry over the calculation of non-fixed income from the first year to years two and three.</p>
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	<p>When less than 90 percent of a family’s unadjusted income consists of fixed income, PHAs may apply a COLA to each of the family’s sources of fixed income. PHAs must determine all other income using standard verification requirements as outlined in Notice PIH 2023-27.</p> <p><u>MHA Policy</u></p> <p>When the MHA does not use a Safe Harbor income determination from a federal assistance program to determine the family’s annual income as outlined above, then MHA will use a streamlined income determinations where applicable.</p> <p>If 90 percent or more of a family’s unadjusted income is from fixed income sources:</p> <ul style="list-style-type: none"> • The MHA will streamline the annual reexamination process by applying the verified inflationary adjustment factor to fixed-income sources. • The family will be required to sign a self-certification stating that 90 percent or more of their unadjusted income is fixed income and that their sources of fixed income have not changed from the previous year. • The MHA will document in the file how the determination that a source of income was fixed was made. • Third-party verification of non-fixed income will be obtained annually regardless of the percentage of family income received from fixed sources. • If the family’s sources of fixed income have changed from the previous year, the MHA will obtain third-party verification of any new sources of fixed income. <p>When less than 90 percent of a family’s unadjusted income consists of fixed income:</p> <ul style="list-style-type: none"> • The MHA will apply a COLA to each of the family’s sources of fixed income. • All other income will be verified using third-party verification as outlined in Notice PIH 2023-27 and Chapter 7 of this policy. <p>In the following circumstances, regardless of the percentage of income received from fixed sources, the PHA will obtain third-party verification as outlined in Notice PIH 2023-27 and Chapter 7 of this policy:</p> <p>Of all assets when net family assets exceed \$50,000; Of all deductions and allowances from annual income; If a family member with a fixed source of income is added; If verification of the COLA or rate of interest is not available; During the intake process and at least once every three years thereafter.</p>
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7-6	<p>7-I.D. VERIFICATION HIERARCHY [Notice PIH 2023-27]</p>	<p>Section changed to/ New Info Added:</p> <p>7-I.D. VERIFICATION HIERARCHY [Notice PIH 2023-27]</p> <p>When the PHA does not use a streamlined determination of income or an income determination from a means-tested federal assistance program, HUD requires the PHA to obtain third-party verification of:</p> <ul style="list-style-type: none"> • Reported family annual income; • The value of net family assets when the net value exceeds \$50,000 (as adjusted annually); • Expenses related to deductions from annual income; and • Other factors that affect the determination of adjusted income. <p>HUD mandates the use of the EIV system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the PHA to use the most reliable form of verification that is available and to document the reasons when the PHA uses a lesser form of verification. HUD developed a hierarchy that described verification documentation from most acceptable to least acceptable. The PHA must demonstrate efforts to obtain third party verification prior to accepting self-certification except instances when self-certification is explicitly allowed.</p> <p>In order of priority, the hierarchy is:</p> <ul style="list-style-type: none"> • Highest: Level 6: Up-front Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system • Highest: Level 5: Up-front Income Verification (UIV) using a non-EIV system • High: Level 4: <ul style="list-style-type: none"> - Written third-party verification from the source, also known as “family-provided verification” - Or EIV plus self-certification • Medium: Level 3: Written third-party verification form • Medium: Level 2: Oral third-party verification • Low: Level 1: Self-certification (not third-party verification)
7-7-7-10	<p>7-I.E. LEVEL 5 AND 6 VERIFICATIONS: UP-FRONT INCOME VERIFICATION (UIV) (New Section)</p> <p>Upfront Income Verification Using HUD’s Enterprise Income Verification (EIV) System (Mandatory)</p>	<p>New Info Added:</p> <p>7-I.E. LEVEL 5 AND 6 VERIFICATIONS: UP-FRONT INCOME VERIFICATION (UIV)</p> <p>Upfront Income Verification Using HUD’s Enterprise Income Verification (EIV) System (Mandatory)</p> <p>PHAs must use HUD’s EIV system in its entirety as a third-party source to verify tenant employment and</p>

	<p>EIV Income Reports</p>	<p>income information during annual and streamlined reexaminations of family composition and income in accordance with 24 CFR 5.236 and Notice PIH 2023-27.</p> <p>HUD’s EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The income validation tool (IVT) in EIV provides projections of discrepant income for wages, unemployment compensation, and SSA benefits pursuant to HUD’s data sharing agreements with other departments. The following policies apply to the use of HUD’s EIV system.</p> <p>Section Changed to/ New Info Added:</p> <p>EIV Income and IVT Reports PHAs are required to obtain an EIV Income and IVT report for each family any time the PHA conducts an annual reexamination. However, PHAs are not required to use the EIV Income and IVT reports:</p> <ul style="list-style-type: none"> • At annual reexamination if the PHA used Safe Harbor verification from another means-test federal assistance program to determine the family’s income; or • During any interim reexaminations. <p>The EIV Income and IVT Reports are also not available for program applicants at admission. When required to use the EIV Income Report, in order for the report to be considered current, the PHA must pull the report within 120 days of the effective date of the annual reexamination. The EIV Income Report may be used to verify and calculate income at annual reexamination if the family self-certifies that the amount is accurate and representative of current income. The family must be provided with the information in EIV.</p> <p><u>MHA Policy</u> Except for when Safe Harbor verification from another means-tested federal assistance program is used to determine the family’s annual income, the MHA will obtain EIV income and IVT reports for all annual reexaminations for all families on a monthly basis. The MHA will ensure that all EIV Income Reports are pulled within 120 days of the effective date of the annual reexamination. Income and IVT reports will only be used for interim reexaminations as necessary. For example, EIV may be used to verify that families claiming zero income are not receiving income from any sources listed in EIV. Income and IVT reports will be retained in</p>
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	<p>participant files with the applicable annual documents or interim reexamination documents (if applicable) for the duration of the family’s participation.</p> <p>When the MHA determines through EIV reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity.</p> <p>New Hires Report [Notice PIH 2023-27] The New Hires Report identifies participant families who have new employment within the last six months. The report is updated monthly. PHAs must review this information at annual reexamination except when the PHA uses Safe Harbor verification from another means-tested federal assistance program to determine the family’s income.</p> <p>PHAs that do not require families to undergo interim reexaminations for earned income increases after an interim decrease are not required to review this report between a family’s annual reexamination. If the PHA requires an interim for increases in earned income after an interim decrease, then the PHA must review the report quarterly after the family’s interim decrease.</p> <p><u>MHA Policy</u> In accordance with PHA policies in Chapter 11, the MHA does not process interim reexaminations for families who have increases in earned income. Except for instances in which the MHA uses Safe Harbor income determinations to determine a family’s annual income, the MHA will only review the New Hires Report at annual reexamination.</p> <p>No Income Reported by HHS or SSA Report This report is a tool for PHAs to identify participants who passed the SSA identity test, but no income information was reported by either HHS or SSA records. This scenario does not mean that the participant does not have any income. PHAs obtain written, third-party verification of any income reported by the participant. The PHA must identify in its policies and procedures when this report will be pulled [Notice PIH 2023-27].</p> <p><u>MHA Policy</u> The MHA will generate the No Income Reported by HHS or SSA Report quarterly and will retain the report. The MHA will re-verify the status of participants identified on the report quarterly. Based on the information provided by the family and in EIV, the</p>
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		<p>MHA may require that family members provide verifications or sign release forms in order to obtain additional verification.</p> <p>When the MHA determines through this report and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity</p> <p>Deceased Tenants Reports [Notice PIH 2012-4 and Notice PIH 2023-27]</p> <p>The Deceased Tenant Report identifies residents that have been reported by the SSA as deceased. The PHA is required to review the report at least quarterly.</p> <p><u>MHA Policy</u></p> <p>The PHA will review the Deceased Tenants Report on a monthly basis.</p> <p>When the Deceased Tenants Report identifies an individual as being deceased, PHAs must immediately send a letter to the head of household or emergency contact person (if the head of household is deceased and there is no other adult household member) to confirm the death of the listed household member. The PHA must notify the owner in writing of the deceased head of household.</p> <p>PHAs may list the EOP as the last day of the month in which the death occurred. The landlord is entitled to receive the full HAP amount for the month in which the tenant death occurred.</p> <p><u>MHA Policy</u></p> <p>The MHA will list the EOP as the last day of the month in which the death occurred. The landlord is entitled to receive the full HAP amount for the month in which the tenant death occurred.</p> <p>When the only remaining household member is the live-in aide, the live-in aide is not entitled or eligible for any rental assistance or continued occupancy. The PHA may not designate the live-in aide as the new head of household or change the relation code on the Form HUD-50058.</p> <p>Other EIV Reports [Notice PIH 2023-27]</p> <p>The PHA is required to review the Multiple Subsidy Report at least quarterly and the Failed EIV Pre-Screening and Failed Verification (Failed SSA Identity Test) reports at least monthly.</p>
7-11-7-12	<p>7-I.F. LEVEL 4 VERIFICATION [Notice PIH 2023-27] (New Section)</p>	<p>Section Change to/New Info Added:</p> <p>7-I.F. LEVEL 4 VERIFICATION [Notice PIH 2023-27] (New Section)</p> <p>HUD identifies two types of Level 4 verification: written-third party verification from the source and EIV + self-</p>

	<p>certification.</p> <p>EIV + Self-Certification</p> <p>EIV may be used as written third-party verification and may be used to calculate income if the family agrees with the information in EIV and self-certifies that the amount is accurate and representative of current income. This practice is known as EIV + self-certification. When calculating income using this method, the PHA may use its discretion to determine which method of calculation is reasonable: the last four quarters combined or an average of any number of quarters. The family must be provided with the information from EIV.</p> <p><u>MHA Policy</u></p> <p>At annual reexamination, if the MHA is unable to use a determination of income from a means-tested federal assistance program and if there are no reported changes to an income source, the MHA will use EIV + self-certification as verification of employment income, provided the family agrees with the amounts listed in EIV.</p> <p>The MHA will use an average of the last two quarters of income listed in EIV to determine income from employment. The MHA will provide the family with the information in EIV. The family will be required to sign a self-certification stating that the amount listed in EIV is accurate and representative of current income. If the family disagrees with the amount in EIV, the amount is not reflective of current income, or if less than two quarters are available in EIV, the MHA will use written third-party verification from the source as outlined below.</p> <p>The MHA will not use this method of verification at new admission since EIV is not available for applicant families or at interim reexamination since the income information in EIV is not current.</p> <p>Changed to/ New Info Added: Written Third-Party Verification from the Source</p> <p>Written, third-party verification from the source is also known as “tenant-provided verification.” In order to qualify as written-third party verification from the source, the documents must be original or authentic and (generally) dated within 120 days of the date received by the PHA. For fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation. Documents may be supplied by the family or received from a third-party source.</p> <p>Examples of acceptable tenant-provided documents include, but are not limited to pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices. Income tax returns</p>
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	<p>with corresponding official tax forms and schedules attached and including third-party receipt of transmission for income tax return filed (i.e., tax preparer's transmittal receipt, summary of transmittal from online source, etc.) are an acceptable form of written, third-party verification.</p> <p>The PHA is required to obtain, at minimum, two current and consecutive pay stubs when calculating income using third-party verification from the source. For new income sources or when two pay stubs are not available, the PHA should determine income based on the information from a traditional written, third-party verification form or the best available information.</p> <p>When the family disputes EIV-reported employment income, the PHA uses written third-party verification.</p> <p>When verification of assets is required, PHAs are required to obtain a minimum of one statement that reflects the current balance of banking/financial accounts.</p> <p><u>MHA Policy</u></p> <p>In general, the MHA will use third-party verification from the source in the following circumstances:</p> <ul style="list-style-type: none"> • At annual reexamination when EIV + self-certification is not used; • For all new admissions; and • For all interim reexaminations. <p>The MHA will not use this method if the PHA is able to use an income determination from a means-tested federal assistance program or if the PHA uses EIV + self-certification as outlined above.</p> <p>In general, third-party documents provided by the family or the source must be dated within 120 days of the date received by the MHA. However, for fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation.</p> <p>The MHA may reject documentation provided by the family if the document is not original, if the document appears to be forged, or if the document is altered, mutilated, or illegible. If the MHA determines that third-party documents provided by the family are not acceptable, the MHA will explain the reason to the family and request additional documentation from the family or will use a lower form of verification such as a written third-party verification form.</p> <p>When verification of assets held by a banking or financial institution is required, the MHA will obtain one statement that reflects the current balance of the account.</p> <p>When pay stubs are used, the MHA will require the family to provide the two most current, consecutive pay stubs. At the MHA's discretion, if additional paystubs are needed due</p>
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		<p><u>MHA Policy</u></p> <p>In general, the MHA will attempt to obtain written third-party verification via a form from the verification source. If written third-party verification forms are not returned within 10 business days, the MHA will accept self-certification from the family without attempting to obtain oral third-party verification.</p> <p>However, if the MHA chooses to obtain oral third-party verification, the MHA will document in the file the date and time of the telephone call or visit, the name of the person contacted and the telephone number, as well as the information confirmed.</p>
7-15	<p>7-I.I. LEVEL 1: NON-THIRD-PARTY VERIFICATION TECHNIQUE: SELF-CERTIFICATION [Notice PIH 2023-27]</p>	<p>Section Changed to/ New Info Added:</p> <p>7-I.I. LEVEL 1: NON-THIRD-PARTY VERIFICATION TECHNIQUE: SELF-CERTIFICATION [Notice PIH 2023-27]</p> <p>Non-third-party verification consists of a signed statement of reported income and/or expenses. This verification method should be used as a last resort when the PHA has not been successful in obtaining information via all other required verification techniques.</p> <p>Self-certification, however, is an acceptable form of verification when:</p> <ul style="list-style-type: none"> • A source of income is fully excluded • Net family assets total \$50,000 or less and the PHA has adopted a policy to accept self-certification • The family declares that they do not have any present ownership in any real property • A family states that they have non-recurring income that will not be repeated in the coming year; and/or • The PHA has adopted a policy to implement streamlined annual recertifications for fixed sources of income (See Chapter 11) <p>When the PHA was required to obtain third-party verification but instead relies on a self-certification, the family's file must be documented to explain why third-party verification was not available.</p> <p>HUD does not require that a self-certification be notarized; however, HUD recommends including language on any self-certification to ensure the certifier understands the consequences of knowingly providing false information.</p>

		<p><u>MHA Policy</u></p> <p>When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to the MHA.</p> <p>The MHA may require a family to certify that a family member does <u>not</u> receive a particular type of income or benefit.</p> <p>The self-certification must be made in a format acceptable to the MHA and must be signed by the family member whose information or status is being verified. All self-certifications must be signed in the presence of a MHA representative or MHA notary public.</p> <p>All self-certifications will include the following language: “I/We, the undersigned, certify under penalty of perjury that the information provided here is true and correct, to the best of my knowledge and recollection. WARNING: Anyone who knowingly submits a false claim or knowingly makes a false statement is subject to criminal and/or civil penalties, including confinement for up to five years, fines, and civil and administrative penalties (18 U.S.C. 287, 1001, 1010, 1012; 31 U.S.C. 3279, 3802).”</p>
7-17	<p>7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216, Notice PIH 2023-27]</p>	<p>New Info Added:</p> <p>7-II.B. SOCIAL SECURITY NUMBERS [24 CFR 5.216, Notice PIH 2023-27]</p> <p>The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include, existing program participants who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.</p> <p>Note that an individual who previously declared to have eligible immigration status may not change his or her declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements. Nor may the head of household opt to remove a household member from the family composition for this purpose.</p> <p>The PHA must accept the following documentation as acceptable evidence of the social security number:</p> <ul style="list-style-type: none"> • An original SSN card issued by the Social Security Administration (SSA)

		<ul style="list-style-type: none"> • An original SSA-issued document, which contains the name and SSN of the individual • An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual <p>While PHAs must attempt to gather third-party verification of SSNs prior to admission as listed above, PHAs also have the option of accepting a self-certification and a third-party document (such as a bank statement, utility or cell phone bill, or benefit letter) with the applicant’s name printed on it to satisfy the SSN disclosure requirement if the PHA has exhausted all other attempts to obtain the required documentation. If verifying an individual’s SSN using this method, the PHA must document why the other SSN documentation was not available.</p> <p>If the tenant’s SSN becomes verified in EIV, then no further verification is required. If the tenant’s SSN fails the SSA identity match, then the PHA must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The tenant’s assistance must be terminated if they fail to provide the required documentation.</p> <p>The PHA may only reject documentation of an SSN provided by an applicant or participant if the document is not an original document or if the original document has been altered, mutilated, is illegible, or appears to be forged.</p> <p><u>MHA Policy</u></p> <p>The MHA will verify an individual’s SSN in the situations described above using the method described above as a last resort when no other forms of verification of the individual’s SSN are available.</p>
7-27-7-35	<p>PART III: VERIFYING INCOME AND ASSETS</p>	<p>New Info Added:</p> <p>PART III: VERIFYING INCOME AND ASSETS</p> <p>Chapter 6, Part I of this plan describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides PHA policies that supplement the general verification procedures specified in Part I of this chapter.</p> <p><u>MHA Policy</u></p> <p>The following policies do not apply when the MHA uses a safe harbor income determination from a means-tested</p>

<p>7-III.A. EARNED INCOME</p>	<p>federal assistance program.</p>
<p>7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME</p>	<p>7-III.A. EARNED INCOME</p> <p>Tips <u>MHA Policy</u> Unless tip income is included in a family member’s W-2 by the employer or in UIV verification sources persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the coming year.</p> <p>Wages <u>MHA Policy</u> When the MHA requires third-party certification of wages or wages other than tips, the family must provide originals of the two months most current, consecutive pay stubs.</p> <p>7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME <u>MHA Policy</u> Business owners and self-employed persons will be required to provide: Income tax returns with corresponding official tax forms and schedules attached and including third-party receipt of transmission for income tax return filed (i.e., tax preparer’s transmittal receipt, summary of transmittal from online source, etc.). If accelerated depreciation was used on the tax return or financial statement, an accountant’s calculation of depreciation expense, computed using straight-line depreciation rules. For self-employed individuals who claim they do not file tax returns, The PHA will obtain a completed copy of IRS Form 4506-T to verify that no return has been filed. For those employed in “gig employment” (i.e., those in formal agreements with on-demand companies such as Uber, Lyft, or DoorDash), the PHA will provide a format for the individual to declare their income and expenses. The PHA will also review the printed statement of monthly income from the applicable app for all hours worked and pay received as well as the Schedule C of the individual’s tax return and the corresponding IRS Form 1099 or 1099k.</p>
<p>7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS</p>	<p>7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS</p> <p>Social Security/SSI Benefits Verification requirements for Social Security (SS) and Supplemental Security Income (SSI) benefits differ for applicants and participants.</p>

	<p>7-III.D. ALIMONY OR CHILD SUPPORT</p>	<p>For applicants, since EIV does not contain SS or SSI benefit information, the PHA must ask applicants to provide a copy of their current SS and/or SSI benefit letter (dated within the last 120 calendar days) for each family member that receives SS and/or SSI benefits. If the family is unable to provide the document or documents, the PHA should help the applicant request a benefit verification letter from SSA’s website at www.ssa.gov or ask the family to request one by calling SSA at 1-800-772-1213. The PHA must obtain the original benefit letter from the applicant, make a photocopy of the document for the file, and return the original to the family.</p> <p>For participants, the PHA must obtain information through the HUD EIV system and confirm with the participants that the current listed benefit amount is correct.</p> <ul style="list-style-type: none"> • If the participant agrees with the amount reported in EIV, the PHA must use the EIV-reported gross benefit amount to calculate annual income from Social Security. PHAs are required to use the EIV-reported SS and SSI benefit amounts when calculating income unless the tenant disputes the EIV-reported amount. For example, an SSA benefit letter may list the monthly benefit amount as \$450.80 and EIV displays the amount as \$450.00. The PHA must use the EIV-reported amount unless the participant disputes the amount. • If the participant disputes the EIV-reported benefit amount, or if benefit information is not available in EIV, the PHA must request a current SSA benefit verification letter (dated within the last 120 calendar days) from each family member that receives SS and/or SSI benefits. If the family is unable to provide the document or documents, the PHA should help the participant request a benefit verification letter from SSA’s website at www.ssa.gov or ask the family to request one by calling SSA at 1-800-772-1213. The PHA must obtain the original benefit letter from the participant, make a photocopy of the document for the file, and return the original to the family. <p>Photocopies of social security checks or bank statements are not acceptable forms of verification for SS/SSI benefits.</p> <p>7-III.D. ALIMONY OR CHILD SUPPORT</p> <p>Annual income includes “all amounts received,” not the</p>
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<p>7-III.E. ASSETS AND INCOME FROM ASSETS</p>	<p>amount that a family may be legally entitled to receive but which they do not receive. For example, a family’s child support or alimony income must be based on payments received, not the amounts to which the family is entitled by court or agency orders. A copy of a court order or other written payment agreement alone may not be sufficient verification of amounts received by a family.</p> <p>Section Changed to/ New Info Added: 7-III.E. NONRECURRING INCOME [Notice PIH 2023-27]</p> <p>Income that will not be repeated beyond the coming year (i.e., the 12 months following the effective date of the certification), based on information provided by the family, is considered nonrecurring income and is excluded from annual income. PHAs may accept a self-certification from the family stating that the income will not be repeated in the coming year.</p> <p><u>MHA Policy</u></p> <p>The MHA will accept self-certification from the family stating that income will not be repeated in the coming year. However, the MHA may choose, on a case-by-case basis, to require third-party verification that income sources will not be repeated in the coming year.</p>
<p>7-III.F. NET INCOME FROM RENTAL PROPERTY</p>	<p>Section Changed to/ New Info Added: 7-III.F. ASSETS AND INCOME FROM ASSETS Net Family Assets [24 CFR 5.603]</p> <p>At admission and reexam, for families with net assets totaling \$50,000 or less (adjusted annually), the PHA may, but is not required to, accept the family’s self-certification that the family’s assets do not exceed \$50,000 without taking any additional steps to verify the accuracy of the declaration. The declaration must include the amount of income the family expects to receive from assets which must be included in the family’s income. This includes declaring income from checking and savings accounts which, although excluded from the calculation of net family assets (because the combined value of non-necessary personal property does not exceed \$50,000), may generate asset income. PHAs must clarify during the self-certification process which assets are included/excluded from net family assets.</p> <p>For PHAs that choose to accept self-certification, the PHA is required to obtain third-party verification of all assets, regardless of the amount, at least once every three years.</p> <p>PHAs who choose not to accept self-certifications of assets must verify all families’ assets on an annual basis.</p> <p>When net family assets have a total value over \$50,000, the PHA may not rely on the family’s self-certification. Third-</p>

	<p>party verification of assets is required when net family assets exceed \$50,000, adjusted annually by HUD.</p> <p>When verification of assets is required, PHAs are required to obtain a minimum of one statement that reflects the current balance of banking/financial accounts.</p> <p><u>MHA Policy</u></p> <p>For families with net assets totaling \$50,000 or less, the MHA will accept the family’s self-certification of the value of family assets and anticipated asset income. The family’s declaration must show each asset and the amount of income expected from that asset. All family members 18 years of age and older must sign the family’s declaration. The MHA reserves the right to require additional verification in situations where the accuracy of the declaration is in question. Any income the family expects to receive from assets will be included in the family’s annual income. The family will be required to provide third-party verification of net family assets every three years.</p> <p>When verification is required, in determining the value of checking or savings accounts, the MHA will use the current balance.</p> <p>In determining the anticipated income from an interest-bearing checking or savings account when verification is required and the rate of return is known, the MHA will multiply the current balance of the account by the current rate of interest paid on the account. If a checking account does not bear interest, the anticipated income from the account is zero.</p> <p>Self-Certification of Real Property Ownership [24 CFR 5.618(b)(2)]</p> <p>The PHA must determine whether a family has present ownership in real property that is suitable for occupancy for purposes of determining whether the family is compliant with the asset limitation described in Chapters 3 and 12. At admission and reexam, the PHA may accept a self-certification from the family that the family does not have any present ownership in any real property that is suitable for occupancy. If the family declares they have present ownership in real property, the PHA must obtain third-party verification.</p> <p><u>MHA Policy</u></p> <p>Both at admission and reexam, the MHA will accept self-certification from the family that the family does not have any present ownership in any real property. The certification will state that the family does not have any present ownership interest in any real property and must be signed by all family members 18 years of age and older. The MHA reserves the right to require additional verification in situations where the accuracy of the declaration is in question.</p>
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<p>7-III.G. RETIREMENT ACCOUNTS</p>	<p>If the family declares they have a present ownership in real property, the MHA will obtain third-party verification of the following factors: whether the family has the legal right to reside in the property; whether the family has effective legal authority to sell the property; and whether the property is suitable for occupancy by the family as a residence. However, in cases where a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the MHA will comply with confidentiality requirements under 24 CFR 5.2007 and will accept a self-certification.</p> <p>Section Changed to/ New Info Added: 7-III.G. ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. HUD permits PHAs to accept self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28]. The PHA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].</p> <p><u>MHA Policy</u></p> <p>The MHA will accept self-certification from a family as verification of assets disposed of for less than fair market value.</p> <p>The MHA will verify the value of assets disposed of only if:</p> <ul style="list-style-type: none"> - The MHA does not already have a reasonable estimation of its value from previously collected information, or - The amount reported by the family in the certification appears obviously in error.
<p>7-III.H. INCOME FROM EXCLUDED SOURCES</p>	<p>Section Changed to/ New Info Added: 7-III.H. NET INCOME FROM RENTAL PROPERTY <u>MHA Policy</u></p> <p>The family must provide:</p> <p>A current executed lease for the property that shows the rental amount or certification from the current tenant.</p> <p>A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income).</p> <p>If schedule E was not prepared, the MHA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills</p>

	<p>7-III.I. ZERO ANNUAL INCOME STATUS</p>	<p>for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.</p> <p>Section Changed to/ New Info Added: 7-III.I. FEDERAL TAX REFUNDS OR REFUNDABLE TAX CREDITS [Notice PIH 2023-27] PHAs are not required to verify the amount of the family’s federal tax refund or refundable tax credit(s) if the family’s net assets are equal to or below \$50,000 (adjusted annually for inflation), even in years when full verification of assets is required or if the PHA does not accept self-certification of assets. PHAs must verify the amount of the family’s federal tax refund or refundable tax credits if the family’s net assets are greater than \$50,000.</p>
	<p>7-III.J. STUDENT FINANCIAL ASSISTANCE</p>	<p>Section Changed to/ New Info Added: 7-III.J. RETIREMENT ACCOUNTS <u>MHA Policy</u> The MHA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken, and any regular payments.</p>
	<p>7-III.K. INCOME FROM EXCLUDED SOURCES</p>	<p>Section Changed to/ New Info Added: 7-III.K. INCOME FROM EXCLUDED SOURCES [Notice PIH 2023-27] A detailed discussion of excluded income is provided in Chapter 6, Part I. HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded. For fully excluded income, the PHA is not required to document why third-party verification is not available or report the income on the 50058. Fully excluded income is defined as income where the entire amount qualifies to be excluded from the annual income determination in accordance with 24 CFR 5.609(b) and any Federal Register notice on mandatory exclusions issued by HUD (for example, food stamps, earned income of a minor, or foster care funds). PHAs may accept a family’s signed application or reexamination form as self-certification of fully excluded income. They do not have to require additional documentation. However, if there is any doubt that a source of income qualifies for full exclusion, PHAs have the option of requiring additional verification. For partially excluded income, the PHA is required to follow the verification hierarchy and all</p>

	<p>7-III.I. ZERO ANNUAL INCOME STATUS</p>	<p>applicable regulations, and to report the income on the 50058. Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income (for example, the income of an adult full-time student).</p> <p>Section Changed to/ New Info Added:</p> <p>7-III.L. ZERO INCOME STATUS REVIEWS [Notice PIH 2023-27] A zero-income review is an assessment, sometimes periodic, performed by the PHA of the income of a family who claims that they do not receive income from any source, including from assets. During such reviews, it is common for PHAs to request that families complete and sign a worksheet explaining how they pay for the household’s expenses. HUD does not require PHAs to conduct periodic zero income reviews. In calculating annual income, PHAs must not assign monetary value to nonmonetary in-kind donations from a food bank or similar organization received by the family [24 CFR § 5.609(b)(24)(vi)]. PHAs that perform zero income reviews must update local discretionary policies, procedures, and forms. Families who begin receiving income which does not trigger an interim reexamination should no longer be considered zero income even though the family’s income is not reflected on the Form HUD-50058.</p> <p>MHA Policy The MHA will check UIV sources and/or may request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, and earned income, child support, etc. are not being received by families claiming to have zero annual income.</p> The MHA will also require that each family member who claims zero income status complete a zero-income form. If any sources of income are identified on the form, the MHA will verify the income in accordance with the policies in this chapter prior to including the income in the family’s annual income. The MHA will only conduct interims in accordance with MHA policy in Chapter 11. <p>New Info Added:</p> <p>7-III.M. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9)]</p> The regulations under HOTMA distinguish between two categories of student financial assistance paid to both full-time and part-time students. Any assistance to students under section 479B of the Higher Education Act of 1965
	<p>7-III.M. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9)]</p>	

		<p>(Title IV of the HEA) must be excluded from the family’s annual income [24 CFR 5.609(b)(9)(i)]. Any other grant-in-aid, scholarship, or other assistance amounts an individual receives for the actual covered costs charged by the institute of higher education not otherwise excluded by the federally mandated income exclusions are excluded [24 CFR 5.609(b)(9)(ii)].</p> <p>MHA Policy The MHA will request written third-party verification of both the source and the amount of student financial assistance. Family-provided documents from the educational institution attended by the student will be requested, as well as documents generated by any other person or entity providing such assistance, as reported by the student. In addition, unless the student’s only source of assistance under Title IV of the HEA, the MHA will request written verification of the cost of the student’s tuition, books, supplies, room and board, and other required fees and charges to the student from the educational institution. If the MHA is unable to obtain third-party written verification of the requested information, the MHA will pursue other forms of verification following the verification hierarchy in section 7-I.B.</p>
7-38-7-40	7-IV.B. MEDICAL EXPENSE DEDUCTION	<p>New Info Added:</p> <p>7-IV.B. HEALTH AND MEDICAL CARE EXPENSE DEDUCTION Policies related to medical expenses are found in Chapter 6. The amount of the deduction will be verified following the standard verification procedures described in Part I. The PHA must comply with the Health Insurance Portability and Accountability Act (HIPAA) (Pub. L. 104-191, 110 Stat. 1936) and the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896) when requesting documentation to determine unreimbursed health and medical care expenses. The PHA may not request documentation beyond what is sufficient to determine anticipated health and medical care costs. Before placing bills and documentation in the tenant file, the PHA must redact all personally identifiable information [FR Notice 2/14/23].</p> <p>Amount of Expense MHA Policy Medical expenses will be verified through: Written third-party documents provided by the family, such as pharmacy printouts or receipts. When income is projected at new admission or interim, the MHA will make a best effort to</p>

	<p>7-IV.C. DISABILITY ASSISTANCE EXPENSES</p>	<p>determine what expenses from the past are likely to continue to occur in the future. The MHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.</p> <p>Written third-party verification forms if the family is unable to provide acceptable documentation.</p> <p>When income is projected at new admission or interim, if third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming 12 months.</p> <p>Before placing bills and documentation in the tenant file, the PHA will redact all personally identifiable information.</p> <p>If the PHA receives documentation from a verification source that contains the individual’s specific diagnosis, information regarding the individual’s treatment, and/or information regarding the nature or severity of the person’s disability, the PHA will immediately dispose of this confidential information; this information will never be maintained in the individual’s file. If the information needs to be disposed of, the PHA will note in the individual’s file that verification was received, the date received, and the name and address of the person/organization that provided the verification. Under no circumstances will PHA include an applicant’s or resident’s medical records in the file [Notice PIH 2010-26].</p> <p>New Info Added:</p> <p>7-IV.C. DISABILITY ASSISTANCE EXPENSES Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.</p> <p>The PHA must comply with the Health Insurance Portability and Accountability Act (HIPAA) (Pub. L. 104-191, 110 Stat. 1936) and the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896) when requesting documentation to determine unreimbursed auxiliary apparatus or attendance care costs. The PHA may not request documentation beyond what is sufficient to determine anticipated reasonable attendant care and auxiliary apparatus costs. Before placing bills and documentation in the tenant file, the PHA must redact all personally identifiable information [FR Notice 2/14/23].</p> <p>Amount of Expense <i>Attendant Care</i></p>
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		<p><u>MHA Policy</u> The MHA will accept written third-party documents provided by the family. If family-provided documents are not available, the MHA will provide a third-party verification form directly to the care provider requesting the needed information. Expenses for attendant care will be verified through:</p> <ul style="list-style-type: none"> - Written third-party documents provided by the family, such as receipts or cancelled checks. - Third-party verification form signed by the provider, if family-provided documents are not available. - When income is projected at new admission or interim, if third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months. <p>Before placing bills and documentation in the tenant file, the MHA will redact all personally identifiable information.</p> <p>If the MHA receives documentation from a verification source that contains the individual’s specific diagnosis, information regarding the individual’s treatment, and/or information regarding the nature or severity of the person’s disability, the MHA will immediately dispose of this confidential information; this information will never be maintained in the individual’s file. If the information needs to be disposed of, the MHA will note in the individual’s file that verification was received, the date received, and the name and address of the person/organization that provided the verification. Under no circumstances will MHA include an applicant’s or resident’s medical records in the file [Notice PIH 2010-26].</p>
9-14	<p>9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308] <u>MHA Policy</u> When the owner is requesting a rent increase, the MHA will determine whether the requested increase is reasonable within 10 business days of receiving the request from the owner. The owner will be notified of the determination in writing.</p> <p>Rent increases will go into effect on the first of the month following the 60-day period after the owner notifies the MHA of the rent change or on the date specified by the owner, whichever is later.</p>	<p>9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308] <u>MHA Policy</u> Where the owner is requesting a rent increase, the MHA will determine whether the requested increase is reasonable or not with a written response to the owner 30 days prior to the renewal effective date. Rent increases will go into effect on the first of the month of the initial HAP Contract Anniversary.</p>
11-1	PART I: ANNUAL REEXAMINATIONS [24 CFR	New Info Added:

	<p>982.516] 11-I.A. OVERVIEW</p>	<p>PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516] 11-I.A. OVERVIEW</p> <p>The PHA must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family’s income and rent must be recalculated. This part discusses the schedule for annual reexaminations, the information to be collected and verified, and annual reexamination effective dates.</p> <p>Unlike when performing an interim reexamination or at intake, at annual reexamination, the PHA must determine the income of the family for the previous 12-month period, except where the PHA uses a streamlined income determination. Income from assets, however, is always anticipated, irrespective of the income examination type [Notice PIH 2023-27]. PHAs also have the option of using a “safe harbor” income verification from another federal means-tested program to verify gross annual income. Chapter 7 contains the PHA’s policies related to streamlined income determinations and the use of safe harbor income verifications.</p>
<p>11-5</p>	<p>11-I.E. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]</p>	<p>Section Changed to/ New Info Added:</p> <p>11-I.E. CALCULATING ANNUAL INCOME AT ANNUAL REEXAMINATION [24 CFR 5.609(c)(2) and Notice PIH 2023-27]</p> <p>The PHA must determine the income of the family for the previous 12-month period and use this amount as the family income for annual reexaminations, except where the PHA uses a streamlined income determination as indicated in Chapter 7 of this policy. The PHA may also use Safe harbor income determinations dated within the last 12 months from a means-tested federal public assistance program at annual reexamination as outlined in Chapter 7 of this policy.</p> <p>Except when using streamlined or Safe Harbor income determinations, in determining the income of the family for the previous 12-month period, any change of income since the family’s last annual reexamination, including those that did not meet the threshold to process an interim reexamination in accordance with PHA policies and 24 CFR 5.657(c) or 960.257(b) must be considered.</p> <p>Income from assets is always anticipated, irrespective of the income examination type.</p> <p>A change in income may be a loss of income or the addition of a new source of income. Changing to a different employer in the prior year does not necessarily constitute a change if the income earned from either employer is substantially the same. The PHA should look at the entirety of the family’s</p>

		<p>unearned income and earned income from the prior year in which earned income may have been one constant job or many different jobs that start and stop.</p> <p>Cost of Living Adjustments (COLA) to Social Security income and Social Security disability income are always considered changes to income because the COLA is an adjustment that automatically occurs annually by law. See Chapter 6 for PHA policies on when the COLA is applied and Chapter 7 on streamlined determination of income for inflationary adjustments.</p> <p>Notice PIH 2023-27 lists the following steps to calculate both earned and unearned income at annual reexamination.</p> <p>Step 1: The PHA determines annual income for the previous 12-month period by reviewing the following information:</p> <ul style="list-style-type: none"> • The EIV Income Report pulled within 120 days of the effective date of the annual reexamination; • The income reported on the most recent HUD-50058; and • The amount of prior-year income reported by the family on the PHA’s annual reexamination paperwork. <p>Step 2: The PHA takes into consideration any interim reexamination of family income completed since the last annual reexamination.</p> <ul style="list-style-type: none"> • If there was an interim reexamination performed, the PHA must use the annual income from the interim to determine the family’s total annual income, provided there are no additional changes. • If the PHA did not perform an interim or there have been changes since the last reexamination, the PHA moves to Step 3. <p>Step 3: If there were changes in annual income not processed by the PHA since the last reexamination, the PHA must use current income. The family will be required to report their income for the prior year and whether there have been permanent changes.</p> <p>If there are no reported changes to an income source, the PHA may use documentation of prior-year income to calculate the annual income. For example, the PHA may use the following documentation:</p> <ul style="list-style-type: none"> • EIV + self-certification (wages, Supplemental Security Income (SSI), Social Security, and unemployment) • Current written third-party verification from the source verifying prior-year income that is dated within 120 days of receipt by the PHA, for example: <ul style="list-style-type: none"> - Year-end statements
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		<ul style="list-style-type: none"> - Paycheck with year-to-date amounts - Tax forms (Form 1040, W2, 1099, etc.) <p>If there are reported changes by the family or the PHA notes discrepancies between EIV and what the family reports, the PHA must follow the verification hierarchy (described in Chapter 7) to document and verify income. Exhibit 11-1 provides detailed examples of how the PHA calculates income from different sources at annual reexamination using the above method.</p> <p><u>MHA Policy</u></p> <p>When income is calculated using a streamlined income determination or Safe Harbor determination from a means-tested federal public assistance program in accordance with MHA policies in Chapter 7, the above is not applicable. However, where the family disagrees with the MHA or other agency’s determination of income or the MHA has other reason to use third-party verification in these circumstances, then the above will apply.</p>
11-9	<p>PART II: INTERIM REEXAMINATIONS [24 CFR 982.516; Notice PIH 2023-27]</p> <p>11-II.A. OVERVIEW</p>	<p>New Info Added:</p> <p>PART II: INTERIM REEXAMINATIONS [24 CFR 982.516; Notice PIH 2023-27]</p> <p>11-II.A. OVERVIEW</p> <p>Family circumstances may change between annual reexaminations. HUD and PHA policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the PHA must process interim reexaminations to reflect those changes.</p> <p>In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family’s income or composition changes. The PHA must complete the interim reexamination within a reasonable time after the family’s request.</p> <p>A family may request an interim determination of family income or composition because of any changes since the last determination. The PHA must conduct any interim reexamination within a reasonable period of time after the family request or when the PHA becomes aware of a change in the family’s adjusted income that must be processed in accordance with HUD regulations. What qualifies as a “reasonable time” may vary based on the amount of time it takes to verify information, but the PHA generally should conduct the interim reexamination not longer than 30 days after the PHA becomes aware of changes in income.</p> <p>Notice PIH 2023-27 changes the conditions under which</p>

11-9-11-12	11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION	<p>interim reexaminations must be conducted, codifies when interim reexaminations should be processed and made effective, and requires related changes for annual reexaminations and streamlined income determinations. When the PHA determines that an interim reexamination of income is necessary, they must ask the family to report changes in all aspects of adjusted income.</p> <p>11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION</p> <p><u>MHA Policy</u></p> <p>All families must report all changes in family and household composition that occur between annual reexaminations within 10 business days of the change.</p> <p>The MHA will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.</p>
11-13-11-15	11-II.C. CHANGES AFFECTING INCOME OR EXPENSES	<p>New Info Added:</p> <p>11-II.C. CHANGES AFFECTING INCOME OR EXPENSES</p> <p>Interim reexaminations can be scheduled either because the PHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the PHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.</p> <p>The PHA must estimate the income of the family for the upcoming 12-month period to determine family income for an interim reexamination [24 CFR 5.609(c)(1)]. Policies for projecting income are found in Chapter 6.</p> <p>Interim Decreases [24 CFR 982.516(c)(2) and Notice PIH 2023-27]</p> <p>A family may request an interim determination of family income for any change since the last determination. However, the PHA may decline to conduct an interim reexamination if the PHA estimates the family’s adjusted income will decrease by an amount that is less than 10 percent of the family’s adjusted income. The PHA may set a lower threshold in PHA policy such as performing an interim for any decreases in adjusted income, although HUD prohibits the PHA from setting a dollar-figure threshold.</p> <p>However, while the PHA has some discretion, HUD requires that the PHA perform an interim reexamination for a decrease in adjusted income of any amount in two circumstances:</p> <ul style="list-style-type: none"> • When there is a decrease in family size attributed to the death of a family member; or

		<ul style="list-style-type: none"> • When a family member permanently moves out of the assisted unit during the period since the family’s last reexamination. <p>In the above circumstances, the PHA must perform an interim reexamination for any decrease in adjusted income.</p> <p>If the net effect of the changes in adjusted income due to a decrease in family size results in no change or an increase in annual adjusted income, then PHA must process the removal of the household member(s) as a non-interim reexamination transaction without making changes to the family’s annual adjusted income.</p> <p><u>MHA Policy</u></p> <p>The MHA will conduct an interim reexamination any time the family’s adjusted income has decreased by any amount.</p> <p>Interim Increases [24 CFR 982.516(c)(3) and Notice PIH 2023-27]</p> <p><i>Increases Less than 10 Percent</i></p> <p>PHAs must not process interim reexaminations for income increases that result in less than a 10 percent increase in annual adjusted income.</p> <p><i>Increases 10 Percent or Greater</i></p> <p>PHAs must conduct an interim reexamination of family income when the PHA becomes aware that the family’s adjusted income has changed by an amount that the PHA estimates will result in an increase of 10 percent or more in adjusted income, with the following exceptions:</p> <ul style="list-style-type: none"> • PHAs may not consider any increases in earned income when estimating or calculating whether the family’s adjusted income has increased, unless the family has previously received an interim reduction during the same reexamination cycle; and • PHAs may choose not to conduct an interim reexamination during the last three months of a certification period if a family reports an increase in income within three months of the next annual reexamination effective date. <p>When the family previously received an interim reexamination for a decrease to adjusted income during the same annual reexamination cycle, a PHA has the discretion whether to consider a subsequent increase in earned income.</p> <p><u>MHA Policy</u></p> <p>When a family reports an increase in their earned income between annual reexaminations, the MHA will not conduct an interim reexamination, regardless of the amount of the increase, and regardless of whether there was a previous decrease since the family’s last annual reexamination.</p>
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		<p>requires an interim reexamination [Notice PIH 2023-27].</p> <p>When the PHA determines that an interim reexamination of income is necessary, they must ask the family to report changes in all aspects of adjusted income. For example, if the family is reporting a decrease in adjusted income that is more than 10 percent, but the family also had a change in assets that would result in a change in income, the change in assets must also be reviewed [Notice PIH 2023-27].</p> <p><u>MHA Policy</u></p> <p>The family will be required to report all changes in income regardless of the amount of the change, whether the change is to earned or unearned income, or if the change occurred during the last three months of the certification period. Families must report changes in income within 10 business days of the date the change takes effect. The family may notify the PHA of changes either orally or in writing. If the family provides oral notice, the PHA may also require the family to submit the changes in writing.</p> <p>Within 10 business days of the family reporting the change, the PHA will determine whether the change will require an interim reexamination.</p> <p>If the change will not result in an interim reexamination, the PHA will note the information in the tenant file but will not conduct an interim reexamination. The PHA will send the family written notification within 10 business days of making this determination informing the family that the PHA will not conduct an interim reexamination.</p> <p>If the change will result in an interim reexamination, the PHA will determine the documentation the family will be required to submit based on the type of change reported and PHA policies in Chapter 7. The PHA will ask the family to report changes in all aspects of adjusted income at this time. The family must submit any required information or documents within 10 business days of receiving a request from the PHA. This time frame may be extended for good cause with PHA approval. The PHA will accept required documentation by mail, email, fax, or in person. The PHA will conduct the interim within a reasonable time period based on the amount of time it takes to verify the information.</p> <p>Generally, the family will not be required to attend an interview for an interim reexamination. However, if the PHA determines that an interview is warranted, the family may be required to attend.</p>
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<p>11-16-11-17</p>	<p>11-II.D. PROCESSING THE INTERIM REEXAMINATION</p>	<p>Section Changed to/ New Info Added:</p> <p>11-II.D. EFFECTIVE DATES [24 CFR 982.516(e) and Notice 2023-27]</p> <p>Changes Reported Timely [Notice PIH 2023-27]</p> <p>If the family reports a change in family income or composition timely in accordance with PHA policies:</p> <ul style="list-style-type: none"> • For rent increases, the PHA must provide the family with 30 days advance written notice. The rent increase is effective the first of the month after the end of that 30-day notice period. • Rent decreases are effective on the first of the month after the date of the actual change leading to the interim reexamination of family income. This means the decrease will be applied retroactively. <p>Changes Not Reported Timely [Notice PIH 2023-27]</p> <p>If the family failed to report a change in family income or composition timely in accordance with PHA policies:</p> <ul style="list-style-type: none"> • For rent increases, the PHA must implement any resulting rent increases retroactively to the first of the month following the date of the change leading to the interim reexamination of family income. • For rent decreases, the PHA must implement the change no later than the first rent period following completion of the interim reexamination. <p>However, the PHA may choose to adopt a policy that would make the effective date of the rent decrease retroactive to the first of the month following completion of the reexamination. PHAs may choose to establish conditions or requirements for when such a retroactive application would apply. PHAs that choose to adopt such policies must ensure the earliest date that the retroactive decrease is applied is the later of:</p> <ul style="list-style-type: none"> • The first of the month following the date of the change that led to the interim reexamination; or • The first of the month following the most recent previous income examination. <p>In applying a retroactive change in rent as the result of an interim reexamination, the PHA must clearly communicate the effect of the retroactive adjustment to the family so that there is no confusion over the amount of the rent that is the family's responsibility.</p>
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		<p><u>MHA Policy</u></p> <p>In general, when the family fails to report a change in income or family composition timely, and the change would lead to a rent decrease, the MHA will apply the decrease the first of the month following completion of the interim reexamination.</p> <p>However, the MHA will apply the results of the interim reexamination retroactively where a family’s ability to report a change in income promptly may have been hampered due to extenuating circumstances such as a natural disaster or disruptions to MHA management operations. The MHA will decide to apply decreases retroactively on a case-by-case basis.</p> <p>When the MHA applies the results of interim decreases retroactively, the MHA will clearly communicate the effect of the retroactive adjustment to the family and may enter into a repayment agreement in accordance with MHA policies.</p>
11-20	<p>PART IV: NON-INTERIM REEXAMINATION TRANSACTIONS [Notice PIH 2023-27]</p>	<p>New Section Added:</p> <p>PART IV: NON-INTERIM REEXAMINATION TRANSACTIONS [Notice PIH 2023-27]</p> <p>Families may experience changes within the household that do not trigger an interim reexamination under PHA policy and HUD regulations, but which HUD still requires the PHA to report to HUD via Form HUD-50058. These are known as non-interim reexamination transactions. In these cases, PHAs will submit a separate, new action code on Form HUD-50058.</p> <p>The following is a list of non-interim reexamination transactions:</p> <ul style="list-style-type: none"> • Adding or removing a hardship exemption for the childcare expense deduction; • Updating or removing the phased-in hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction (the phased-in relief will begin at an eligible family’s first annual or interim reexamination, whichever is sooner, after January 1, 2024); • Adding or removing general hardship relief for the health and medical care expense deduction and/or reasonable attendant care and auxiliary apparatus expense deduction; • Adding or removing a minimum rent hardship; • Adding or removing a non-family member (i.e., live-in aide, foster child, foster adult); • Ending a family’s EID or excluding 50 percent (decreased from 100 percent) of a family member’s increase in employment income at the start of the

		<p>second 12- month EID period.</p> <ul style="list-style-type: none"> • Adding a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule; • Removing a family member and the increase in adjusted income does not trigger an interim reexamination under the final rule; • Adding/Updating a family or household member's Social Security number; and • Updating a family member's citizenship status from eligible to ineligible or vice versa, resulting in a change to the family's rent and/or utility reimbursement, if applicable (i.e., family begins receiving prorated assistance or previously prorated assistance becomes full assistance), or updating the prorated rent calculation due to the addition or removal of family members in household with an ineligible noncitizen(s). <p>PHAs must make all other changes to assets, income, and deductions at the next annual or interim reexamination of income, whichever is sooner.</p>
12-12	<p>Other Authorized Reasons for Termination of Assistance MHA Policy The MHA will terminate a family's assistance if:</p> <p>The family has failed to comply with any family obligations under the program. See Exhibit 12-1 for a listing of family obligations and related MHA policies.</p> <p>Any family member has been evicted from federally assisted housing in the last five years. Any PHA has ever terminated assistance under the program for any member of the family.</p> <p>Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.</p> <p>The family currently owes rent or other amounts to any PHA in connection with Section 8 or public housing assistance under the 1937 Act.</p> <p>The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.</p> <p>The family has breached the terms of a</p>	<p>New Info Added: Other Authorized Reasons for Termination of Assistance MHA Policy The MHA will terminate a family's assistance if:</p> <p>The family has failed to comply with any family obligations under the program. See Exhibit 12-1 for a listing of family obligations and related MHA policies.</p> <p>Any family member has been evicted from federally assisted housing in the last three years. Any PHA has ever terminated assistance under the program for any member of the family.</p> <p>Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.</p> <p>The family currently owes rent or other amounts to any PHA in connection with Section 8 or public housing assistance under the 1937 Act.</p> <p>The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.</p> <p>The family has breached the terms of a repayment</p>

	<p>repayment agreement entered into with the MHA.</p>	<p>agreement entered into with the MHA.</p>
<p>12-14</p>	<p>INSUFFICIENT FUNDING <u>MHA Policy</u> The MHA will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If the PHA determines there is a shortage of funding, prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs.</p> <p>In the event that the MHA decides to stop issuing vouchers as a result of a funding shortfall, and the PHA is not assisting the required number of special purpose vouchers (NED families, HUD-Veterans Affairs Supportive Housing (VASH) families, and family unification program (FUP) families), when the MHA resumes issuing vouchers, the MHA will issue vouchers first to the special purpose voucher families on its waiting list until it has reached the required number of special purpose vouchers, when applicable.</p> <p>If after implementing all reasonable cost-cutting measures there is not enough funding available to provide continued assistance for current participants, the MHA will terminate HAP contracts as a last resort.</p> <p>Prior to terminating any HAP contracts, the MHA will inform the local HUD field office. The MHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA’s annual budget authority.</p> <p>If the MHA must terminate HAP contracts due to insufficient funding, the MHA will do so in accordance with the following criteria and instructions:</p> <p>Families comprising the required number of special purpose vouchers, including nonelderly disabled (NED), HUD-Veteran’s Affairs Supportive Housing (HUD- VASH), and family unification program (FUP) will be the last to be terminated.</p> <p>1. An analysis of the amount of rent paid by each family 2. Analysis of the length of time each family has been participating (in succession) on the program with a correlation of the income of each family and the amount of rent paid 3. Reduction of payment standards if payment standards exceed 90% of the</p>	<p>New Info Added: INSUFFICIENT FUNDING <u>MHA Policy</u> The MHA will determine whether there is sufficient funding to pay for currently assisted families according to the policies in Part VIII of Chapter 16. If the PHA determines there is a shortage of funding, prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs.</p> <p>In the event that the MHA decides to stop issuing vouchers as a result of a funding shortfall, and the PHA is not assisting the required number of special purpose vouchers (NED families, HUD-Veterans Affairs Supportive Housing (VASH) families, and family unification program (FUP) families), when the MHA resumes issuing vouchers, the MHA will issue vouchers first to the special purpose voucher families on its waiting list until it has reached the required number of special purpose vouchers, when applicable.</p> <p>If after implementing all reasonable cost-cutting measures there is not enough funding available to provide continued assistance for current participants, the MHA will terminate HAP contracts as a last resort.</p> <p>Prior to terminating any HAP contracts, the MHA will inform the local HUD field office. The MHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA’s annual budget authority.</p> <p>If the MHA must terminate HAP contracts due to insufficient funding, the MHA will do so in accordance with the following criteria and instructions:</p> <p>Families who have been assisted in the HCV program the longest will be the first to be terminated, excluding families that include elderly or disabled family members.</p> <p>Families comprising the required number of special purpose vouchers, including nonelderly disabled (NED), HUD-Veteran’s Affairs Supportive Housing (HUD- VASH), and family unification program (FUP) will be the last to be terminated.</p>

	<p>current FMR</p> <p>4. Reduce its subsidy standards</p> <p>5. Terminate HAP contracts</p>	
12-17	<p>12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE</p>	<p>New Info Added:</p> <p>Use of Criminal Conviction Records after Admission [24 CFR 5.903]</p> <p>The regulation at 24 CFR 5.903 governs a PHA’s access to and use of criminal conviction records obtained from a “law enforcement agency” such as the National Crime Information Center (NCIC), police departments, and other law enforcement agencies that hold criminal conviction records. While the regulatory listing of permitted uses for these records includes PHA screening of applicants for admission to the HCV program, it specifically excludes the use of records for lease enforcement and eviction of HCV participants and excludes by omission a PHA’s use of records to terminate assistance for participants. While a PHA has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by participants, and therefore, PHAs may not use records for this purpose. The limitations, however, do not apply to criminal conviction information searches from non-federal sources (i.e., sources other than the “law enforcement agencies” defined in 24 CFR 5.902(b)). There is no prohibition that bars a PHA from using non-federal sources to conduct criminal background checks of program participants.</p>
12-20	<p>12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING</p>	<p>New Info Added:</p> <p>12-II.E. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, OR HUMAN TRAFFICKING</p> <p>VAWA Protections against Termination</p> <p>VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking. (<i>Note: The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program, as do the limitations discussed under the next heading.</i>)</p> <ul style="list-style-type: none"> • Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-

		<p>24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD’s recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.</p> <p>PHAs and owners may not coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA [FR Notice 1/4/23].</p>
14-12	<p>14-II.D. PHA-CAUSED ERRORS OR PROGRAM ABUSE</p> <p>The responsibilities and expectations of PHA staff with respect to normal program administration are discussed throughout this plan. This section specifically addresses actions of a PHA staff member that are considered errors or program abuse related to the HCV program. Additional standards of conduct may be provided in the PHA personnel policy.</p> <p>PHA-caused incorrect subsidy determinations include (1) failing to correctly apply HCV rules regarding family composition, income, assets, and expenses, (2) assigning the incorrect voucher size to a family, and (3) errors in calculation.</p> <p>Repayment to the PHA</p> <p>Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by PHA staff [HCV GB. 22-12].</p> <p>PHA Reimbursement to Family or Owner</p> <p>The PHA must reimburse a family for any underpayment of subsidy, regardless of whether the underpayment was the result of staff caused error or staff or owner program abuse. Funds for this reimbursement must come from the PHA’s administrative fee reserves [HCV GB p. 22-12].</p>	<p>New Info Added:</p> <p>14-II.D. PHA-CAUSED ERRORS OR PROGRAM ABUSE</p> <p>The responsibilities and expectations of PHA staff with respect to normal program administration are discussed throughout this plan. This section specifically addresses actions of a PHA staff member that are considered errors or program abuse related to the HCV program.</p> <p>Additional standards of conduct may be provided in the PHA personnel policy.</p> <p>PHA-caused incorrect subsidy determinations include (1) failing to correctly apply HCV rules regarding family composition, income, assets, and expenses, (2) assigning the incorrect voucher size to a family, and (3) errors in calculation.</p> <p>Repayment to the PHA</p> <p>Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by PHA staff [HCV GB. 22-12].</p> <p><u>De Minimis Errors [24 CFR 5.609(c)(4)]</u></p> <p>The PHA will not be considered out of compliance when making annual income determinations solely due to de minimis errors in calculating family income. A de minimis error is an error where the PHA determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income) per family.</p> <p>PHAs must take corrective action to credit or repay a family if the family was overcharged rent, including when PHAs make de minimis errors in the income determination. Families will not be required to repay the PHA in instances where the PHA miscalculated income resulting in a family being undercharged for rent. PHAs state in their policies how they will repay or credit a family the amount they were overcharged as a result of the PHA’s de minimis error in income determination.</p> <p><u>MHA Policy</u></p> <p>The MHA will reimburse a family for any family</p>

		<p>overpayment of rent, regardless of whether the overpayment was the result of staff-caused error, staff program abuse, or a de minimis error.</p>
<p>15-9-15-10</p>	<p>PART IV: SHARED HOUSING</p>	<p>New Info Added:</p> <p>PART IV: SHARED HOUSING When shared housing is offered as a housing option, HUD encourages PHAs to consider ways in which the families may be assisted in finding shared housing, including for-profit shared housing matching (such as roommates or single-family homes) and online sites that charge a fee for their matching services, or nonprofit shared housing matching services. HUD further encourages PHAs to include information about this housing possibility in the family’s voucher briefing.</p> <p><u>MHA Policy</u> The MHA will provide information to families regarding the shared housing option, including a listing to families of any known for-profit or nonprofit shared housing matching services in the community at briefing, and upon request. Families will be advised they can conduct their own internet search. Families will be cautioned not to enter into any rental agreement or pay any deposit or rental payment until the tenancy is approved by the PHA.</p> <p>PHAs should be aware of potential local legal barriers to HCV participants using shared housing, which can create additional obstacles for shared housing:</p> <ul style="list-style-type: none"> • Municipalities may have occupancy limits for the number of unrelated persons who may share a housing unit. • Local zoning codes for single family housing may restrict occupancy in certain areas to households whose family members are related by blood. <p>PHAs should work with local jurisdictions to find solutions that encourage affordable housing and are consistent with the Fair Housing Act, Title VI, and other federal, state, and local fair housing laws. PHAs should inform HUD if they encounter barriers to shared housing that may conflict with fair housing laws.</p> <p><u>MHA Policy</u> The MHA will work with local jurisdictions as necessary to identify solutions consistent with fair housing laws and will inform HUD if the MHA encounters barriers to shared housing that conflict with fair housing laws. When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family. The standard form of the HAP contract is used (form HUD-52641) with the special housing type specified in Part A of the HAP contract, as follows: “This HAP contract is used for the following special housing type</p>

		under HUD regulations for the Section 8 voucher program: Shared housing.”
15-18-15-32	<p>PART VII: HOMEOWNERSHIP</p> <p>15-VII.A. OVERVIEW [24 CFR 982.625] The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. A family assisted under this option may be newly admitted or an existing participant in the HCV program. The PHA must have the capacity to operate a successful HCV homeownership program as defined by the regulations. There are two forms of homeownership assistance described in the regulations: monthly homeownership assistance payments and single down payment assistance grants. However, PHAs may not offer down payment assistance until and unless funding is allocated by Congress. Since this has not yet happened, only monthly homeownership assistance may be offered.</p> <p>15-VII.C. SELECTION OF FAMILIES [24 CFR 982.626] Unless otherwise provided (under the homeownership option), the PHA may limit homeownership assistance to families or purposes defined by the PHA and may prescribe additional requirements for commencement of homeownership assistance for a family. Any such limits or additional requirements must be described in the PHA administrative plan. If the PHA limits the number of families that may participate in the homeownership option, the PHA must establish a system by which to select families to participate.</p>	<p>New Info Added:</p> <p>PART VII: HOMEOWNERSHIP</p> <p>15-VII.A. OVERVIEW [24 CFR 982.625] The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. A family assisted under this option may be newly admitted or an existing participant in the HCV program. The PHA must have the capacity to operate a successful HCV homeownership program as defined by the regulations. There are two forms of homeownership assistance described in the regulations: monthly homeownership assistance payments and single down payment assistance grants. However, PHAs may not offer down payment assistance until and unless funding is allocated by Congress. Since this has not yet happened, only monthly homeownership assistance may be offered. <u>MHA Policy</u> The MHA will offer monthly homeownership assistance payments to qualified families.</p> <p>New Info Added:</p> <p>15-VII.C. SELECTION OF FAMILIES [24 CFR 982.626] Unless otherwise provided (under the homeownership option), the PHA may limit homeownership assistance to families or purposes defined by the PHA and may prescribe additional requirements for commencement of homeownership assistance for a family. Any such limits or additional requirements must be described in the PHA administrative plan. If the PHA limits the number of families that may participate in the homeownership option, the PHA must establish a system by which to select families to participate. <u>MHA Policy</u> The MHA will administer up to five new homeownership units per year. The MHA may exceed the number of units planned per year if it is necessary as a reasonable accommodation for a person with a disability. If this occurs, the MHA may reduce the number of homeownership units offered in subsequent years.</p> <p>Families who have been participating in an economic self-sufficiency program for at least six months, or graduated from such a program will be given preference over other families. Elderly and disabled families will automatically be given preference.</p>

	<p>15-VII.E. ADDITIONAL PHA REQUIREMENTS FOR SEARCH AND PURCHASE [24 CFR 982.629]</p> <p>It is the family’s responsibility to find a home that meets the criteria for voucher homeownership assistance. The PHA may establish the maximum time that will be allowed for a family to locate and purchase a home and may require the family to report on their progress in finding and purchasing a home. If the family is unable to purchase a home within the maximum time established by the PHA, the PHA may issue the family a voucher to lease a unit or place the family’s name on the waiting list for a voucher.</p>	<p>Within preference and non-preference categories, families will be selected according to the date and time of their application for participation in the homeownership program.</p> <p>All families must meet eligibility requirements as defined in Section 15-VII.B. of this plan.</p> <p>15-VII.E. ADDITIONAL PHA REQUIREMENTS FOR SEARCH AND PURCHASE [24 CFR 982.629]</p> <p>It is the family’s responsibility to find a home that meets the criteria for voucher homeownership assistance. The PHA may establish the maximum time that will be allowed for a family to locate and purchase a home and may require the family to report on their progress in finding and purchasing a home. If the family is unable to purchase a home within the maximum time established by the PHA, the PHA may issue the family a voucher to lease a unit or place the family’s name on the waiting list for a voucher.</p> <p><u>MHA Policy</u></p> <p>The family will be allowed 120 days to identify a unit and submit a sales contract to the PHA for review. The family will be allowed an additional 120 days to close on the home. PHAs may grant extensions to either of these periods for good cause. The length of the extension(s) will be determined on a case-by-case, but in no case will an extension exceed a total of 125 days. The maximum amount of time a family will be given to locate and complete the purchase of a home under the homeownership option is 365 days.</p> <p>During these periods, the family will continue to receive HCV rental assistance in accordance with any active lease and HAP contract until the family vacates the rental unit for its purchased home.</p> <p>All requests for extensions must be submitted in writing to the PHA prior to the expiration of the period for which the extension is being requested. The PHA will approve or disapprove the extension request within 10 business days. The family will be notified of the PHA’s decision in writing.</p> <p>The family will be required to report their progress on locating and purchasing a home to the PHA every 30 days until the home is purchased.</p> <p>If the family cannot complete the purchase of a unit within the maximum required time frame and is not receiving rental assistance under a HAP contract at the time the search and purchase time period expires, the family will be issued a voucher to lease a unit.</p>
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<p>15-VII.G. HOME INSPECTIONS, CONTRACT OF SALE, AND PHA DISAPPROVAL OF SELLER [24 CFR 982.631]</p>	<p>15-VII.G. HOME INSPECTIONS, CONTRACT OF SALE, AND PHA DISAPPROVAL OF SELLER [24 CFR 982.631] <u>MHA Policy</u> When the family locates a home, they wish to purchase and submit a copy of their purchase offer, contract, the contracted inspection company will conduct a housing quality standard (HQS) inspection within 10 business days. Any items found not to meet HQS must be repaired before the unit can be determined eligible for the homeownership program.</p> <p>The family must hire an independent professional inspector, whose report must be submitted to the MHA for review. This inspector must be a member of the American Society of Home Inspectors (ASHI) or other recognized professional and licensed engineer. The inspector may not be an MHA employee.</p> <p><u>MHA Policy</u> The MHA will review the professional report in a timely fashion and based on the presence of major physical problems, may disapprove the purchase of the home. If the MHA disapproves the purchase of a home, the family will be notified in writing of the reasons for the disapproval. While the family is receiving homeownership assistance, the MHA may conduct an HQS inspection every other year.</p>
<p>15-VII.H. FINANCING [24 CFR 982.632] The PHA may establish requirements for financing purchase of a home under the homeownership option. This may include requirements concerning qualification of lenders, terms of financing, restrictions concerning debt secured by the home, lender qualifications, loan terms, and affordability of the debt. The PHA must establish policies describing these requirements in the administrative plan. A PHA may not require that families acquire financing from one or more specified lenders, thereby restricting the family’s ability to secure favorable financing terms.</p>	<p>15-VII.H. FINANCING [24 CFR 982.632] <u>MHA Policy</u> As a check against predatory lending, the MHA will review the financing of each purchase transaction, including estimated closing costs. The MHA will review the loans for features, such as balloon payments, adjustable-rate mortgages, and unusually high interest rates, all of which are prohibited. The MHA also will not approve “seller financing” or “owner-held” mortgages. Beyond these basic criteria, the MHA will rely on the lenders to determine that the loan will be affordable to program participants.</p> <p>The mortgage the family applies for must require a minimum down payment of at least three percent of the sales price with one percent of the down payment coming from the purchaser’s personal funds. The MHA will not require that the family have any more than the minimum of one percent of their own money in the transaction. However, in</p>

<p>15-VII.I. CONTINUED ASSISTANCE REQUIREMENTS; FAMILY OBLIGATIONS [24 CFR 982.633]</p>	<p>cases where a lender is requiring a larger amount, the family may be held to the underwriting guidelines set by their lending institution.</p> <p>The MHA will approve a family's request to utilize its Family Self-Sufficiency escrow account for down payment and or closing costs when purchasing a unit under the HCV homeownership option.</p> <p>15-VII.I. CONTINUED ASSISTANCE REQUIREMENTS; FAMILY OBLIGATIONS [24 CFR 982.633] <u>MHA Policy</u> Any inspection the MHA conducts after the initial inspection will be done on an advisory basis. The family will be encouraged to make the repairs but will not be required to do so as a condition of ongoing assistance.</p>
<p>15-VII.N. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.638]</p>	<p>15-VII.N. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.638] Homeownership assistance for a family automatically terminates 180 calendar days after the last homeownership assistance payment on behalf of the family. However, a PHA may grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family. <u>MHA Policy</u> In order for the MHA to consider granting relief from the requirement to automatically terminate homeownership assistance 180 days following the MHA's last housing assistance payment on behalf of the family, the family must submit a written request to the MHA at least 30 days prior to the date of automatic termination. The request must include an explanation of the circumstances that will cause extreme hardship for the family (e.g., the imminent loss of income or employment) as well as documentation supporting the request. The MHA will determine on a case-by-case basis whether to grant relief from the requirement and for what period of time. In no case will the MHA postpone termination beyond an additional 90 days. The PHA must terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt. <u>MHA Policy</u> The MHA will terminate a family's homeownership assistance if the family violates any of the homeowner obligations listed in Section 1, as well as for any of the reasons listed in Section 2 of form</p>

		<p>HUD-52649, Statement of Homeowner Obligations Housing Choice Homeownership Voucher Program. In making its decision to terminate homeownership assistance, the MHA will consider alternatives as described in Section 12-II.C and other factors described in Section 12-II.D. Upon consideration of such alternatives and factors, the MHA may, on a case-by-case basis, choose not to terminate assistance.</p> <p>Termination notices will be sent in accordance with the requirements and policies set forth in Section 12-II.F.</p>
16-7-16-10	<p>Chapter 16 Exception Payment Standards [982.503(c)(5), Notice PIH 2018-01, FR Notice 9/27/21] The PHA must request HUD approval to establish payment standards that are higher than the basic range. At HUD's sole discretion, HUD may approve a payment standard amount that is higher than the basic range for a designated part of the FMR area. HUD may approve an exception payment standard amount (in accordance with program requirements) for all units, or for all units of a given size, leased by program families in the exception area. Any PHA with jurisdiction in the exception area may use the HUD approved exception payment standard amount. The total population of all HUD approved exception areas in an FMR area may not include more than 50 percent of the population of the FMR area. (REMOVE)</p>	<p>New Info Added: Chapter 16 Exception Payment Standards [982.503(c)(5), Notice PIH 2018-01, FR Notice 9/27/21]</p> <p>A non-SAFMR PHA may establish an exception payment standard for a zip code area of up to and including 110 percent of the SAFMR determined by HUD for that zip code area. Regardless of the level of the exception payment standard compared to the metropolitan area FMRs (MAFMRs), the PHA must send an email to SAFMRs@hud.gov to notify HUD that it has adopted an exception payment standard based on the SAFMR. A PHA that adopts an exception payment standard pursuant to this authority must apply it to the entire ZIP code area, for both its HCV, and if applicable, its PBV program. For the PBV program, this means that the rent to owner may not exceed the new exception payment standard amount, provided the rent is still reasonable. A PHA that adopts an exception payment standard area must revise its briefing materials to make families aware of the exception payment standard and the area that it covers.</p> <p>In addition, HUD allows PHAs to establish a HUD-Veterans Affairs Supportive Housing (HUD-VASH) exception payment standard. PHAs may go up to but no higher than 120 percent of the FMR or SAFMR specifically for VASH families. PHAs who want to establish a VASH exception payment standard over 120 percent must still request a</p>

	<p>16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]</p> <p>Reasonable Accommodation HCV program regulations require a PHA to approve a utility allowance amount higher than shown on the PHA’s schedule if a higher allowance is needed as a reasonable accommodation for a family member with a disability. For example, if a family member with a disability requires such an accommodation, the PHA will approve an allowance for air conditioning, even if the PHA has determined that an allowance for air conditioning generally is not needed (See Chapter 2 for policies regarding the request and approval of reasonable accommodations).</p>	<p>waiver from HUD (See Section 19-III.E.).</p> <p>Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]</p> <p>PHAs that administer vouchers in a metropolitan area where the adoption of SAFMRs is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.</p> <p>16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]</p> <p>Reasonable Accommodation and Individual Relief Upon request from a family that includes a person with disabilities, the PHA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible and usable by the family member with a disability [24 CFR 982.517(e)]. (See Chapter 2 for policies regarding the request and approval of reasonable accommodations).</p> <p>Further, the PHA may grant requests for relief from charges in excess of the utility allowance on reasonable grounds, such as special needs of the elderly, ill, or residents with disabilities, or special factors not within control of the resident, as the PHA deems appropriate. The family must request the higher allowance and provide the PHA with an explanation of the need for the individual relief and information about the amount of additional allowance required [see HCV GB, p. 18-8]. PHAs should develop criteria for granting individual relief and to notify residents about the availability of individual relief, and also to notify participants about the availability of individual relief programs (sometimes referred to as “Medical Baseline discounts”) offered by the local utility company. Policies for granting exceptional utility allowances can be found in Section 6-III.D. of this plan.</p>
16-12-16-20	<p>Chapter 16</p> <p>PART III: INFORMAL REVIEWS AND HEARINGS</p>	<p>New Info Added:</p> <p>Chapter 16</p> <p>PART III: INFORMAL REVIEWS AND HEARINGS</p> <p>Remote Informal Reviews [Notice PIH 2020-32]</p> <p>There is no requirement that informal reviews be conducted in-person and, as such, HUD allows PHAs to conduct all or a portion of their informal review remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote informal reviews, applicants may still request an in-person informal review, as applicable.</p>

		<p><u>MHA Policy</u></p> <p>The MHA has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.</p> <p>In addition, the MHA will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have childcare or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. The PHA will consider other reasonable requests for a remote informal review on a case-by-case basis.</p> <p>Ensuring Accessibility for Persons with Disabilities and LEP Individuals</p> <p>As with in-person informal reviews, the platform for conducting remote informal reviews must be accessible to persons with disabilities and the informal review must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote informal hearings.</p> <p>PHAs are required to make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal review process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.</p> <p>If no method of conducting a remote informal review is available that appropriately accommodates an individual's disability, the PHA may not hold against the individual their inability to participate in the remote informal review, and the PHA should consider whether postponing the remote informal review to a later date is appropriate or whether there is a suitable alternative.</p> <p>Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances</p>
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	<p>and requirements.</p> <p>As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal reviews, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal reviews.</p> <p>Conducting Remote Informal Reviews</p> <p>The PHA must ensure that the lack of technology or inability to use technology for remote informal reviews does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to conducting the remote informal review and, if the family does not have the proper technology to fully participate, either postpone the informal review or provide an alternative means of access.</p> <p>As with in-person informal reviews, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal review. The family must also be provided with an accessible means by which to transmit their own evidence.</p> <p>The PHA must ensure that the applicant has the right to hear and be heard. All PHA policies and processes for remote informal reviews must be conducted in accordance with due process requirements and be in compliance with HUD regulations at 24 CFR 982.554 and guidance specified in Notice PIH 2020-32.</p> <p><u>MHA Policy</u></p> <p>The MHA will conduct remote informal reviews via a video conferencing platform, when available. If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal review will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal review will be postponed, and an in-person alternative will be provided promptly within a reasonable time.</p> <p>At least five business days prior to scheduling the remote review, the MHA will provide the family with login information and/or conferencing call-in information and an electronic and/or physical copy of all materials being presented via first class mail and/or email. The notice will advise the family of technological requirements for the informal hearing review and request the family notify the MHA of any known barriers. The MHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person informal hearing review.</p> <p>If the informal review is to be conducted remotely, the MHA will require the family to provide any documents</p>
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	<p>directly relevant to the informal review at least 24 hours before the scheduled review through the mail, via email, or text. The MHA will scan and email copies of these documents to the MHA representative the same day.</p> <p>Documents will be shared electronically whenever possible.</p> <p>The MHA will follow up the email with a phone call and/or email to the applicant at least one business day prior to the remote informal review to ensure that the applicant received all information and is comfortable accessing the video conferencing or call-in platform.</p> <p>The MHA will ensure that all electronic information stored or transmitted with respect to the informal review is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP. and in cases of inclement weather or natural disaster. In addition, the MHA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have childcare or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. The MHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.</p> <p>Scheduling an Informal Hearing [24 CFR 982.555(d)] When an informal hearing is required, the PHA must proceed with the hearing in a reasonably expeditious manner upon the request of the family.</p> <p><u>MHA Policy</u> A request for an informal hearing must be made in writing and delivered to the MHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the MHA decision or notice to terminate assistance. The MHA must schedule and send written notice of the informal hearing to the family within 10 business days of the family’s request.</p> <p>If the MHA hearing will be conducted remotely, at the time the notice is sent to the family, the family will be notified:</p> <p>Regarding the processes involved in a remote informal hearing;</p> <p>That the MHA will provide technical assistance prior to and during the informal hearing, if needed; and</p> <p>That if the family or any individual witness has any technological, resource, or accessibility barriers, the family may inform the MHA and the MHA will assist the family in either resolving the issue or allow the family to participate in an in-person hearing, as appropriate.</p> <p>Pre-Hearing Right to Discovery [24 CFR 982.555(e)]</p>
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		<p><u>MHA Policy</u> The family will be allowed to copy any documents related to the hearing at his/her expense. The family must request discovery of MHA documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date.</p> <p>If the hearing is conducted remotely, the MHA will compile a hearing packet, consisting of all documents the MHA intends to produce at the informal hearing. The MHA will mail copies of the hearing packet to the family, the family’s representatives, if any, and the hearing officer at least three days before the scheduled remote informal hearing. The original hearing packet will be in the possession of the MHA representative and retained by the MHA.</p> <p>Documents will be shared electronically whenever possible.</p> <p>The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at the PHA offices before the hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA’s expense. If the family does not make the document available for examination on request of the PHA, the family may not rely on the document at the hearing.</p> <p><u>MHA Policy</u></p> <p>For in-person hearings, the MHA will not require pre-hearing discovery by the MHA of family documents directly relevant to the hearing.</p> <p>If the informal hearing is to be conducted remotely, the MHA will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing through the mail, via email, or text. The MHA will scan and email copies of these documents to the hearing officer and the PHA representative the same day.</p> <p>Documents will be shared electronically whenever possible.</p>
16-31	<p>PART IV: OWNER OR FAMILY DEBTS TO THE PHA</p>	<p>New Info Added: Refusal to Enter into an Agreement</p> <p>If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, the MHA will terminate assistance [Notice PIH 2018-18].</p> <p>When a family refuses to repay monies owed to the MHA, in addition to termination of program assistance, the MHA may utilize other available collection alternatives including, but not limited to, the following:</p> <p>Collection agencies Small claims court</p>

		<p>Civil lawsuit</p> <p>State income tax set-off program</p>
16-41	<p>PART VI: RECORD KEEPING 16-VI.B. RECORD RETENTION [24 CFR 982.158]</p>	<p>New Info Added: 16-VI.B. RECORD RETENTION [24 CFR 982.158]</p> <p>Notice PIH 2014-20 requires PHAs to keep records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule.</p> <p><u>MHA Policy</u></p> <p>The MHA will keep for at least three years records of all complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act, the equal access final rule, or VAWA.</p>
16-51-16-53	<p>PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY</p> <p>16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925]</p> <ul style="list-style-type: none"> The term <i>domestic violence</i> includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or 	<p>New Info Added: 16-IX.A. OVERVIEW</p> <p>The Violence against Women Act (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.</p> <p>Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD’s recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.</p> <p>16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925] As used in VAWA:</p> <ul style="list-style-type: none"> The term <i>domestic violence</i> includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the user or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control

	<p>family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.</p>	<p>over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:</p> <ul style="list-style-type: none"> - The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim - A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner - A person with whom the victim shares a child in common - A person who commits acts against an youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction <ul style="list-style-type: none"> • The term <i>economic abuse</i> means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitle, including using coercion, fraud, and manipulation to: <ul style="list-style-type: none"> - Restrict a person's access to money, assets, credit, or financial information - Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage - Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty • The term <i>affiliated individual</i> means, with respect to a person: <ul style="list-style-type: none"> - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or - Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, stalking, and human trafficking.
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		<ul style="list-style-type: none"> ● The term <i>sexual assault</i> means: <ul style="list-style-type: none"> - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent ● The term <i>stalking</i> means: <ul style="list-style-type: none"> - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. ● The term <i>technological abuse</i> means an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to: <ul style="list-style-type: none"> - Internet enabled devices - Online spaces and platforms - Computers - Mobile devices - Cameras and imaging programs - Apps - Location tracking devices - Communication technologies - Any other emergency technologies
17-2-7-15	<p>PROJECT-BASED VOUCHERS</p> <p>PART I: GENERAL REQUIREMENTS</p> <p>17-I.A. OVERVIEW [24 CFR 983.5; FR Notice 1/18/17; Notice PIH 2017-21]</p> <p>Additional Project-Based Units [FR Notice 1/18/17; Notice PIH 2017-21]</p>	<p>New Info Added:</p> <p>PROJECT-BASED VOUCHERS</p> <p>PART I: GENERAL REQUIREMENTS</p> <p>17-I.A. OVERVIEW [24 CFR 983.5; FR Notice 1/18/17; Notice PIH 2017-21]</p> <p>Additional Project-Based Units [FR Notice 1/18/17; Notice PIH 2017-21]</p> <p>PBV units that house eligible youth receiving FUPY/FYI assistance are also covered by this 10 percent exception authority if the units are under a HAP contract that became effective after December 27, 2020, and if the unit is occupied by an eligible youth receiving FUPY/FYI assistance. FYI TPVs that were awarded under Notice PIH 2019-20 are not part of this exception since PHAs are</p>

<p>PART II: PBV OWNER PROPOSALS Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21] For certain public housing projects where the PHA has an ownership interest or control and will spend a minimum amount per unit on rehabilitation or construction, the PHA may select a project without following one of the two processes above.</p> <p>17-II.E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55, FR Notice 11/24/08, FR Notice 7/9/10, and FR Notice 6/25/14] The PHA may provide PBV assistance only in accordance with HUD subsidy layering regulations [24 CFR 4.13] and other requirements.</p> <p>The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance</p>	<p>prohibited from project-basing FYI TPVs. Units added after December 27, 2020, through an amendment of a HAP contract that became effective after December 27, 2020, are eligible for this 10 percent exception authority. In contrast, units added after December 27, 2020, through an amendment of a HAP contract that became effective on or prior to December 27, 2020, are not eligible for this 10 percent exception authority [FR Notice 1/24/22]. See Chapter 19 for policies specific to project basing FUPY vouchers.</p> <p>PART II: PBV OWNER PROPOSALS Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21] For certain public housing projects where the PHA has an ownership interest or control and will spend a minimum amount per unit on rehabilitation or construction, the PHA may select a project without following one of the two processes above.</p> <p>This exception applies when the PHA is engaged in an initiative to improve, develop, or replace a public housing property or site. The public housing units may either currently be in the public housing inventory or may have been removed from the public housing inventory within five years of the date on which the PHA entered into the AHAP or HAP.</p> <p>If the PHA is planning rehabilitation or new construction on the project, a minimum threshold of \$25,000 per unit in hard costs must be expended.</p> <p>If the PHA plans to replace public housing by attaching PBV assistance to existing housing in which the PHA has an ownership interest or control, then the \$25,000 per unit minimum threshold does not apply as long as the existing housing substantially complies with HQS.</p> <p>The PHA must include in the administrative plan what work it plans to do on the property or site and how many PBV units will be added to the site.</p> <p>17-II.E. SUBSIDY LAYERING REQUIREMENTS [24 CFR 983.55, FR Notice 11/24/08, FR Notice 7/9/10, and FR Notice 6/25/14] The PHA must submit the necessary HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.</p> <p>The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV</p>
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	<p>payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.</p> <p>Subsidy layering requirements do not apply to existing housing. A further subsidy layering review is not required for new construction or rehabilitation if HUD's designee has conducted a review that included a review of PBV assistance in accordance with the PBV subsidy layering. The PHA must submit the necessary documentation to HUD for a subsidy layering review. Except in cases noted above, the PHA may not enter into an agreement to enter into a HAP contract or a HAP contract until HUD, or a HUD-approved housing credit agency (HCA), has conducted any required subsidy layering review and determined that the PBV assistance is in accordance with HUD subsidy layering requirements. However, in order to satisfy applicable requirements, HCAs must conduct subsidy layering reviews in compliance with the guidelines set forth in the <i>Federal Register</i> notice published July 9, 2010.</p> <p>The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.</p>	<p>program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.</p> <p>HUD requires new construction and rehabilitation housing that will include forms of governmental assistance other than PBVs to undergo a subsidy layering review (SLR) prior to entering into an Agreement to Enter into Housing Assistance Payments Contract (AHAP). Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.</p> <p>When a PHA selects a new construction or rehabilitation project, the PHA must require information regarding all HUD and/or other federal, state, or local governmental assistance to be disclosed by the project owner using Form HUD-2880. Appendix A of FR Notice 2/28/203/23/23 contains a list of all required documentation.</p> <p>Either HUD or a HUD-approved housing credit agency (HCA) in the PHA's jurisdiction performs the subsidy layering review. The PHA must request an SLR through their local HUD Field Office or, if eligible, through a participating HCA.</p> <p>If the SLR request is submitted to an approved HCA, and the proposed project-based voucher assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify the PHA. The PHA may proceed to execute an AHAP at that time if the environmental approval is received.</p> <p>The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.</p>
17-64	<p>Utility Reimbursements</p>	<p>New Info Added:</p> <p>Utility Reimbursements</p> <p><u>MHA Policy</u></p> <p>The MHA will make utility reimbursements to the family. Tenants are issued debit cards that can be used anywhere Visa is accepted.</p>

<p>18-38</p>	<p>Continuation of Housing Assistance Payments [24 CFR 983.258; Notice PIH 2012-32, REV-3]</p> <p>Current residents living on the property prior to conversion are placed on and remain under the HAP contract when TTP equals or exceeds gross rent. In this case, until such time as the family's TTP falls below the gross rent, the family will pay the owner the lesser of their TTP minus the utility allowance or any applicable maximum rent under the LIHTC program. The family will continue to pay this amount until/if circumstances change, and HAP is paid on their behalf. In other words, assistance may subsequently be reinstated if the tenant becomes eligible for assistance. In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract.</p> <p>Following conversion, 24 CFR 983.53(d) applies, and any new families referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program. Further, for any new families admitted after the conversion, assistance will be terminated 180 days after the last housing assistance payment on their behalf. The cessation of housing assistance payments does not affect the family's other rights under its lease, nor does it preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within the 180-day window. If a family's assistance is terminated as a result of their zero HAP status, the PHA must remove the unit from the HAP contract. If the project is fully assisted, the PHA must reinstate the unit after the family has vacated the property. If the project is partially assisted, the PHA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR 983.207.</p>	<p>New Info Added:</p> <p>Pre-Conversion Residents</p> <p>The unit for a family with a TTP that equals or exceeds the gross rent (which is defined as the contract rent plus any utility allowance for the unit) must be placed on the PBV HAP contract and the family must be admitted to the PBV program. In this case, and until such time as the family's TTP falls below the gross rent, the family will pay the owner the alternate rent which is defined as the lesser of:</p> <ul style="list-style-type: none"> • The family's TTP minus the utility allowance (subject to any required phase-in; or • The Zero HAP Rent Cap, which is the lower of: <ul style="list-style-type: none"> - 110 percent for the applicable FMR minus the utility allowance; or - In the event the units are subject to more restrictive rent setting requirement under the LIHTC or HOME programs (or other programs approved by HUD on a project-specific basis, the rent to owner set to comply with such requirements. <p>The family will continue to pay this amount until/if circumstances change, and HAP is paid on their behalf. In other words, assistance may subsequently be reinstated if the tenant becomes eligible for assistance in which case normal PBV rent requirements will apply to the family. In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract or added back to the HAP Contract. Any non-RAD PBV units located in the same project are also subject to these requirements.</p> <p>After a family has paid the Zero HAP Rent Cap for a period of 180 days, the PHA must remove the unit from the HAP Contract and the family's participation in the PBV program ends. If the Covered Project is fully assisted and the family subsequently leaves the property, the PHA must reinstate the unit back onto the HAP contract and admit an eligible family. If the Covered Project is</p>
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		<p>partially assisted and the family subsequently leaves the property, the unit must be reinstated back onto the HAP contract unless the PHA previously substituted a different unit on the HAP contract in accordance with 24 CFR § 983.207 or, where “floating units” have been permitted.</p> <p>Additionally, if the family continues to reside in the project after the family’s unit was removed from the HAP contract, the family may request to return to the PBV program if the family’s income subsequently decreases to the extent that the family’s TTP is less than the Zero-HAP Rent Cap, and the family is otherwise eligible for PBV assistance. The PHA must, at the earliest opportunity, reinstate the family’s unit back onto the HAP contract to provide rental assistance to the family. If the project was partially assisted and the PHA previously substituted a different unit on the HAP contract, the PHA must substitute the family’s unit for a vacant unit on the HAP contract if there is a vacant unit at the time of the request, or by doing so as soon as a unit on the HAP contract becomes vacant if there are no vacant units on the HAP contract at the time of the family request.</p> <p><u>PHA Policy</u> The PHA will not request a waiver from HUD to allow families whose TTP initially exceeds gross rent to occupy units apply the alternative requirements applicable to pre-conversion residents to new admission families.</p> <p>If a participating family who was admitted after the RAD conversion receive zero assistance and subsequently experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify the PHA of the change and request an interim reexamination before the expiration of the 180-day period.</p>
18-44	<p>Choice Mobility</p> <p>Family’s Right to Choice Mobility If the family wishes to move with continued tenant-based assistance, the family must contact the PHA to request the rental assistance prior to providing notice to terminate the lease. If the family terminates the lease in accordance with lease requirements, the PHA is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If a voucher or other comparable tenant-based assistance is not immediately available, the PHA must give the family priority to receive the next available opportunity for continued tenant-based</p>	<p>New Info Added: Choice Mobility [Notice PIH 2019-23; PRRAC Choice Mobility Implementation Guidance, 8/20]</p> <p>Family’s Right to Choice Mobility Under RAD PBV, the choice mobility option provides families with the opportunity to move with continued assistance any time after 12 months of occupancy. All residents in converted properties should be aware of their housing mobility rights and of their options in a range of neighborhoods.</p> <p><u>PHA Policy</u> To ensure that residents are fully aware of and understand their rights under choice mobility, the PHA will inform</p>

	<p>assistance.</p> <p>If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.</p>	<p>families of their rights under the choice mobility option and the benefits to moving to lower poverty areas and provide a summary of the steps necessary to exercise this option, at the time the family signs the lease for the RAD PBV unit and during their annual recertification.</p> <p>Information on choice mobility will be made accessible to persons with disabilities, ensuring any information, electronic or otherwise, is accessible for persons with vision, hearing, and other disabilities. This information will also be made available in accordance with Limited English Proficiency (LEP) requirements, including document translation and user of interpretation services. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements.</p> <p>Moving with Continued Assistance under Choice Mobility</p> <p>If the family wishes to move with continued tenant-based assistance under choice mobility, the family must contact the PHA to request rental assistance prior to providing notice to terminate the lease. If the family terminates the lease in accordance with lease requirements, the PHA is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance. If a voucher or other comparable tenant-based assistance is not immediately available, the PHA must give the family priority to receive the next available opportunity for continued tenant-based assistance.</p> <p>Families are eligible to move with continued assistance under choice mobility after 12 months of occupancy. If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.</p> <p><u>PHA Policy</u></p> <p>Prior to providing notice to the owner to terminate the lease, the family may submit a written request to the PHA for a choice mobility voucher at any time after completing the 12-month occupancy requirement.</p> <p>The family will remain eligible to request a choice mobility voucher as long as they continue living at the same covered project. If a family moves from one covered project to another covered project prior to completing their 12-month occupancy requirement, their 12-month clock will reset. The family must wait 12 months from the date of move at the new property before they may request another choice mobility voucher. If a family transfers to a different unit within the same covered project, the 12-month clock does not reset.</p> <p>The PHA will maintain a combined, agency-wide waiting list for all standard PBV and RAD PBV families wishing to exercise mobility after one year</p>
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		<p>of tenancy. This list will be maintained separately from the tenant-based HCV list. Families on the choice mobility waiting list will be given priority over families on the tenant-based waiting list. The choice mobility waiting list will be organized by date and time of the family’s written request to exercise choice mobility. The list will also identify whether families live in standard or RAD PBV units.</p> <p>The PHA will not subject RAD PBV families applying for choice mobility vouchers to any additional rescreening requirements in order to receive a tenant-based voucher.</p> <p>Families exercising choice mobility will not be required to vacate their units before a lease has been entered into using their tenant-based voucher. At the time the PHA issues a choice mobility voucher, the PHA will notify the family of their right to remain in their unit if they are unable find a rental unit using the tenant-based voucher.</p>
19-1	<p>SPECIAL PURPOSE VOUCHERS</p>	<p>New Info Added:</p> <p>SPECIAL PURPOSE VOUCHERS</p> <p>INTRODUCTION</p> <p>Special purpose vouchers are specifically funded by Congress in separate appropriations from regular HCV program funding in order to target specific populations. Special purpose vouchers include vouchers for the following programs:</p> <ul style="list-style-type: none"> • Family Unification Program (FUP) • Foster Youth to Independence (FYI) program • Veterans Affairs Supportive Housing (VASH) • Mainstream • Non-Elderly Disabled (NED) • Stability Voucher program <p><u>MHA Policy</u></p> <p>The MHA will administer the following types of special purpose vouchers:</p> <ul style="list-style-type: none"> - Foster Youth to Independence (FYI) program - Veterans Affairs Supportive Housing (VASH) - Non-Elderly Disabled (NED) <p>This chapter describes HUD regulations and PHA policies for administering special purpose vouchers. The policies outlined in this chapter are organized into five sections, as</p>

		<p>follows:</p> <ul style="list-style-type: none"> <u>Part I: Family Unification Program (FUP)</u> <u>Part II: Foster Youth to Independence (FYI) program</u> <u>Part III: Veterans Affairs Supportive Housing (VASH)</u> <u>Part IV: Mainstream voucher program</u> <u>Part V: Non-Elderly Disabled (NED) vouchers</u> <u>Part VI: Stability Voucher program</u> <p>Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to special purpose vouchers.</p>
<p>19-30-19-41</p>	<p>PART II: FOSTER YOUTH TO INDEPENDENCE INITIATIVE 19-II.A. PROGRAM OVERVIEW [Notice PIH 2020-28; Notice PIH 2023-04; FR Notice 1/24/22]</p>	<p>New Info Added: PART II: FOSTER YOUTH TO INDEPENDENCE INITIATIVE 19-II.A. PROGRAM OVERVIEW [Notice PIH 2020-28; Notice PIH 2023-04; FR Notice 1/24/22] The Foster Youth to Independence (FYI) initiative was announced in 2019. The FYI initiative allows PHAs who partner with a Public Child Welfare Agency (PCWA) to request targeted HCVs to serve eligible youth with a history of child welfare involvement that are homeless or at risk of being homeless. Rental assistance and supportive services are provided to qualified youth for a period of between 36 and 60 months. Funding is available either competitively through an FYI NOFA or noncompetitively on a rolling basis in accordance with the application requirements outlined in Notice PIH 2020-28, Notice PIH 2021-26, or Notice PIH 2023-04, as applicable. Under the noncompetitive process, PHAs are limited to 25 vouchers in a fiscal year with the ability to request additional vouchers. Where the PHA has a combined FYI and/or FUP size of no more than 10 vouchers, the PHA may request FYI vouchers with at least 50 percent utilization of its FUP and/or FYI vouchers. Where the PHA has a combined FYI and/or FUP size of 11 or more vouchers, the PHA may request FYI vouchers for those PHAs with 90 percent or greater utilization of its FUP and/or FYI vouchers. For competitive awards, the number of vouchers is dependent on PHA program size and need. 19-II.B. PARTNERING AGENCIES [Notice PIH 2021-26; Notice PIH 2023-04; FYI Updates and Partnering Opportunities Webinar] Public Child Welfare Agency (PCWA) The PHA must enter into a partnership agreement with a PCWA in the PHA's jurisdiction in the form of a</p>

	<p>19-II.C. YOUTH ELIGIBILITY CRITERIA [Notice PIH 2023-04; FYI Q&As; FYI FAQs]</p>	<p>Memorandum of Understanding (MOU) or letter of intent. The PCWA is responsible for identifying and referring eligible youth to the PHA and providing or securing a commitment for the provision of supportive services once youth are admitted to the program.</p> <p><u>MHA Policy</u> The MHA will implement a Foster Youth to Independence (FYI) program in partnership with the Department of Human Resources Alabama. The PCWA is responsible for:</p> <ul style="list-style-type: none"> • Identifying FYI-eligible youth; • Developing a system of prioritization based on the level of need of the youth and the appropriateness of intervention; • Providing a written certification to the PHA that the youth is eligible; and • Providing or securing supportive services for 36 months. <p>Continuum of Care (CoC) and Other Partners HUD strongly encourages PHAs to add other partners into the partnership agreement with the PCWA such as state, local, philanthropic, faith-based organizations, and the CoC, or a CoC recipient it designates.</p> <p><u>PHA Policy</u> In addition to the PCWA, the PHA will implement the FYI program in partnership with [insert names of any other partners the PHA designates in the partnership agreement].</p> <p>19-II.C. YOUTH ELIGIBILITY CRITERIA [Notice PIH 2023-04; FYI Q&As; FYI FAQs] The PCWA is responsible for certifying that the youth has prior qualifying foster care involvement. As determined by the PCWA, eligible youth:</p> <ul style="list-style-type: none"> • Are at least 18 years of age and not more than 24 years of age (have not yet reached their 25th birthday); <ul style="list-style-type: none"> - Youth must be no more than 24 years of age at the time the PCWA certifies them as eligible and at the time of HAP contract execution. • Have left foster care or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act; <ul style="list-style-type: none"> - Placements can include, but are not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes in accordance with 24 CFR 5.576; • Are homeless or at risk of becoming homeless at age 16 and older;
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	<p>19-II.D. SUPPORTIVE SERVICES [Notice PIH 2021-262023-04; FYI Updates and Partnering Opportunities Webinar; FYI Q&As]</p> <p>19-II.E. REFERRALS AND WAITING LIST MANAGEMENT [Notice PIH 2021-262023-04; FYI Updates and Partnering Opportunities Webinar]</p>	<p>- <i>At risk of being homeless</i> is fully defined at 24 CFR 576.2.</p> <ul style="list-style-type: none">o This includes a person that is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution). Therefore, youth being discharged from an institution may be eligible for an FYI voucher [FYI FAQs]. Eligibility is not limited to single persons. For example, pregnant and/or parenting youth are eligible to receive assistance assuming they otherwise meet eligibility requirements. <p>19-II.D. SUPPORTIVE SERVICES [Notice PIH 2021-262023-04; FYI Updates and Partnering Opportunities Webinar; FYI Q&As]</p> <p>Supportive services may be provided by the PHA, PCWA, or a third party. The PCWA must provide or secure a commitment to provide supportive services for participating youth for the period of time defined in the NOFA/O for which the funding was made available. At a minimum, the following supportive services must be offered:</p> <ul style="list-style-type: none">• Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation, and access to health care (e.g., doctors, medication, and mental and behavioral health services);• Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance/referrals for assistance on security deposits, utility hook-up fees, and utility deposits;• Providing such assurances to owners of rental property as are reasonable and necessary to assist eligible youth to rent a unit with a voucher;• Job preparation and attainment counseling (where to look/how to apply, dress, grooming, relationships with supervisory personnel, etc.); and• Educational and career advancement counseling regarding attainment of general equivalency diploma (GED) or attendance/financing of education at a technical school, trade school, or college, including successful work ethic and attitude models. <p><u>MHA Policy</u></p> <p>Additional supportive services will not be offered. Since participation in supportive services is optional, but strongly encouraged, an FYI participant may decline supportive services.</p> <p>19-II.E. REFERRALS AND WAITING LIST MANAGEMENT [Notice PIH 2021-262023-04; FYI]</p>
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	<p>FYI FAQs] Referrals</p>	<p>Updates and Partnering Opportunities Webinar FYI FAQs] Referrals</p> <p>The PCWA is responsible for certifying that the youth have prior qualifying foster care involvement. Once the PCWA sends the PHA the referral certifying the youth is program-eligible, the PHA determines HCV eligibility.</p> <p>The PCWA must have a system for identifying eligible youth within the agency’s caseload and reviewing referrals from other partners, as applicable. The PCWA must also have a system for prioritization of referrals to ensure that youth are prioritized for an FYI voucher based upon their level of need and appropriateness of the intervention. Referrals may come from other organizations in the community who work with the population, but the PCWA must certify that the youth meet eligibility requirements, unless the PCWA has vested another organization with this authority.</p> <p>The PHA is not required to maintain full documentation that demonstrates the youth’s eligibility as determined by the PCWA but should keep the referral or certification from the PCWA. The PCWA is not required to provide the PHA with HCV eligibility documents.</p> <p><u>MHA Policy</u></p> <p>The MHA and PCWA have identified staff positions to serve as lead FYI liaisons. These positions will be responsible for transmission and acceptance of referrals. The PCWA must commit sufficient staff and resources to ensure eligible youths are identified, prioritized, and determined eligible in a timely manner.</p> <p>When vouchers are available, the MHA liaison responsible for acceptance of referrals will contact the PCWA liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than 10 business days from the date the PCWA receives this notification, the PCWA liaison must provide the MHA with a list of eligible referrals, a completed release form, and a written certification for each referral indicating the referral is eligible. The list will include the name, address, and contact phone number for each adult individual who is being referred.</p> <p>The MHA will maintain a copy of each certification from the PCWA in the participant’s file along with other eligibility paperwork.</p> <p>Waiting List Placement [Notice PIH 2021-262023-04 and FYI FAQs]</p> <p>The PHA must use the HCV waiting list for the FYI program. Youth already on the HCV program may not be transferred to an FYI voucher since they are not homeless or at-risk of homelessness.</p> <p>Once a referral is made, the PHA must compare the list of PCWA referrals to its HCV waiting list to determine if any applicants on the PCWA’s referral list are already on the PHA’s HCV waiting list. Applicants already on the PHA’s</p>
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	<p>19-II.F. PHA HCV ELIGIBILITY DETERMINATION [FYI FAQs]</p>	<p>HCV waiting list retain the order of their position on the list. Applicants not already on the PHA’s HCV waiting list must be placed on the HCV waiting list. If the PHA’s HCV waiting list is closed, the PHA must open its HCV waiting list in order to accept new referrals. The PHA may reopen the waiting list to accept an FYI eligible youth without opening the waiting list for other applicants; however, the requirements at 24 CFR 982.206 for giving public notice when opening and closing the waiting list apply (see section 4-II.C., Opening and Closing the Waiting List of this administrative plan).</p> <p><u>MHA Policy</u> Within 10 business days of receiving the referral from the PCWA, the MHA will review the HCV waiting list and will send the PCWA a list confirming whether or not referrals are on the waiting list. Referrals who are already on the list will retain their position and the list will be notated to indicate the applicant is FYI-eligible. For those referrals not already on the waiting list, the MHA will work with the PCWA to ensure they receive and successfully complete a pre-application or application, as applicable. Once the pre-application or application has been completed, the MHA will place the referral on the HCV waiting list with the date and time of the original referral and an indication that the referral is FYI-eligible.</p> <p>Waiting List Selection The PHA selects eligible youths based on the PHA’s regular HCV waiting list selection policies in Chapter 4, including any preferences that may apply.</p> <p>19-II.F. PHA HCV ELIGIBILITY DETERMINATION [FYI FAQs] Once an eligible youth is selected from the HCV waiting list, the PHA must determine whether the youth meet HCV program eligibility requirements. Applicants must be eligible under both FYI eligibility requirements and HCV eligibility requirements as outlined in Chapter 3 of this policy. The PCWA may, but is not obligated to, provide information to the PHA on youth’s criminal history.</p> <p><u>MHA Policy</u> Subject to privacy laws, the PCWA will provide any available information regarding the applicant’s criminal history to the MHA. The MHA will consider the information in making its eligibility determination in accordance with the MHA’s policies in Chapter 3, Part III.</p> <p>Additional Eligibility Factors Youth must be no more than 24 years old both at the time of PCWA certification and at the time of the HAP execution. If a youth is 24 at the time of PCWA certification but will turn 25 before the HAP contract is executed, the youth is no longer eligible for a FYI voucher.</p> <p><u>MHA Policy</u></p>
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	<p>19-II.G. LEASE UP [FR Notice 1/24/22]</p>	<p>Any applicant that does not meet the eligibility criteria for the HCV program listed in Chapter 3 or any eligibility criteria listed in this section will be notified by the MHA in writing following policies in Section 3-III.F, including stating the reasons the applicant was found ineligible and providing an opportunity for an informal review.</p> <p>19-II.G. LEASE UP [FR Notice 1/24/22] Once the PHA determines that the family or youth meets HCV eligibility requirements, the youth will be issued an FYI voucher in accordance with PHA policies. During the family briefing, PHAs must inform the FYI voucher holder of:</p> <ul style="list-style-type: none"> • The extension of assistance provisions and requirements; • The availability of the FSS program and offer them an FSS slot, if available, or offer to place them on the FSS waiting list (provided the PHA has an FSS program); and • The supportive services available to them, the existence of any other programs or services, and their eligibility for such programs and services. However, participation in supportive services cannot be required as a condition of receiving FYI assistance. <p><u>MHA Policy</u> Eligible applicants will be notified by the MHA in writing following policies in Section 3-III.F. of this policy. FYI youth will be briefed individually. The MHA will provide all aspects of the written and oral briefing as outlined in Part I of Chapter 5. Vouchers will be issued in accordance with MHA policies in Chapter 5, Part II, except that the MHA will consider one additional 30-day extension beyond the first automatic extension for any reason, not just those listed in the policy in Section 5-II.E. Once the youth locate a unit, the PHA conducts all other processes relating to voucher issuance and administration per HCV program regulations and the PHA policy in Chapter 9. Should a youth fail to use the voucher, the PHA may issue the voucher to another eligible youth if one has been identified [Notice PIH 2023-04].</p> <p><u>Turnover [Notice PIH 2023-04]</u> For PHAs awarded FYI Tenant Protection Vouchers (TPVs) under Notice PIH 2019-20 where the recipient of the FYI TPV leaves the program, the PHA may request an FYI voucher under the requirements of Notice PIH 2021-26. Awards of FYI Tenant Protection Vouchers (TPVs) continue to be administered under the requirements of Notice PIH 2019-20. This includes turnover requirements and the requirement to inform HUD should a youth not use a voucher or leave the program. For example, FYI TPVs</p>
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	<p>19-II.H. MAXIMIUM ASSISTANCE PERIOD [Notice PIH 2023-04 and FYI FAQs; FR Notice 1/24/22]</p>	<p>awarded under Notice PIH 2019-20 “sunset” when a youth leaves the program. This means that the PHA cannot reissue FYI TPV assistance issued under that notice to another youth when an initial youth exits the HCV program. HUD does not have the authority to allow the voucher to be used for a youth other than the one identified in the request.</p> <p>19-II.H. MAXIMIUM ASSISTANCE PERIOD [Notice PIH 2023-04 and FYI FAQs; FR Notice 1/24/22] Vouchers are limited by statute to a total of between 36 months and 60 months of housing assistance. At the end of the statutory time period, assistance must be terminated. However, any period of time for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the limitation. It is not permissible to reissue another FYI TPV to the same youth upon expiration of their FYI assistance. Participants do not “age out” of the program. A participant may continue with the program until they have received the period of assistance for which they are eligible. Age limits are only applied for entry into the program.</p> <p>Extension of Assistance FYI voucher holders who first leased or lease a unit after December 27, 2020, may be eligible for an extension of assistance up to 24 months beyond the 36-month time limit (for a total of 60 months of assistance). While FYI voucher holders cannot be required to participate in the Family Self-Sufficiency (FSS) program as a condition of receipt of assistance, an eligible youth who participates in the FSS program and is in compliance with the applicable terms and conditions of the program is entitled to receive assistance for up to an additional 24 months. A FYI voucher holders must accept an FSS slot if it is offered to them prior to the 36-month mark in order to receive an extension of assistance (unless the youth meets one of the statutory exceptions described below).</p> <p>Statutory Exceptions FYI voucher holders will be entitled to receive an extension of assistance for up to 24 months beyond the 36-month time limit without participating in the PHA’s FSS program if they certify that they meet one of the exceptions below:</p> <ul style="list-style-type: none"> • The FYI voucher holder is a parent or other household member responsible for the care of a dependent child under the age of six or for the care of an incapacitated person. <p><u>MHA Policy</u> The MHA defines incapacitated person as [insert definition under state and local law]. The MHA will apply this exception in a manner that provides extensions of FYI assistance to the broadest population possible consistent with the statutory requirements. The FYI voucher holder will be required to self-certify that they meet this exception on a MHA-provided form. This certification is the only documentation that the FYI voucher</p>
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	<p>holder must submit. The child or incapacitated person is not required to reside in the household in order for the FYI voucher holder to certify they meet this exception. For example, a child in a joint custody arrangement under the age of six who resides in the household only part time may qualify the FYI voucher holder for this exception.</p> <ul style="list-style-type: none"> • The FYI voucher holder is a person who is regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program. <p><u>MHA Policy</u> The MHA will define <i>regular and active participation</i> in a manner that provides extensions of FYI voucher holder assistance to the broadest population possible consistent with the statutory requirements. The FYI voucher holder will be required to self-certify that they meet this exception on a MHA-provided form. This certification is the only documentation that the FYI voucher holder must submit.</p> <ul style="list-style-type: none"> • The FYI voucher holder is a person who is incapable of complying with the requirement to participate in a FSS program as described above or engage in education, workforce development, or employment activities as described below, as applicable, due to a documented medical condition. <p><u>MHA Policy</u> The MHA will apply this requirement in a manner that provides extensions of FYI voucher holder assistance to the broadest population possible consistent with statutory requirements. The FYI voucher holder will be required to self-certify that they meet this exception on a MHA-provided form. This certification is the only documentation that the FYI voucher holder must submit. An FYI voucher holder that meets one of the above exceptions must still be offered an opportunity to enroll in the PHA’s FSS program (if it is available to them) and receive any supportive services available to FYI voucher holders. An FYI voucher holder may choose to participate in an FSS program or engage in education, workforce development, or employment activities, even if they meet one of the above statutory exceptions.</p> <p>Education, Workforce Development, or Employment Activities If a PHA that carries out an FSS program is unable to offer a FYI voucher holder an FSS slot during their first 36 months of receiving FYI assistance, the FYI voucher holder is considered to have been “unable to enroll” in the program and may have their voucher extended by meeting the education, workforce development, or employment criteria described below:</p>
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		<ul style="list-style-type: none"> • The FYI voucher holder was engaged in obtaining a recognized postsecondary credential or a secondary school diploma or its recognized equivalent. <p><u>MHA Policy</u></p> <p>The MHA will use the definitions of <i>recognized postsecondary credential</i> and <i>secondary school diploma or its recognized equivalent</i> under the Workforce Innovation and Opportunity Act (WIOA). WIOA defines a <i>recognized postsecondary credential</i> as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate or baccalaureate degree (29 U.S.C. 3102). Examples of a recognized postsecondary credential include, but are not limited to, an associate degree, bachelor’s degree, occupational licensure, or occupational certification (see U.S. Department of Labor, Training and Employment Guidance Letter No. 10–16, Change 1). For the purpose of WIOA, the U.S. Department of Labor defines a <i>secondary school diploma or its recognized equivalent</i> as a secondary school diploma (or alternate diploma) that is recognized by a state and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirement for a high school education. Examples of a secondary school diploma or its recognized equivalent include, but are not limited to, obtaining certification of attaining passing scores on a state-recognized high school equivalency test, earning a secondary school diploma or state-recognized equivalent, or obtaining certification of passing a state-recognized competency-based assessment.</p> <ul style="list-style-type: none"> • The FYI voucher holder was enrolled in an <i>institution of higher education</i>, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) or an institution that meets the definition of a <i>proprietary institution of higher education</i> or a <i>postsecondary vocational institution</i> under sections 102(b)(1) and (c)(1) of the Higher Education Act of 1965 (20 U.S.C. 1002(b)(1) and (c)(1)), respectively. <p><u>MHA Policy</u></p> <p>The FYI voucher holder must be enrolled in education activities on at least a half-time basis, as defined by the institution which they attend. However, the MHA may make exceptions to this requirement if the FYI voucher holder is unable to enroll in a sufficient number of classes due to a lack of course offerings by the educational institution where they are enrolled.</p> <ul style="list-style-type: none"> • The FYI voucher holder was participating in a career pathway, as such term is defined in Section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).
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		<ul style="list-style-type: none"> • Will not be considered to have been “unable to enroll” in the FSS program, and as a result, will not be eligible to receive an extension of assistance based on meeting the education, workforce development, or employment requirements described above. <p>FSS Enrollment After 48 Months The PHA may but is not required to offer an FYI voucher holder an FSS slot that becomes available between the 48-month mark and the 60-month mark, since the FYI voucher holder will have already received their second and final extension.</p> <p><u>MHA Policy</u> If an FSS slot becomes available between the 48 and 60-month marks, the MHA will not offer the FSS slot to an FYI voucher holder.</p> <p>Extensions of Assistance At the 36-month and 48-month reexamination, the PHA must extend FYI assistance if the FYI voucher holder is participating in and in compliance with the FSS program as long as the FYI voucher holder is still eligible for the HCV program. In any case, the FYI voucher holder cannot receive more than a total of 60 months of FYI assistance even if the FSS Contract of Participation time period extends beyond the voucher 60- month mark.</p> <p>No FSS Program or Unable to Enroll in FSS If a PHA does not carry out an FSS program or the FYI voucher holder has been unable to enroll in the program during the first 36 months of receiving FYI assistance, the FYI voucher holder is entitled to receive an extension of assistance for up to two successive 12-month periods beyond the 36-month time limit provided that the FYI voucher holder engaged in at least one of the education, workforce development, or employment activities described above for not less than nine months of the 12-month period preceding each extension. In order to meet the nine months out of the preceding 12 months requirement, the FYI voucher holder may have engaged in one of the education, workforce development, or employment activities described above or a combination of these activities.</p> <p>Verification Prior to Annual Reexam In order to provide an extension of assistance, the PHA must verify compliance with the above requirements at the end of the 36-month time period and the 48-month time periods. The PHA does not need to verify compliance with these requirements at the end of the 60-month time period since the maximum length of assistance is 60 months. To verify compliance with the education, workforce development, or employment requirement or one of the statutory exceptions, the PHA must provide the FYI voucher holder written notification informing them that they may receive an extension of their FYI assistance and providing</p>
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		<p>instructions on how the FYI voucher holder may demonstrate that they meet one of these conditions. This notification must be provided sufficiently in advance of the end of the 36-month or 48-month time periods, as applicable, to allow the FYI voucher holder to demonstrate that they meet the education, workforce development, or employment requirement, or one of the statutory exceptions, and for the PHA to conduct an annual reexamination prior to the expiration of the FYI assistance.</p> <p><u>MHA Policy</u></p> <p>The MHA will verify compliance with the education, workforce development, or employment requirement, or one of the statutory exceptions, at the end of the 36-month and 48-month time periods prior to the FYI voucher holder’s scheduled annual reexamination. The MHA will not verify compliance at the end of the 60-month time period.</p> <p>The MHA will provide each FYI voucher holder on the MHA’s program with a written notification informing them that they may receive an extension of their FYI assistance if they meet conditions outlined in this chapter and providing them with instructions on how they may demonstrate compliance at least 60 days prior to their scheduled annual reexam date. When necessary, the MHA will provide this notification in a format accessible to FYI voucher holders with disabilities and in a translated format for FYI voucher holders with limited English proficiency in accordance with Chapter 2.</p> <p>The MHA will use the following verification methods to verify an FYI voucher holder’s eligibility for voucher extensions:</p> <p>To verify compliance with the FSS requirement, the MHA will examine its records to confirm, or obtain confirmation from the MHA’s FSS program staff, that the FYI participant is in compliance with FSS program requirements and has not been terminated from the FSS program.</p> <p>To meet the education, workforce development, or employment requirement, the MHA will verify that the FYI voucher holder was engaged in at least one education, workforce development, or employment activity for at least nine months of the 12-month period immediately preceding the end of the 36-month or 48-month time period, as applicable.</p> <p>Due to the timing of when the MHA verifies compliance and conducts the annual reexamination, the FYI voucher holder may have not yet met the nine-month requirement but may be able to demonstrate that they will meet the nine-month requirement as of the end of the 36-month or 48-month time period. In such cases, the FYI voucher holder will still be considered to have met the requirements.</p> <p>In order for the FYI voucher holder to meet one of the</p>
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	<p>19-II.I. TERMINATION OF ASSISTANCE [FYI FAQs]</p>	<p>statutory exceptions described above, the FYI voucher holder must submit a certification to the PHA that they meet one of these exceptions. This certification is the only documentation that the FYI voucher holder must submit in order to demonstrate that they meet one of the statutory exceptions.</p> <p>An FYI voucher holder who received an extension of voucher assistance at the end of the 36-month time period based on meeting one of the conditions described in this chapter does not have to meet the same conditions when they reach the end of the 48-month time period. The FYI voucher holder may demonstrate that they meet a different condition in order to receive an extension of their assistance. If the PHA determines that the FYI voucher holder meets one of the statutory conditions, the PHA would then conduct an annual reexamination. If the annual reexamination determines that the FYI voucher holder is still eligible for the HCV program, the PHA must provide the FYI voucher holder the extension of voucher assistance.</p> <p>Termination of Assistance for Failure to Meet Conditions</p> <p>Failure of the FYI voucher holder to meet one of the above conditions will only impact their ability to receive subsequent extensions of assistance. It will not serve as a basis for terminating the FYI assistance prior to the annual reexam.</p> <p>If the FYI voucher holder does not meet any of the statutory conditions described in in this chapter, the youth is subject to the statutory time limit of 36 months or the time limit of any extension that the youth has already received, and the FYI voucher must be terminated once they reach this time limit. The calculation of the time limit begins from the date the first HAP contract is signed (for tenant-based vouchers) or from the date the FYI voucher holder entered into the initial lease agreement (for project-based vouchers). The number of months is calculated based on the number of months that HAP subsidy is being paid on behalf of the FYI voucher holder, not the number of months that they are in the FYI program. Prior to termination, the PHA must offer the FYI voucher holder the opportunity to request an informal hearing, in accordance with Chapter 16.</p> <p>19-II.I. TERMINATION OF ASSISTANCE [FYI FAQs]</p> <p>Termination of a FYI voucher is handled in the same way as with any HCV; therefore, termination of a FYI voucher must be consistent with HCV regulations at 24 CFR Part 982, Subpart L and PHA policies in Chapter 12. Given the statutory time limit that requires FYI vouchers to sunset, a PHA must terminate the youth's assistance once the limit on assistance has expired.</p> <p>A PHA cannot terminate a FYI youth's assistance for noncompliance with PCWA case management, nor may the</p>
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	<p>19-II.J. PORTABILITY [FYI FAQs]</p> <p>19-II.K. PROJECT-BASING FYI VOUCHERS [FYI FAQs; FR Notice 1/24/22; Notice PIH 2024-03]</p>	<p>PHA terminate assistance for a FYI youth for not accepting services from the PCWA. The PHA may not transfer the assistance of FYI voucher holders to regular HCV assistance upon the expiration of the limit on assistance. However, the PHA may issue a regular HCV to FYI voucher holders if they were selected from the waiting list in accordance with PHA policies. The PHA may also adopt a waiting list preference for FYI voucher holders who are being terminated for this reason.</p> <p><u>MHA Policy</u> The MHA will not provide a selection preference on the MHA's HCV waiting list for FYI voucher holders who are terminated due to the time limit on assistance.</p> <p>19-II.J. PORTABILITY [FYI FAQs] Portability for an FYI youth is handled in the same way as for a regular HCV family. A PHA may not restrict or deny portability for an FYI youth for reasons other than those specified in the HCV program regulations, as reflected in Chapter 10 of the administrative plan. An FYI youth does not have to port to a jurisdiction that administers FYI vouchers. If the receiving PHA absorbs the voucher, the PHA may absorb the youth into its regular HCV program if it has vouchers available to do so. If the receiving PHA absorbs the youth into its regular HCV program, that youth becomes a regular HCV participant with none of the limitations of an FYI voucher. The initial and receiving PHA must work together to initiate termination of assistance upon expiration of the time limit on assistance.</p> <p>19-II.K. PROJECT-BASING FYI VOUCHERS [FYI FAQs; FR Notice 1/24/22; Notice PIH 2024-03] PHAs that have initiated the selection process to project-base FYI and/or FUP vouchers may be eligible to project-base FYI and FUP units formally identified for project basing in accordance with all applicable PBV regulations and PHA policies in Chapter 17. This includes FYI vouchers awarded under Notices PIH 2020-28, PIH 2021-26, and PIH 2023-04. Assistance awarded under Notice PIH 2019-20 is prohibited from being project-based.</p> <p><u>MHA Policy</u> The MHA will not project-base FYI vouchers. All FYI vouchers will be used to provide tenant-based assistance.</p>
19-42-19-49	<p>PART III: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM</p>	<p>New Info Added: PART III: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM</p> <p>19-III.A. OVERVIEW Since 2008, HCV program funding has provided rental assistance under a supportive housing program for homeless veterans. The Veterans Affairs Supportive Housing (VASH) program combines HCV rental assistance with case</p>

		<p>management and clinical services provided by the Department of Veterans Affairs (VA) at VA medical centers (VAMCs) and Community-Based Outpatient Clinics (CBOCs), or through a designated service provider (DSP) as approved by the VA Secretary. Eligible families are homeless veterans and their families that agree to participate in VA case management and are referred to the VAMC's partner PHA for HCV assistance. The VAMC or DSP's responsibilities include:</p> <ul style="list-style-type: none"> • Screening homeless veterans to determine whether they meet VASH program participation criteria; • Referring homeless veterans to the PHA; <ul style="list-style-type: none"> - The term <i>homeless veteran</i> means a veteran who is homeless (as that term is defined in subsection (a) or (b) of Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302)). See 38 U.S.C. 2002. • Providing appropriate treatment and supportive services to potential VASH participants, if needed, prior to PHA issuance of a voucher; • Providing housing search assistance to VASH participants; • Identifying the social service and medical needs of VASH participants, and providing or ensuring the provision of regular ongoing case management, outpatient health services, hospitalization, and other supportive services as needed throughout the veterans' participation period; and • Maintaining records and providing information for evaluation purposes, as required by HUD and the VA. <p>VASH vouchers are awarded noncompetitively based on geographic need and PHA administrative performance. Eligible PHAs must be located within the jurisdiction of a VAMC and in an area of high need based on data compiled by HUD and the VA. When Congress funds a new allocation of VASH vouchers, HUD invites eligible PHAs to apply for a specified number of vouchers.</p> <p>Generally, the HUD-VASH program is administered in accordance with regular HCV program requirements. However, HUD is authorized to waive or specify alternative requirements to allow PHAs to effectively deliver and administer VASH assistance. Alternative requirements are established in the HUD-VASH Operating Requirements, which were originally published in the Federal Register on May 6, 2008, and updated September 27, 2021. Unless expressly waived by HUD, all regulatory requirements and HUD directives regarding the HCV program are applicable to VASH vouchers, including the use of all HUD-required contracts and other forms, and all civil rights and fair</p>
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	<p data-bbox="347 795 878 856">19-III.B. REFERRALS [FR Notice 9/27/21 and HUD-VASH Qs and As]</p> <p data-bbox="347 1604 886 1665">19-III.C. HCV PROGRAM ELIGIBILITY [FR Notice 9/27/21]</p>	<p data-bbox="943 165 1593 283">housing requirements. In addition, the PHA may request additional statutory or regulatory waivers that it determines are necessary for the effective delivery and administration of the program.</p> <p data-bbox="943 312 1593 705">The VASH program is administered in accordance with applicable Fair Housing requirements since civil rights requirements cannot be waived under the program. These include applicable authorities under 24 CFR 5.105(a) and 24 CFR 982.53 including, but not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, and the Age Discrimination Act and all PHA policies as outlined in Chapter 2 of this document. When HUD-VASH recipients include veterans with disabilities or family members with disabilities, reasonable accommodation requirements in Part II of Chapter 2 of this policy apply.</p> <p data-bbox="943 768 1555 829">19-III.B. REFERRALS [FR Notice 9/27/21 and HUD-VASH Qs and As]</p> <p data-bbox="943 831 1593 1161">VAMC case managers will screen all families in accordance with VA screening criteria and refer eligible families to the PHA for determination of program eligibility and voucher issuance. The PHA has no role in determining or verifying the veteran’s eligibility under VA screening criteria, including determining the veteran’s homelessness status. The PHA must accept referrals from the partnering VAMC and must maintain written documentation of referrals in VASH tenant files. Upon turnover, VASH vouchers must be issued to eligible veteran families as identified by the VAMC.</p> <p data-bbox="943 1163 1084 1192"><u>MHA Policy</u></p> <p data-bbox="943 1211 1593 1484">In order to expedite the screening process, the MHA will provide all forms and a list of documents required for the VASH application to the VAMC. Case managers will work with veterans to fill out the forms and compile all documents prior to meeting with the PHA and submitting an application. When feasible, the VAMC case manager should email or fax copies of all documents to the PHA prior to the meeting in order to allow the MHA time to review them and start a file for the veteran.</p> <p data-bbox="943 1486 1593 1575">After the VAMC has given the MHA a complete referral, the MHA will perform an eligibility screening within five business days of receipt of a VAMC referral.</p> <p data-bbox="943 1608 1567 1669">19-III.C. HCV PROGRAM ELIGIBILITY [FR Notice 9/27/21]</p> <p data-bbox="943 1671 1593 1759">Eligible participants are homeless veterans and their families who agree to participate in case management from the VAMC.</p> <ul data-bbox="943 1780 1593 1841" style="list-style-type: none"> <li data-bbox="943 1780 1593 1841">• A <i>VASH Veteran</i> or <i>veteran family</i> refers to either a single veteran or a veteran with a household composed
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		<p>of two or more related persons. It also includes one or more eligible persons living with the veteran who are determined to be important to the veteran’s care or well-being.</p> <ul style="list-style-type: none"> • A veteran for the purpose of VASH is a person whose length of service meets statutory requirements, and who served in the active military, naval, or air service, was discharged or released under conditions other than dishonorable, and is eligible for VA health care. <p>Under VASH, PHAs do not have authority to determine family eligibility in accordance with HCV program rules and PHA policies. The only reasons for denial of assistance by the PHA are failure to meet the income eligibility requirements and/or that a family member is subject to a lifetime registration requirement under a state sex offender registration program. Under portability, the receiving PHA must also comply with these VASH screening requirements.</p> <p>Social Security Numbers When verifying Social Security numbers (SSNs) for homeless veterans and their family members, an original document issued by a federal or state government agency, which contains the name and SSN of the individual along with other identifying information of the individual, is acceptable in accordance with Section 7-II.B. of this policy. SSN and cannot require the veteran to provide a Social Security card. A VA-issued identification card may also be used to verify the SSN of a homeless veteran.</p> <p>Proof of Age The DD-214 or 10-10EZ must be accepted as proof of age in lieu of birth certificates or other PHA-required documentation as outlined in Section 7-II.C. of this policy. A VA-issued identification card may also be used to verify the age of a homeless veteran.</p> <p>Photo Identification A VA-issued identification card must be accepted in lieu of another type of government-issued photo identification. These cards also serve as verification of SSNs and date of birth.</p> <p>Income Eligibility The PHA must determine income eligibility for VASH families in accordance with 24 CFR 982.201 and policies in Section 3-II.A. If the family is over-income based on the most recently published income limits for the family size, the family will be ineligible for HCV assistance. While income-targeting does not apply to VASH vouchers, the PHA may include the admission of extremely low-income VASH families in its income targeting numbers for the fiscal year in which these families are admitted.</p> <p><u>MHA Policy</u> While income-targeting requirements will not be considered by the MHA when families are referred by the partnering VAMC, the MHA will include any extremely low-income</p>
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	<p>19-III.D. CHANGES IN FAMILY COMPOSITION Adding Family Members [FR Notice 9/27/21]</p>	<p>VASH families that are admitted in its income targeting numbers for the fiscal year in which these families are admitted.</p> <p>Screening The PHA may not screen any potentially eligible family members or deny assistance for any grounds permitted under 24 CFR 982.552 and 982.553 with one exception: the PHAs is still required to prohibit admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. Accordingly, with the exception of denial for registration as a lifetime sex offender under state law and PHA policies on how sex offender screenings will be conducted, PHA policy in Sections 3-III.B. through 3-III.E. do not apply to VASH. The prohibition against screening families for anything other than lifetime sex offender status applies to all family members, not just the veteran.</p> <p>If a family member is subject to lifetime registration under a state sex offender registration program, the remaining family members may be served if the family agrees to remove the sex offender from its family composition. This is true unless the family member subject to lifetime registration under a state sex offender registration program is the homeless veteran, in which case the family would be denied admission to the program [New HCV GB, <i>HUD-VASH</i>, p. 6].</p> <p>Denial of Assistance [Notice PIH 2008-37] Once a veteran is referred by the VAMC, the PHA must either issue a voucher or deny assistance. If the PHA denies assistance, it must provide the family with prompt notice of the decision and a brief statement of the reason for denial in accordance with Section 3-III.F. Like in the standard HCV program, the family must be provided with the opportunity for an informal review in accordance with policies in Section 3-III.F. In addition, a copy of the denial notice must be sent to the VAMC case manager.</p> <p>19-III.D. CHANGES IN FAMILY COMPOSITION Adding Family Members [FR Notice 9/27/21] When adding a family member after the family has been admitted to the program, PHA policies in Section 3-II.B. apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and will apply its regular screening criteria in doing so.</p> <p>Remaining Family Members [HUD-VASH Qs and As] If the homeless veteran dies while the family is being assisted, the voucher will remain with the remaining members of the tenant family. The PHA may use one of its own regular vouchers, if available, to continue assisting this family and free up a VASH voucher for another VASH-eligible family. If a regular voucher is not available, the</p>
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	<p>19-III.E. LEASING [FR Notice 9/27/21] Waiting List</p>	<p>family would continue utilizing the VASH voucher. Once the VASH voucher turns over, however, it must go to a homeless veteran family.</p> <p>Family Break Up [HUD-VASH Qs and As] In the case of divorce or separation, since the set-aside of VASH vouchers is for veterans, the voucher must remain with the veteran. This overrides the PHA’s policies in Section 3-I.C. on how to determine who remains in the program if a family breaks up.</p> <p>19-III.E. LEASING [FR Notice 9/27/21] Waiting List The PHA does not have the authority to maintain a waiting list or apply local preferences for HUD–VASH vouchers. Policies in Chapter 4 relating to applicant selection from the waiting list, local preferences, special admissions, cross-listing, and opening and closing the waiting list do not apply to VASH vouchers.</p> <p>Exception Payment Standards To assist VASH participants in finding affordable housing, especially in competitive markets, HUD allows PHAs to establish a HUD-VASH exception payment standard. PHAs may go up to but no higher than 120 percent of the published area-wide fair market rent (FMR) or small area fair market rent (SAFMR) specifically for VASH families. PHAs who want to establish a VASH exception payment standard over 120 percent must still request a waiver from HUD through the regular waiver process outlined in Notice PIH 2018-16.</p> <p>Voucher Issuance Unlike the standard HCV program which requires an initial voucher term of at least 60 days, VASH vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Section 5-II.E. will apply.</p> <p><u>MHA Policy</u> All VASH vouchers will have an initial term of 120 calendar days.</p> <p>The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension. The PHA must track issuance of HCVs for families referred by the VAMC or DSP in PIC as required in Notice PIH 2011-53.</p> <p>Initial Lease Term Unlike in the standard HCV program, VASH voucher holders may enter into an initial lease that is for less than 12 months. Accordingly, PHA policy in Section 9-I.E., Term of Assisted Tenancy, does not apply.</p> <p>Ineligible Housing [FR Notice 6/18/14] Unlike in the standard HCV program, VASH families are</p>
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	<p>19-III.F. PORTABILITY [FR Notice 9/27/21 and Notice PIH 2011-53]</p>	<p>permitted to live on the grounds of a VA facility in units developed to house homeless veterans. This applies to both tenant-based assistance and PBV. Therefore, 24 CFR 982.352(a)(5) and 983.53(a)(2), which prohibit units on the physical grounds of a medical, mental, or similar public or private institution, do not apply to VASH for this purpose only. Accordingly, PHA policy in 9-I.D., Ineligible Units, does not apply for this purpose only.</p> <p>HQS Pre-Inspections To expedite the leasing process, PHAs may pre-inspect available units that veterans may be interested in leasing in order to maintain a pool of eligible units. If a VASH family selects a unit that passed an HQS inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval (Form HUD-52517), the unit may be approved if it meets all other conditions under 24 CFR 982.305. However, the veteran must be free to select their unit and cannot be steered to these units.</p> <p>MHA Policy To expedite the leasing process, the MHA may pre-inspect available units that veterans may be interested in leasing to maintain a pool of eligible units. If a VASH family selects a unit that passed a HQS pre-inspection (without intervening occupancy) within 45 days of the date of the RTA, the unit may be approved provided that it meets all other conditions under 24 CFR 982.305. The veteran will be free to select their unit. When a pre-inspected unit is not selected, the MHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for both initial and any required reinspections.</p> <p>19-III.F. PORTABILITY [FR Notice 9/27/21 and Notice PIH 2011-53] General Requirements Portability policies under VASH depend on whether the family wants to move within or outside of the initial VA facility’s catchment area (the area in which the VAMC or DSP operates). In all cases, the initial VA facility must be consulted prior to the move and provide written confirmation that case management will continue to be provided in the family’s new location. VASH participant families may only reside in jurisdictions that are accessible to case management services, as determined by case managers at the partnering VAMC or DSP. Under VASH, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied. As a result, PHA policies in Section 10-II.B. about nonresident applicants do not apply. If the family no longer requires case management, there are no portability restrictions. Normal portability rules apply.</p> <p>Portability within the Initial VAMC or DSP’s Catchment Area</p>
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	<p>A VASH family can move within the VAMC’s catchment area as long as case management can still be provided, as determined by the VA. If the initial PHA’s partnering VAMC will still provide the case management services, the receiving PHA must process the move in accordance with portability procedures:</p> <ul style="list-style-type: none"> • If the receiving PHA has been awarded VASH vouchers, it can choose to either bill the initial PHA or absorb the family if it has a VASH voucher available to do so. <ul style="list-style-type: none"> - If the PHA absorbs the family, the VAMC or DSP providing the initial case management must agree to the absorption and the transfer of case management. • If the receiving PHA does not administer a VASH program, it must always bill the initial PHA. <p>Portability Outside of the Initial VAMC or DSP’s Catchment Area</p> <p>If a family wants to move to another jurisdiction where it will not be possible for the initial PHA’s partnering VAMC or DSP to provide case management services, the initial VAMC or DSP must first determine that the VASH family could be served by another VAMC or DSP that is participating in the VASH program, and the receiving PHA has an available VASH voucher.</p> <p>In these cases, the family must be absorbed by the receiving PHA either as a new admission or as a portability move-in, as applicable. Upon absorption, the initial PHA’s VASH voucher will be available to lease to a new VASH-eligible family, and the absorbed family will count toward the number of VASH slots awarded to the receiving PHA.</p> <p>Portability Outside of the Initial VAMC or DSP’s Catchment Area under VAWA</p> <p>Veterans who request to port beyond the catchment area of the VAMC or DSP where they are receiving case management to protect the health or safety of a person who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, and who reasonably believes they are threatened with imminent harm from further violence by remaining in the unit may port prior to receiving approval from the receiving VAMC or DSP. The initial PHA must follow its emergency transfer plan (see Exhibit 16-3). PHAs may require verbal self-certification or a written request from a participant seeking a move beyond the catchment area of the VAMC or DSP.</p> <p>The verbal self-certification or written request must include either a statement expressing why the participant reasonably believes that there is a threat of imminent harm from further violence if they were to remain in the same unit or a statement that the tenant was a sexual</p>
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	<p>19-III.G. TERMINATION OF ASSISTANCE [FR Notice 9/27/21]</p>	<p>assault victim and that the sexual assault occurred on the premises during the 90-day period preceding the participants request for the move.</p> <p>The participant must still port to a PHA that has a VASH program. If the receiving PHA does not have a VASH voucher available to lease, they may bill the initial PHA until a VASH voucher is available, at which point the porting veteran must be absorbed into the receiving PHA's program.</p> <p>19-III.G. TERMINATION OF ASSISTANCE [FR Notice 9/27/21]</p> <p>With the exception of terminations for failure to receive case management, HUD has not established any alternative requirements for termination of assistance for VASH participants. However, prior to terminating VASH participants, HUD strongly encourages PHAs to exercise their discretion under 24 CFR 982.552(c)(2) as outlined in Section 12-II.D. of this policy and consider all relevant circumstances of the specific case. This includes granting reasonable accommodations for persons with disabilities, as well as considering the role of the case manager and the impact that ongoing case management services can have on mitigating the conditions that led to the potential termination.</p> <p>VASH participant families may not be terminated after admission for a circumstance or activities that occurred prior to admission and were known to the PHA but could not be considered at the time of admission due to VASH program requirements. The PHA may terminate the family's assistance only for program violations that occur after the family's admission to the program.</p> <p>Cessation of Case Management</p> <p>As a condition of receiving HCV rental assistance, a HUD-VASH-eligible family must receive case management services from the VAMC or DSP. A VASH participant family's assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC or DSP.</p> <p>However, a VAMC or DSP determination that the participant family no longer requires case management is not grounds for termination of voucher or PBV assistance. In such a case, at its option, the PHA may offer the family continued assistance through one of its regular vouchers. If the PHA has no voucher to offer, the family will retain its VASH voucher or PBV unit until such time as the PHA has an available voucher for the family.</p> <p>VAWA [FR Notice 9/27/21]</p> <p>When a veteran's family member is receiving protection under VAWA because the veteran is the perpetrator of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the victim must continue to be assisted. Upon termination of the perpetrator's VASH</p>
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	<p>19-III.H. PROJECT-BASING VASH VOUCHERS</p>	<p>assistance, the victim must be given a regular HCV if one is available, and the perpetrator’s VASH voucher must be used to serve another eligible veteran family. If a regular HCV is not available, the perpetrator must be terminated from assistance and the victim will continue to use the VASH voucher.</p> <p>19-III.H. PROJECT-BASING VASH VOUCHERS General Requirements [Notice PIH 2017-21 and FR Notice 9/27/21]</p> <p>PHAs are authorized to project-base their tenant-based VASH vouchers without additional HUD review or approval in accordance with Notice PIH 2017-21 and all PBV program requirements provided that the VAMC will continue to make supportive services available. In addition, since 2010, HUD has awarded VASH vouchers specifically for project-based assistance in the form of PBV HUD-VASH set-aside vouchers. While these vouchers are excluded from the PBV program cap as long as they remain under PBV HAP contract at the designated project, all other VASH vouchers are subject to the PBV program percentage limitation discussed in Section 17-I.A. Note that VASH supportive services only need to be provided to VASH families receiving PBV assistance in the project, not all families receiving PBV assistance in the project. If a VASH family does not require or no longer requires case management, the unit continues to count as an excepted PBV unit as long as the family resides in the unit.</p> <p>If the PHA project-bases VASH vouchers, the PHA must consult with the partnering VAMC or DSP to ensure approval of the project or projects. PHAs may project-base VASH vouchers in projects alongside other PBV units and may execute a single HAP contract covering both the VASH PBVs and the other PBVs. The PHA must refer only VASH families to PBV units exclusively made available to VASH families and to PBV units funded through a HUD set-aside award.</p> <p>If a VASH family is referred to the PHA and there is an available PBV unit that is not exclusively made available to VASH families, the PHA may offer to refer the family to the owner if allowable under the selection policy for that project, and the owner and PHA may amend the HAP contract to designate the PBV unit as a VASH PBV unit.</p> <p>The PHA and owner may agree to amend a PBV HAP contract to redesignate a regular PBV unit as a unit specifically designated for VASH families so long as the PHA first consults with the VAMC or DSP.</p> <p>Additionally, the PHA and owner may agree to amend a PBV HAP contract to redesignate a unit specifically designated for VASH families as a regular PBV unit, so long as the unit is not funded through a VASH PBV set-</p>
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	<p>2020-01 and Notice PIH 2020-22]</p> <p>19-IV.C. PARTNERSHIP AND SUPPORTIVE SERVICES [Notice PIH 2020-01]</p> <p>19-IV.D. WAITING LIST ADMINISTRATION</p>	<p>All Mainstream vouchers must be used to serve non-elderly persons with disabilities and their families, defined as any family that includes a person with disabilities who is at least 18 years old and not yet 62 years old as of the effective date of the initial HAP contract. The eligible disabled household member does not need to be the head of household.</p> <p>The definition of person with disabilities for purposes of Mainstream vouchers is the statutory definition under section 3(b)(3)(E) of the 1937 Act, which is the same as is used for allowances and deductions in the HCV program and is provided in Exhibit 3-1 of this policy.</p> <p>Existing families receiving Mainstream vouchers, where the eligible family member is now age 62 or older, will not “age out” of the program as long as the family was eligible on the day it was first assisted under a HAP contract.</p> <p>The PHA may not implement eligibility screening criteria for Mainstream vouchers that is different from that of the regular HCV program.</p> <p>19-IV.C. PARTNERSHIP AND SUPPORTIVE SERVICES [Notice PIH 2020-01]</p> <p>PHAs are encouraged but not required to establish formal and informal partnerships with a variety of organizations that assist persons with disabilities to help ensure eligible participants find and maintain stable housing.</p> <p><u>PHA Policy</u></p> <p>The PHA will implement a Mainstream program, in partnership with <i>[insert names of any groups with which the PHA has formed partnerships]</i>.</p> <p>19-IV.D. WAITING LIST ADMINISTRATION</p> <p>General Waiting List Requirements [Notice PIH 2020-01 and Mainstream Voucher Basics Webinar, 10/15/20]</p> <p>PHAs must not have a separate waiting list for Mainstream voucher assistance since the PHA is required by the regulations to maintain one waiting list for tenant-based assistance [24 CFR 982.204(f)]. All PHA policies on opening, closing, and updating the waiting list, as well as waiting list preferences in Chapter 4, apply to the Mainstream program.</p> <p>When the PHA is awarded Mainstream vouchers, these vouchers must be used for new admissions to the PHA’s program from the waiting list. The PHA must lease these vouchers by pulling the first Mainstream-eligible family from its tenant-based waiting list. PHAs are not permitted to reassign existing participants to the program in order to make regular tenant-based vouchers available. Further, the PHA may not skip over Mainstream-eligible families on the waiting list because the PHA is serving the required number of Mainstream families.</p>
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		<p>and requirements. This includes, but is not limited to, Section 504 of the Rehabilitation Act (Section 504), Titles II or III of the Americans with Disabilities (ADA), and the Fair Housing Act and their implementing regulations at 24 CFR Part 8; 28 CFR Parts 35 and 36; and 24 CFR Part 100. Mainstream vouchers are subject to the PBV program percentage limitation discussed in Section 17-I.A.</p>
<p>19-53-19-57</p>	<p>PART V: NON-ELDERLY DISABLED (NED) VOUCHERS</p> <p>19-V.A. PROGRAM OVERVIEW [Notice PIH 2013-19]</p>	<p>New Info Added:</p> <p>PART V: NON-ELDERLY DISABLED (NED) VOUCHERS</p> <p>19-V.A. PROGRAM OVERVIEW [Notice PIH 2013-19]</p> <p>NED vouchers help non-elderly disabled families lease suitable, accessible, and affordable housing in the private market. Aside from separate funding appropriations and serving a specific population, NED vouchers follow the same program requirements as standard vouchers. The PHA does not have special authority to treat families that receive a NED voucher differently from other applicants and participants.</p> <p>Some NED vouchers are awarded to PHAs through competitive NOFAs. The NOFA for FY2009 Rental Assistance for NED made incremental funding available for two categories of NED families:</p> <ul style="list-style-type: none"> • Category 1 vouchers enable non-elderly persons or families with disabilities to access affordable housing on the private market. • Category 2 vouchers enable non-elderly persons with disabilities currently residing in nursing homes or other healthcare institutions to transition into the community. PHAs with NED Category 2 vouchers were required to partner with a state Medicaid or health agency or the state Money Follows the Person (MFP) Demonstration agency. <p>Since 1997, HCVs for NED families have been also awarded under various special purpose HCV programs: Rental Assistance for Non-Elderly Persons with Disabilities in Support of Designated Housing Plans (Designated Housing), Rental Assistance for Non-Elderly Persons with Disabilities Related to Certain Types of Section 8 Project-Based Developments (Certain Developments), One-Year Mainstream Housing Opportunities for Persons with Disabilities, and the Project Access Pilot Program (formerly Access Housing 2000).</p> <ul style="list-style-type: none"> • Designated Housing vouchers enable non-elderly disabled families, who would have been eligible for a public housing unit if occupancy of the unit or entire project had not been restricted to elderly families only through an approved Designated Housing Plan, to

	<p>19-V.B. ELIGIBLE POPULATION</p>	<p>receive rental assistance. These vouchers may also assist non-elderly disabled families living in a designated unit/project/building to move from that project if they so choose. The family does not have to be listed on the PHA’s voucher waiting list. Instead, they may be admitted to the program as a special admission. Once the impacted families have been served, the PHA may begin issuing these vouchers to non-elderly disabled families from their HCV waiting list. Upon turnover, these vouchers must be issued to non-elderly disabled families from the PHA’s HCV waiting list.</p> <ul style="list-style-type: none"> • Certain Developments vouchers enable non-elderly families having a person with disabilities, who do not currently receive housing assistance in certain developments where owners establish preferences for, or restrict occupancy to, elderly families, to obtain affordable housing. These non-elderly families with a disabled person do not need to be listed on the PHA’s HCV waiting list in order to be offered and receive housing choice voucher rental assistance. It is sufficient that these families' names are on the waiting list for a covered development at the time their names are provided to the PHA by the owner. Once the impacted families have been served, the PHA may begin issuing these vouchers to non-elderly disabled families from their HCV waiting list. Upon turnover, these vouchers must be issued to non-elderly disabled families from the PHA’s HCV waiting list. • One-Year Mainstream Housing Opportunities for Persons with Disabilities (One-Year Mainstream) vouchers enable non-elderly disabled families on the PHA’s waiting list to receive a voucher. After initial leasing, turnover vouchers must be issued to non-elderly disabled families from the PHA’s voucher waiting list. <p>19-V.B. ELIGIBLE POPULATION</p> <p>General Requirements [Notice PIH 2013-19] Only eligible families whose head of household, spouse, or cohead is non-elderly (under age 62) and disabled may receive a NED voucher. Families with only a minor child with a disability are not eligible. In cases where the qualifying household member now qualifies as elderly due to the passage of time since the family received the NED voucher, existing NED participant families do not “age out,” as the family was eligible on the day it was first assisted under a housing assistance payments (HAP) contract. The definition of person with disabilities for purposes of NED vouchers is the statutory definition under Section 3(b)(3)(E) of the 1937 Act, which is the same as is used for allowances and deductions in the HCV program and is provided in Exhibit 3-1 of this policy.</p>
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	<p>19-V.C. WAITING LIST</p>	<p>The PHA may not implement eligibility screening criteria for NED vouchers that is different from that of the regular HCV program.</p> <p>NED Category 2 [Notice PIH 2013-19 and NED Category 2 FAQs] In addition to being eligible for the PHA’s regular HCV program and a non-elderly person with a disability, in order to receive a Category 2 voucher, the family’s head, spouse, cohead, or sole member must be transitioning from a nursing home or other healthcare institution and provided services needed to live independently in the community.</p> <p>Nursing homes or other healthcare institutions may include intermediate care facilities and specialized institutions that care for those with intellectual disabilities, developmentally disabled, or mentally ill, but do not include board and care facilities (e.g., adult homes, adult day care, adult congregate living).</p> <p>The PHA cannot limit who can apply to just those persons referred or approved by a Money Follows the Person (MFP) Demonstration agency or state health agency. Other individuals could be placed on the waiting list if they can show, with confirmation by an independent agency or organization that routinely provides such services (this can be the MFP or partnering agency, but need not be), that the transitioning individual will be provided with all necessary services, including care or case management. For each Category 2 family, there must be documentation (e.g., a copy of a referral letter from the partnering or referring agency) in the tenant file identifying the institution where the family lived at the time of voucher issuance.</p> <p>19-V.C. WAITING LIST</p> <p>General Requirements [Notice PIH 2013-19] Families must be selected for NED vouchers from the PHA’s waiting list in accordance with all applicable regulations and PHA policies in Chapter 4. Regardless of the number of NED families the PHA is required to serve, the next family on the waiting list must be served. Further, the PHA may not skip over NED-eligible families on the waiting list because the PHA is serving the required number of NED families.</p> <p>NED Category 2 Referrals [NED Category 2 FAQs] For NED Category 2 families, the partnering agency may make referrals of eligible families to the PHA for placement on the waiting list. The PHA will then select these families from the waiting list for voucher issuance. Because language in the NOFA established that vouchers awarded under the NOFA must only serve non-elderly disabled families transitioning from institutions, the PHA does not need to establish a preference in order to serve these families ahead of other families on the PHA’s waiting list. PHAs must accept applications from people living outside</p>
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	<p>19-V.D. LEASE UP [Notice PIH 2013-19]</p>	<p>their jurisdiction or from people being referred from other Medicaid or MFP service agencies in their state. If the PHA's waiting list is closed, the PHA must reopen its waiting list to accept referrals from its partnering agency. When opening the waiting list, PHAs must advertise in accordance with 24 CFR 982.206 and PHA policies in Section 4-II.C. In addition, the PHA must ensure that individuals living in eligible institutions are aware when the PHA opens its waiting list by reaching out to social service agencies, nursing homes, intermediate care facilities and specialized institutions in the local service area.</p> <p>Reissuance of Turnover Vouchers [Notice PIH 2013-19] All NED turnover vouchers must be reissued to the next NED family on the PHA's waiting list with the following exception: A Category 2 voucher must be issued to another Category 2 family upon turnover if a Category 2 family is on the PHA's waiting list. If there are no Category 2 families on the PHA's waiting list, the PHA must contact its partnering agency as well as conduct outreach through appropriate social service agencies and qualifying institutions to identify potentially eligible individuals. Only after all means of outreach have been taken to reach Category 2 families can the PHA reissue the voucher to another Category 2 NED family on the PHA's waiting list. Any subsequent turnover of that voucher must again be used for a Category 2 family on the PHA's waiting list, and the PHA is under the same obligation to conduct outreach to Category 2 families if no such families are on the PHA's waiting list.</p> <p>For PHAs that received both Category 1 and Category 2 vouchers, if at any time the PHA is serving fewer Category 2 families than the number of Category 2 HCVs awarded under the NOFA, when a Category 2 family applies to the waiting list and is found eligible, the PHA must issue the next NED voucher to that family. HUD monitors the initial leasing and reissuance of Category 2 HCVs. These vouchers may be recaptured and reassigned if not leased properly and in a timely manner.</p> <p>All NED vouchers should be affirmatively marketed to a diverse population of NED-eligible families to attract protected classes least likely to apply. If at any time following the turnover of a NED HCV a PHA believes it is not practicable to assist NED families, the PHA must contact HUD.</p> <p>19-V.D. LEASE UP [Notice PIH 2013-19]</p> <p>Briefings In addition to providing families with a disabled person a list of accessible units known to the PHA, HUD encourages, but does not require, PHAs to provide additional resources to NED families as part of the briefing.</p> <p><u>MHA Policy</u> In addition to providing families with a disabled person a</p>
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	<p>list of accessible units known to the MHA, the MHA will provide a list of local supportive service and disability organizations that may provide such assistance as counseling services and funding for moving expenses or security deposits in the briefing packet. These organizations include state protection and advocacy agencies, Centers for Independent Living, state Medicaid agencies, and disability advocacy groups that represent individuals with a variety of disabilities.</p> <p>Further, if other governmental or non-governmental agencies provide available resources such as housing search counseling, moving expenses, security deposits, and utility deposits, the MHA will include this information in the briefing packet.</p> <p>The MHA will also offer specialized housing search assistance to families with a disabled person to locate accessible units if requested. Trained MHA staff or a local supportive service or disability organization may be able to provide this service.</p> <p>Voucher Term While the PHA is not required to establish different policies for the initial term of the voucher for NED vouchers, HUD has encouraged PHAs with NED vouchers to be generous in establishing reasonable initial search terms and subsequent extensions for families with a disabled person.</p> <p><u>MHA Policy</u> All NED vouchers will have an initial term of 120 calendar days.</p> <p>The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the MHA grants an extension.</p> <p>All other MHA policies on extensions and suspension of vouchers in Section 5-II.E. will apply.</p> <p>Special Housing Types [Notice PIH 2013-19 and NED Category 2 FAQs] In general, a PHA is not required to permit families to use any of the special housing types and may limit the number of families using such housing. However, the PHA must permit the use of a special housing type if doing so provides reasonable accommodation so that the program is readily accessible to and usable by a person with disabilities. Such special housing types include single room occupancy housing, congregate housing, group homes, shared housing, cooperative housing, and manufactured homes when the family owns the home and leases the manufactured home space.</p> <p>Persons with disabilities transitioning out of institutional settings may choose housing in the community that is in a group or shared environment or where some additional assistance for daily living is provided for them on site. Under HUD regulations, group homes and shared housing</p>
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	<p>19-V.E. PORTABILITY [NED Category 2 FAQs]</p>	<p>are considered special housing types and are not excluded as an eligible housing type in the HCV program. Assisted living facilities are also considered eligible housing under the normal HCV program rules, as long as the costs for meals and other supportive services are not included in the housing assistance payments (HAP) made by the PHA to the owner, and as long as the person does not need continual medical or nursing care.</p> <p>19-V.E. PORTABILITY [NED Category 2 FAQs] NED voucher participants are eligible for portability under standard portability rules and all PHA policies regarding portability in Chapter 10, Part II apply to NED families. However, the PHA may, but is not required to, allow applicant NED families to move under portability, even if the family did not have legal residency in the initial PHA’s jurisdiction when they applied.</p> <p><u>MHA Policy</u> If neither the head of household nor the spouse or cohead of a NED applicant family had a domicile (legal residence) in the MHA’s jurisdiction at the time that the family’s initial application for assistance was submitted, the family must lease a unit within the initial MHA’s jurisdiction for at least 12 months before requesting portability.</p> <p>The MHA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, stalking, or human trafficking.</p>
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