The Idaho Housing and Finance Association is responsible for complying with all subsequent changes in HUD regulation pertaining to the Housing Choice Voucher Tenant Based Rental assistance Programs. If such changes conflict with this plan, HUD regulation will take precedence.
Introduction
ABOUT THE REFERENCES CITED IN THE MODEL ADMINISTRATIVE PLAN

Chapter 1
OVERVIEW OF THE PROGRAM AND PLAN

PART I: THE PHA
1-I.A. Overview ................................................................................................. 1-2
1-I.B. Organization and Structure of the PHA .................................................. 1-2
1-I.C. PHA Mission .......................................................................................... 1-3
1-I.D. The PHA’s Programs .............................................................................. 1-3
1-I.E. The PHA’s Commitment to Ethics and Service ..................................... 1-3

PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM
1-II.A. Overview and History of the Program .................................................... 1-5
1-II.B. HCV Program Basics .............................................................................. 1-6
1-II.C. The HCV Partnerships ............................................................................ 1-7
   The HCV Relationships: .............................................................................. 1-7
   What Does HUD Do? .............................................................................. 1-8
   What Does the PHA Do? ........................................................................ 1-8
   What Does the Owner Do? ..................................................................... 1-8
   What Does the Family Do? .................................................................... 1-9
1-II.D. Applicable Regulations ......................................................................... 1-9

PART III: THE HCV ADMINISTRATIVE PLAN
1-III.A. Overview and Purpose of the Plan ........................................................ 1-11
1-III.B. Contents of the Plan (24CFR 982.54) ................................................... 1-11
   Mandatory vs. Discretionary Policy .......................................................... 1-12
1-III.C. Organization of the Plan ....................................................................... 1-13
1-III.D. Updating and Revising the Plan ........................................................... 1-13
Chapter 2
FAIR HOUSING AND EQUAL OPPORTUNITY

PART I: NONDISCRIMINATION
2-I.A. Overview
2-I.B. Nondiscrimination
  Providing Information to Families and Owners
  Discrimination Complaints

PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES
2-II.A. Overview
2-II.B. Definition of Reasonable Accommodation
  Types of Reasonable Accommodations
2-II.C. Request for an Accommodation
2-II.D. Verification of Disability
2-II.E. Approval/Denial of a Requested Accommodation
  [Joint Statement of the Departments of HUD and Justice:
   Reasonable Accommodations under the Fair Housing Act,
   Notice PIH 2010-26]
2-II.F. Program Accessibility for Persons with Hearing
  or Vision Impairments
2-II.G. Physical Accessibility
2-II.H. Denial or Termination of Assistance

PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED
ENGLISH PROFICIENCY (LEP)
2-III.A. Overview
2-III.B. Oral Interpretation
2-III.C. Written Translation
2-III.D. Implementation Plan

Exhibit 2-1: Definition of a Person with a Disability Under
Federal Civil Rights Laws [24 CFR Parts 8.3, and 100.201]
## PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

### 3-I.A. Overview

### 3-I.B. Family and Household

- Family
- Household

### 3-I.C. Family Breakup and Remaining Member of Tenant Family

- Family Breakup
- Remaining Member of a Tenant Family

### 3-I.D. Head of Household

### 3-I.E. Spouse, Cohead, and Other Adult

- Joint Custody of Dependents

### 3-I.F. Dependent

- Full-Time Student
- Elderly and Near-Elderly Persons
- Persons with Disabilities

### 3-I.G. Full-Time Student

### 3-I.H. Elderly and Near-Elderly Persons

### 3-I.I. Persons with Disabilities and Disabled Family

### 3-I.J. Guests

### 3-I.K. Foster Children and Foster Adults

### 3-I.L. Absent Family Members

- Definitions of Temporarily and Permanently Absent
- Absent Students
- Absences Due to Placement in Foster Care
- Family Members Permanently Confined for Medical Reasons
- Return of Permanently Absent Family Members

### 3-I.M. Live-In Aide
PART II: BASIC ELIGIBILITY CRITERIA ................................................................. 3-11
  3-II.A. Income Eligibility and Targeting ...................................................... 3-11
         Income Limits .................................................................................. 3-11
         Definitions of the Income Limits [24 CFR 5.603(b)] ...................... 3-11
         Using Income Limits for Targeting [24 CFR 982.201] ............... 3-12
  3-II.B. Citizenship or Eligible Immigration Status [24 CFR 5, Subpart E] .... 3-12
         Declaration [24 CFR 5.508] ............................................................ 3-12
         Mixed Families ............................................................................. 3-13
         Ineligible Families [24 CFR 5.514(d), (e), and (f)] ...................... 3-13
         Timeframe for Determination of Citizenship Status
         [24 CFR 5.508(g)] ........................................................................ 3-14
  3-II.C. Social Security Numbers [24 CFR 5.216 and 5.218,
         Notice PIH 2018-24] ......................................................................... 3-14
  3-II.D. Family Consent to Release of Information [24 CFR 5.230;
         HCV GB, p. 5-13] ........................................................................... 3-15
  3-II.E. Students Enrolled In Institutions of Higher Education
         Definitions ..................................................................................... 3-15
         Determining Student Eligibility .................................................... 3-18
  3-II.F. EIV System Searches [Notice PIH 2018-18; EIV FAQs;
         EIV System Training 9/30/20] .................................................... 3-19
         Existing Tenant Search .................................................................. 3-19
         Debts Owed to PHAs and Terminations ....................................... 3-20
         Income and IVT Reports ................................................................. 3-20
PART III: DENIAL OF ASSISTANCE ................................................................. 3-21
3-III.A. Overview .................................................................................. 3-21
   Forms of Denial [24 CFR 982.552(a)(2); HCV GB, p. 5-35] .......... 3-21
   Prohibited Reasons for Denial of Program Assistance
   [24 CFR 982.202(b), 24 CFR 5.2005(b)] ........................................ 3-22
3-III.B. Mandatory Denial of Assistance [24 CFR 982.553(a)] ............... 3-22
3-III.C. Other Permitted Reasons for Denial of Assistance .................... 3-23
   Criminal Activity [24 CFR 982.553] ........................................... 3-23
   Previous Behavior in Assisted Housing [24 CFR 982.552(c)] ...... 3-24
3-III.D. Screening ............................................................................... 3-25
   Screening for Eligibility ................................................................ 3-25
   Screening for Suitability as a Tenant [24 CFR 982.307] ............ 3-26
3-III.E. Criteria for Deciding to Deny Assistance .................................. 3-27
   Evidence [24 CFR 982.553(c)] .................................................... 3-27
   Consideration of Circumstances [24 CFR 982.552(c)(2)] ........... 3-27
   Removal of a Family Member’s Name from the Application ...... 3-28
   Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)] ......... 3-28
3-III.F. Notice of Eligibility or Denial .................................................... 3-29
3-III.G. Prohibition Against Denial of Assistance to Victims of Domestic
   Violence, Dating Violence, Sexual Assault, and Stalking .......... 3-30
   Notification ..................................................................................... 3-30
   Documentation .............................................................................. 3-31

Exhibit 3-1: Detailed Definitions Related to Disabilities .......................... 3-33
   Person with Disabilities [24 CFR 5.403] ...................................... 3-33
   Individual with Handicaps [24 CFR 8.3] ...................................... 3-34

Exhibit 3-2: Definition of Institution of Higher Education [20 U.S.C 1001 and 1002] .... 3-37
   Eligibility of Students for Assisted Housing Under Section 8
   of the U.S. Housing Act of 1937; Supplementary Guidance;
   Notice [Federal Register, April 10, 2006] ...................................... 3-37
Chapter 4
APPLICATIONS, WAITING LIST AND TENANT SELECTION

PART I: THE APPLICATION PROCESS .................................................. 4-2
4-I.A. Overview .................................................................................. 4-2
4-I.B. Applying for Assistance
   [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36] .............................. 4-2
4-I.C. Accessibility of the Application Process .................................... 4-3
   Elderly and Disabled Populations [24 CFR 8 and HCV GB,
   pp. 4-11 – 4-13] ........................................................................... 4-3
   Limited English Proficiency ..................................................... 4-3
4-I.D. Placement on the Waiting List ................................................... 4-3
   Ineligible for Placement on the Waiting List ......................... 4-4
   Eligible for Placement on the Waiting List ............................ 4-4

PART II: MANAGING THE WAITING LIST ........................................ 4-5
4-II.A. Overview .................................................................................. 4-5
4-II.B. Organization of the Waiting List [24 CFR 982.204 and 205] .... 4-5
4-II.C. Opening and Closing the Waiting List [24 CFR 982.206] ........ 4-6
   Closing the Waiting List ........................................................... 4-6
   Reopening the Waiting List ....................................................... 4-6
4-II.D. Family Outreach [HCV GB, pp. 4-2 to 4-4] ............................ 4-6
4-II.E. Reporting Changes in Family Circumstances ....................... 4-7
4-II.F. Updating the Waiting List [24 CFR 982.204] ......................... 4-7
   Purging the Waiting List ........................................................... 4-7
   Removal from the Waiting List ................................................ 4-8

PART III: SELECTION FOR HCV ASSISTANCE ............................. 4-9
4-III.A. Overview ................................................................................ 4-9
4-III.B. Selection and HCV Funding Sources .................................... 4-9
   Special Admissions [24 CFR 982.203] ........................................ 4-9
   Targeted Funding [24 CFR 982.204(e)] ...................................... 4-9
   Regular HCV Funding ............................................................... 4-10
4-III.C. Selection Method ................................................................. 4-10
   Local Preferences [24 CFR 982.207; HCV p. 4-16] .................... 4-10
   Income Targeting Requirement [24 CFR 982.201(b)(2)] ............. 4-11
   Order of Selection .................................................................... 4-11
4-III.D. Notification of Selection ........................................................ 4-12
4-III.E. The Application Interview .................................................... 4-12
4-III.F. Completing the Application Process ..................................... 4-14
Chapter 5
BRIEFINGS AND VOUCHER ISSUANCE

PART I: BRIEFINGS AND FAMILY OBLIGATIONS
5-I.A. Overview ................................................................. 5-2
  Notification of Briefing ............................................................. 5-2
  In-Person Briefings ................................................................. 5-2
  Remote Briefings [Notice PIH 2020-32] ...................................... 5-3
  Accessibility Requirements for Persons with Disabilities and LEP Individuals ................................................................. 5-3
  Conducting Remote Briefings ................................................... 5-4
  Oral Briefing [24 CFR 982.301(a)] ............................................... 5-5
  Briefing Packet [24 CFR 982.301(b)] ........................................ 5-5
  Additional Items to be Included in the Briefing Packet .............. 5-7
5-I.C. Family Obligations ............................................................. 5-7
  Time Frames for Reporting Changes Required by Family Obligations ................................................................. 5-8
  Family Obligations [24 CFR 982.551] ........................................ 5-8

PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE
5-II.A. Overview ........................................................................... 5-11
5-II.B. Determining Family Unit (Voucher) Size [24 CFR 982.402] ........ 5-11
5-II.C. Exceptions to Subsidy Standards ............................................ 5-12
5-II.D. Voucher Issuance [24 CFR 982.302] ...................................... 5-13
5-II.E. Voucher Term and Extensions ............................................... 5-13
  Voucher Term [24 CFR 982.303] .................................................. 5-13
  Extensions of Voucher Term [24 CFR 982.303(b)] ...................... 5-14
  Suspensions of Voucher Term [24 CFR 982.303(c)] ..................... 5-14
  Expiration of Voucher Term ...................................................... 5-14
## Chapter 6
### INCOME AND SUBSIDY DETERMINATIONS
[24 CFR Part 5, Subparts E and F; 24 CFR 982]

**PART I: ANNUAL INCOME**
- **6-I.A.** Overview ................................................................. 6-2
- **6-I.B.** Household Composition and Income .......................... 6-2
  - Summary of Income Included and Excluded by Person .......... 6-3
  - Temporarily Absent Family Members ................................. 6-3
  - Family Members Permanently Confined for Medical Reasons . 6-4
  - Joint Custody of Dependents ............................................. 6-5
  - Caretakers for a Child ....................................................... 6-5
- **6-I.C.** Anticipating Annual Income ....................................... 6-6
  - Basis of Annual Income Projection .................................... 6-6
  - Projecting Income ............................................................ 6-7
- **6-I.D.** Earned Income .......................................................... 6-7
  - Types of Earned Income Included in Annual Income .......... 6-7
  - Types of Earned Income Not Counted in Annual Income .... 6-8
- **6-I.E.** Earned Income Disallowance for Persons with Disabilities
  [24 CFR 5.617; Streamlining Final Rule (SFR)]
  - Federal Register 3/8/16] ..................................................... 6-10
  - Eligibility ........................................................................... 6-10
  - Calculation of the Disallowance ....................................... 6-10
  - Calculation Method ............................................................ 6-10
- **6-I.F.** Business Income [24 CFR 5.609(b)(2)] ......................... 6-11
  - Business Expenses ............................................................ 6-11
  - Business Expansion ........................................................... 6-11
  - Capital Indebtedness ........................................................... 6-12
  - Negative Business Income ................................................ 6-12
  - Withdrawal of Cash or Assets from a Business ................ 6-12
  - Co-owned Businesses ........................................................ 6-12
- **6-I.G.** Assets [24 CFR 5.609(b)(3); 24 CFR 5.603(b)] ............... 6-12
  - Overview ........................................................................... 6-12
  - General Policies ............................................................... 6-13
  - Types of Assets ............................................................... 6-16
- **6-I.H.** Periodic Payments ..................................................... 6-20
  - Periodic Payments Included in Annual Income ................. 6-20
  - Lump-Sum Payments for the Delayed Start of a Periodic Payment ......................................................... 6-20
  - Treatment of Overpayment Deductions from Social Security Benefits ......................................................... 6-20
  - Periodic Payments Excluded from Annual Income ............ 6-21
- **6-I.I.** Payments In Lieu of Earnings .................................... 6-21
6-I.J. Welfare Assistance ................................................................. 6-21
  Overview.................................................................................. 6-21
Sanctions Resulting in the Reduction of Welfare Benefits
  [24 CFR 5.615]......................................................................... 6-22
6-I.K. Periodic and Determinable Allowances [24 CFR 5.609(b)(7)].......... 6-22
  Alimony and Child Support...................................................... 6-22
  Regular Contributions or Gifts .................................................. 6-23
6-I.L. Student Financial Assistance [24 CFR 5.609(b)(9);
  Notice PIH 2015-21].................................................................. 6-23
  Student Financial Assistance Included in Annual Income
  [24 CFR 5.609(b)(9) ]; FR 4/10/06; Notice PIH 2015-21]............. 6-23
  Student Financial Assistance Excluded from Annual Income
  [24 CFR 5.609(c)(6)]................................................................. 6-24
6-I.M. Additional Exclusions From Annual Income ............................. 6-25

PART II: ADJUSTED INCOME............................................................. 6-28
6-II.A. Introduction........................................................................... 6-28
  Overview.................................................................................. 6-28
  Anticipating Expenses .............................................................. 6-28
6-II.B. Dependent Deduction ............................................................. 6-28
6-II.C. Elderly or Disabled Family Deduction ................................. 6-29
6-II.D. Medical Expenses Deduction [24 CFR 5.611(a)(3)(i)] ............. 6-29
  Definition of Medical Expenses............................................... 6-29
  Summary of Allowable Medical Expenses from IRS
  Publication 502 ......................................................................... 6-29
  Families That Qualify for Both Medical and Disability
  Assistance Expenses ............................................................... 6-30
6-II.E. Disability Assistance Expenses Deduction [24 CFR 5.603(b) and
  24 CFR 5.611(a)(3)(ii)] ............................................................ 6-30
  Earned Income Limit on the Disability Assistance
  Expense Deduction .................................................................. 6-30
  Eligible Disability Expenses..................................................... 6-31
  Necessary and Reasonable Expenses....................................... 6-32
  Families That Qualify for Both Medical and Disability
  Assistance Expenses ............................................................... 6-32
6-II.F. Child Care Expense Deduction.................................................. 6-32
  Clarifying the Meaning of Child for This Deduction ................. 6-32
  Qualifying for the Deduction .................................................... 6-32
  Earned Income Limit on Child Care Expense Deduction .......... 6-33
  Eligible Child Care Expenses ................................................... 6-34
PART III: CALCULATING FAMILY SHARE AND PHA SUBSIDY ........................................ 6-36
  6-III.A. Overview of Rent and Subsidy Calculations ............................................. 6-36
  TTP Formula [24 CFR 5.628] ........................................................................ 6-36
  Family Share [24 CFR 982.305(a)(5)] ....................................................... 6-36
  PHA Subsidy [24 CFR 982.505(b)] .......................................................... 6-36
  Utility Reimbursement [24 CFR 982.514(b); 982.514(c)] .................. 6-37
    Overview ............................................................................................... 6-37
    HUD-Defined Financial Hardship ....................................................... 6-37
  6-III.C. Applying Payment Standards [24 CFR 982.505; 982.503(b)] ............ 6-40
    Overview ............................................................................................... 6-40
    Changes in Payment Standards .......................................................... 6-41
    Reasonable Accommodation ............................................................... 6-42
    Overview ............................................................................................... 6-42
    Reasonable Accommodation ............................................................... 6-42
    Utility Allowance Revisions ................................................................. 6-43
  6-III.E. Prorated Assistance for Mixed Families [24 CFR 5.520] ....................... 6-43
Exhibit 6-1: Annual Income Inclusions ................................................................. 6-45
  HHS Definition of "Assistance" ..................................................................... 6-46
Exhibit 6-2: Annual Income Exclusions ............................................................... 6-49
Exhibit 6-3: Treatment of Family Assets ............................................................ 6-51
Exhibit 6-4: Earned Income Disallowance for Persons with Disabilities .......... 6-53
Exhibit 6-5: The Effect of Welfare Benefit Reduction .......................................... 6-55
Chapter 7
VERIFICATION


PART I: GENERAL VERIFICATION REQUIREMENTS ................................................................. 7-2
7-I.A. Family Consent to Release of Information [24 CFR 982.516
and 982.551, 24 CFR 5.230] ........................................................................ 7-2
    Consent Forms .................................................................................. 7-2
7-I.B. Overview of Verification Requirements ................................................................. 7-2
    HUD’s Verification Hierarchy [Notice PIH 2018-18] ..................... 7-2
    Requirements for Acceptable Documents ........................................ 7-3
    File Documentation .......................................................................... 7-3
7-I.C. Up-Front Income Verification (UIV) ................................................................. 7-4
    Upfront Income Verification Using HUD’s Enterprise Income
    Verification (EIV) System (Mandatory) ........................................... 7-4
    Upfront Income Verification Using Non-HUD
    Systems (Optional) ........................................................................... 7-5
7-I.D. Third-Party Written and Oral Verification ............................................................. 7-6
    Written Third-Party Verification [Notice PIH 2018-18] .................. 7-6
    Oral Third-Party Verification [Notice PIH 2018-18] ....................... 7-7
    When Third-Party Verification is Not Required
    [Notice PIH 2018-18] ....................................................................... 7-7
7-I.E. Self-Certification .................................................................................... 7-9

PART II: VERIFYING FAMILY INFORMATION ............................................................ 7-10
7-II.A. Verification of Legal Identity ........................................................................... 7-10
7-II.C. Documentation of Age .......................................................................... 7-13
7-II.D. Family Relationships ............................................................................ 7-13
    Marriage .......................................................................................... 7-13
    Separation or Divorce ..................................................................... 7-13
    Absence of Adult Member.............................................................. 7-13
    Foster Children and Foster Adults .................................................. 7-14
7-II.E. Verification of Student Status ................................................................. 7-14
    General Requirements ..................................................................... 7-14
    Restrictions on Assistance to Students Enrolled in
    Institutions of Higher Education..................................................... 7-15
7-II.F. Documentation of Disability .................................................................... 7-17
    Family Members Receiving SSA Disability Benefits .................... 7-18
    Family Members Not Receiving SSA Disability Benefits ............. 7-18
7-II.G. Citizenship or Eligible Immigration Status [24 CFR 5.508] ................ 7-18
    Overview ....................................................................................... 7-18
    U.S. Citizens and Nationals ............................................................ 7-19
    Eligible Immigrants ....................................................................... 7-20
7-II.H. Verification of Preference Status ............................................................ 7-20
PART III: VERIFYING INCOME AND ASSETS ............................................................... 7-22

7-III.A. Earned Income ...................................................................................... 7-22
   Tips ................................................................................................. 7-22

7-III.B. Business and Self Employment Income ............................................... 7-22

7-III.C. Periodic Payments and Payments In Lieu of Earnings ......................... 7-23
   Social Security/SSI Benefits .................................................................. 7-23

7-III.D. Alimony or Child Support .................................................................... 7-23

7-III.E. Assets and Income From Assets ........................................................... 7-24
   Assets Disposed of for Less than Fair Market Value ............................... 7-24

7-III.F. Net Income From Rental Property .......................................................... 7-24

7-III.G. Retirement Accounts ........................................................................... 7-25

7-III.H. Income From Excluded Sources .......................................................... 7-25

7-III.I. Zero Annual Income Status .................................................................. 7-26


7-III.K. Parental Income of Students Subject to Eligibility Restrictions .......... 7-27

PART IV: VERIFYING MANDATORY DEDUCTIONS ................................................... 7-29

7-IV.A. Dependent and Elderly/Disabled Household Deductions ..................... 7-29
   Dependent Deduction ........................................................................ 7-29
   Elderly/Disabled Family Deduction ...................................................... 7-29

7-IV.B. Medical Expense Deduction .................................................................. 7-29
   Amount of Expense ........................................................................ 7-29
   Eligible Household .......................................................................... 7-30
   Qualified Expenses ........................................................................ 7-30
   Unreimbursed Expenses ................................................................ 7-30
   Expenses Incurred in Past Years ...................................................... 7-30

7-IV.C. Disability Assistance Expenses ............................................................ 7-30
   Amount of Expense ........................................................................ 7-30
   Family Member is a Person with Disabilities ........................................ 7-31
   Family Member(s) Permitted to Work .................................................. 7-31
   Unreimbursed Expenses ................................................................ 7-32

7-IV.D. Child Care Expenses ............................................................................. 7-32
   Eligible Child .................................................................................. 7-33
   Unreimbursed Expense ................................................................... 7-33
   Pursuing an Eligible Activity ............................................................. 7-33
   Allowable Type of Child Care ............................................................. 7-34
   Reasonableness of Expenses ............................................................. 7-34

Exhibit 7-1: Summary of Documentation Requirements for Noncitizens
[HCV GB, pp. 5-9 and 5-10] .............................................................................. 7-35

Exhibit 7-2: Verification of Hierarchy Chart ....................................................... 7-37
Chapter 8

HOUSING QUALITY STANDARDS AND RENT REASONABILITY
DETERMINATIONS

[24 CFR 982 Subpart I and 24 CFR 982.507]

PART I: PHYSICAL STANDARDS

8-I.A. General HUD Requirements

HUD Performance and Acceptability Standards ................. 8-2
Tenant Preference Items ............................................. 8-2
Modifications to Provide Accessibility ............................ 8-2

8-I.B. Additional Local Requirements

Clarifications of HUD Requirements ............................. 8-3

8-I.C. Life-Threatening Conditions [24 CFR 982.404(a);
FR Notice 1/18/17] ...................................................... 8-4

8-I.D. Owner and Family Responsibilities [24 CFR 982.404]

Family Responsibilities ............................................. 8-7
Owner Responsibilities ............................................. 8-7

8-I.E. Special Requirements for Children with Elevated Blood
Lead Level [24 CFR 35.1225; FR Notice 1/13/17;
Notice PIH 2017-13] .................................................... 8-7

8-I.F. Violation of HQS Space Standards

[24 CFR 982.401, 24 CFR 982.403] ................................. 8-8

PART II: THE INSPECTION PROCESS

8-II.A. Overview [24 CFR 982.405] ................................. 8-9

Types of Inspections .................................................. 8-9
Inspection of PHA-Owned Units [24 CFR 982.352(b)] ......... 8-9
Inspection Costs [Notice PIH 2016-05] ............................. 8-9
Remote Video Inspections (RVIs) [Notice PIH 2020-31] ....... 8-10
Notice and Scheduling .............................................. 8-10
Owner and Family Inspection Attendance ....................... 8-10

8-II.B. Initial HQS Inspection [24 CFR 982.401(a)] ............. 8-11

Initial Inspections [FR Notice 1/18/17] ........................... 8-11
Timing of Initial Inspections ....................................... 8-11
Inspection Results and Reinspections ......................... 8-11
Utilities ............................................................ 8-12
Appliances [Form HUD-52580] .................................... 8-12

8-II.C. Annual/Biennial HQS Inspections [24 CFR 982.405 and 982.406;
Notice PIH 2016-05] .................................................... 8-12
Scheduling the Inspection ....................................... 8-13

8-II.D. Special Inspections [24 CFR 982.405(g)] .............. 8-13

8-II.E. Quality Control Inspections [24 CFR 982.405(b);
24 CFR 985.3(e); HCV GB, p. 10-32] ......................... 8-13
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-II.F.</td>
<td>Inspection Results and Reinspections for Units Under HAP Contract</td>
</tr>
<tr>
<td>8-II.G.</td>
<td>Enforcing Owner Compliance</td>
</tr>
<tr>
<td>8-II.H.</td>
<td>Enforcing Family Compliance with HQS [24 CFR 982.404(b)]</td>
</tr>
<tr>
<td>PART III:</td>
<td>RENT REASONABLENESS [24 CFR 982.507]</td>
</tr>
<tr>
<td>8-III.A.</td>
<td>Overview</td>
</tr>
<tr>
<td>8-III.B.</td>
<td>When Rent Reasonableness Determinations Are Required</td>
</tr>
<tr>
<td>8-III.C.</td>
<td>How Comparability Is Established</td>
</tr>
<tr>
<td>8-III.D.</td>
<td>PHA Rent Reasonableness Methodology</td>
</tr>
<tr>
<td>Exhibit 8-1:</td>
<td>Overview of HUD Housing Quality Standards</td>
</tr>
<tr>
<td>Exhibit 8-2:</td>
<td>Summary of Tenant Preference Areas Related to Housing Quality</td>
</tr>
</tbody>
</table>
Chapter 9
GENERAL LEASING POLICIES

9-I.A. Tenant Screening ................................................................. 9-2
9-I.B. Requesting Tenancy Approval [Form HUD-52517] ............ 9-2
9-I.C. Owner Participation ............................................................... 9-4
9-I.D. Eligible Units ........................................................................ 9-4

- Ineligible Units [24 CFR 982.352(a)] ....................................... 9-4
- PHA-Owned Units [24 CFR 982.352(b)] .................................. 9-4
- Special Housing Types [24 CFR 982 Subpart M] .................... 9-4
- Duplicative Assistance [24 CFR 982.352(c)] ......................... 9-5

- Housing Quality Standards (HQS) [24 CFR 982.305 and
  24 CFR 982.401] .................................................................... 9-5
- Unit Size ................................................................................. 9-5
- Rent Burden [24 CFR 982.508] ................................................ 9-6

9-I.E. Lease and Tenancy Addendum ........................................... 9-6

- Lease Form and Tenancy Addendum [24 CFR 982.308] ........... 9-6
- Lease Information [24 CFR 982.308(d)] .................................. 9-6
- Term of Assisted Tenancy ......................................................... 9-7
- Security Deposit [24 CFR 982.313 (a) and (b)] ....................... 9-7
- Separate Non-Lease Agreements between Owner and Tenant.. 9-7
- PHA Review of Lease ............................................................. 9-8

Chapter 10
MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

PART I: MOVING WITH CONTINUED ASSISTANCE ................................................. 10-2
10-I.A. Allowable Moves .................................................................................. 10-2
10-I.B. Restrictions On Moves ......................................................................... 10-3
  Denial of Moves ............................................................................. 10-3
  Restrictions on Elective Moves [24 CFR 982.354(c)] .................... 10-4
10-I.C. Moving Process .................................................................................... 10-5
  Notification ..................................................................................... 10-6
  Approval ......................................................................................... 10-6
  Reexamination of Family Income and Composition ..................... 10-6
  Voucher Issuance and Briefing ....................................................... 10-6
  Housing Assistance Payments [24 CFR 982.311(d)] .................... 10-7

PART II: PORTABILITY .................................................................................................... 10-8
10-II.A. Overview ............................................................................................... 10-8
10-II.B. Initial PHA Role ................................................................................... 10-8
  Allowable Moves under Portability ................................................ 10-8
  Determining Income Eligibility .................................................... 10-10
  Reexamination of Family Income and Composition .................... 10-10
  Briefing ......................................................................................... 10-10
  Voucher Issuance and Term ......................................................... 10-11
  Voucher Extensions and Expiration ............................................. 10-11
  Preapproval Contact with the Receiving PHA ............................. 10-11
  Initial Notification to the Receiving PHA .................................... 10-12
  Sending Documentation to the Receiving PHA .......................... 10-12
  Initial Billing Deadline [Notice PIH 2016-09] ............................. 10-13
  Monthly Billing Payments [Notice PIH 2016-09] ........................ 10-13
  Annual Updates of Form HUD-50058 ......................................... 10-14
  Denial or Termination of Assistance [24 CFR 982.355(c)(17)]... 10-14
10-II.C. Receiving PHA Role ........................................................................... 10-14
  Responding to Initial PHA’s Request [24 CFR 982.355(c)] ....... 10-14
  Initial Contact with Family ........................................................... 10-15
  Briefing ......................................................................................... 10-15
  Income Eligibility and Reexamination ........................................ 10-15
  Voucher Issuance ........................................................................ 10-16
  Notifying the Initial PHA ............................................................. 10-17
  Administering a Portable Family’s Voucher ............................... 10-17
  Absorbing a Portable Family ....................................................... 10-20
Chapter 11
REEXAMINATIONS

PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516].............................................. 11-2
11-I.A. Overview............................................................................................................. 11-2
11-I.B. Streamlined Annual Reexaminations [24 CFR 982.516(b)]......................... 11-2
11-I.C. Scheduling Annual Reexaminations................................................................. 11-2
   Notification of and Participation in the Annual Reexamination Process................ 11-3
11-I.D. Conducting Annual Reexaminations................................................................. 11-3
11-I.E. Determining Ongoing Eligibility of Certain Students
   [24 CFR 982.552(b)(5)]........................................................................................... 11-5
11-I.F. Effective Dates................................................................................................. 11-5

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]........................................... 11-7
11-II.A. Overview.......................................................................................................... 11-7
11-II.B. Changes In Family and Household Composition........................................... 11-7
   New Family Members Not Requiring PHA Approval........................................... 11-8
   New Family and Household Members Requiring Approval............................... 11-9
   Departure of a Family or Household Member..................................................... 11-10
11-II.C. Changes Affecting Income or Expenses......................................................... 11-10
   PHA-Initiated Interim Reexaminations................................................................. 11-10
   Family-Initiated Interim Reexaminations............................................................. 11-11
11-II.D. Processing the Interim Reexamination......................................................... 11-11
   Method of Reporting.............................................................................................. 11-12
   Effective Dates....................................................................................................... 11-12

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT .............. 11-14
11-III.A. Overview......................................................................................................... 11-14
11-III.B. Changes In Payment Standards and Utility Allowances............................ 11-14
   Payment Standards [24 CFR 982.505]................................................................. 11-14
   Subsidy Standards [24 CFR 982.505(c)(4)].......................................................... 11-14
   Utility Allowances [24 CFR 982.517(d)]............................................................. 11-15
11-III.C. Notification of New Family Share and HAP Amount.................................. 11-15
11-III.D. Discrepancies............................................................................................... 11-16

© Copyright 2021 Nan McKay & Associates
Unlimited copies may be made for internal use

TOC-17
IHFA Admin Plan 3/1/21
Revised 10/26/2022
Chapter 12
TERMINATION OF ASSISTANCE AND TENANCY

PART I: GROUNDS FOR TERMINATION OF ASSISTANCE ........................................... 12-2
12-I.A. Overview ........................................................................................................ 12-2
12-I.C. Family Chooses to Terminate Assistance ...................................................... 12-2
12-I.D. Mandatory Termination of Assistance .......................................................... 12-2
   Failure to Provide Consent [24 CFR 982.552(b)(3)] ........................................... 12-3
   Failure to Document Citizenship [24 CFR 982.552(b)(4) and 24 CFR 5.514(c)] ........ 12-3
   Methamphetamine Manufacture or Production [24 CFR 983.553(b)(1)(ii)] .................. 12-4
   Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06] ......................... 12-4
   Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9] .............. 12-5
12-I.E. Mandatory Policies and Other Authorized Terminations ....................... 12-5
   Mandatory Policies [24 CFR 982.553(b) and 982.551(l)] ................................. 12-5
   Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c), 24 CFR 5.2005(c)] ........................................ 12-7

PART II: APPROACH TO TERMINATION OF ASSISTANCE ..................................... 12-10
12-II.A. Overview ..................................................................................................... 12-10
12-II.B. Method of Termination [24 CFR 982.552(a)(3)] ...................................... 12-10
12-II.C. Alternatives to Termination of Assistance ................................................... 12-10
   Change in Household Composition ................................................................ 12-10
   Repayment of Family Debts ........................................................................... 12-10
12-II.D. Criteria for Deciding to Terminate Assistance ............................................ 12-11
   Evidence ............................................................................................................ 12-11
   Consideration of Circumstances [24 CFR 982.552(c)(2)(i)] ......................... 12-12
   Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)] ............................. 12-13
12-II.E. Terminations Related to Domestic Violence, Dating Violence, Sexual Assault or Stalking ........................................................................................................ 12-13
   VAWA Protections against Terminations ........................................................... 12-13
   Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)] ....................... 12-14
   Terminating the Assistance of a Domestic Violence Perpetrator .......................... 12-15
12-II.F. Termination Notice ..................................................................................... 12-16
PART III: TERMINATION OF TENANCY BY THE OWNER................................. 12-18
12-III.A. Overview.......................................................................................... 12-18
12-III.B. Grounds for Owner Termination of Tenancy
[24 CFR 982.310, 24 CFR 5.2005(c), and
Form HUD-52641-A, Tenancy Addendum]........................................... 12-18
  Serious or Repeated Lease Violations............................................... 12-18
  Violation of Federal, State, or Local Law ................................... 12-18
  Criminal Activity or Alcohol Abuse............................................. 12-18
  Other Good Cause...................................................................... 12-19
12-III.C. Eviction [24 CFR 982.310(e) and (f) and Form HUD-52641-A,
  Tenancy Addendum]...................................................................... 12-20
12-III.D. Deciding Whether to Terminate Tenancy
[24 CFR 982.310(h), 24 CFR 982.310(h)(4)]................................. 12-20
12-III.E. Effect of Tenancy Termination on the Family’s Assistance ....... 12-21
Exhibit 12-1: Statement of Family Obligations.......................................................... 12-23
### Chapter 13
#### OWNERS

**PART I:** OWNERS IN THE HCV PROGRAM ................................................................. 13-2

- Recruitment..................................................................................... 13-2
- Retention......................................................................................... 13-2

13-I.B. Basic HCV Program Requirements ............................................................ 13-3


13-I.D. Owner Qualifications ............................................................................ 13-5
- Owners Barred from Participation [24 CFR 982.306(a) and (b)] 13-5
- Owner Actions That May Result in Disapproval of a Tenancy Request [24 CFR 982.306(c)] 13-6
- Legal Ownership of Unit 13-8


**PART II:** HAP CONTRACTS .................................................................................... 13-9

13-II.A. Overview ............................................................................................... 13-9

13-II.B. HAP Contract Contents ........................................................................ 13-9

13-II.C. HAP Contract Payments ..................................................................... 13-10
- General.......................................................................................... 13-10
- Owner Certification of Compliance......................................................... 13-11
- Late HAP Payments [24 CFR 982.451(a)(5)] .................................. 13-11
- Termination of HAP Payments [24 CFR 982.311(b)] ....................... 13-11


13-II.E. HAP Contract Term and Terminations............................................... 13-13

13-II.F. Change In Ownership / Assignment of the HAP Contract [HUD-52641] ................................................................. 13-14

Chapter 14
PROGRAM INTEGRITY

PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

14-I.A. Preventing Errors and Program Abuse ................................................. 14-2
14-I.B. Detecting Errors and Program Abuse ................................................. 14-3
   Quality Control and Analysis of Data ....................................................... 14-3
   Independent Audits and HUD Monitoring ............................................... 14-4
   Individual Reporting of Possible Errors and Program Abuse ................ 14-4
14-I.C. Investigating Errors and Program Abuse .............................................. 14-4
   When the PHA Will Investigate ............................................................... 14-4
   Analysis and Findings .......................................................................... 14-4
   Consideration of Remedies .................................................................. 14-5
   Notice and Appeals .............................................................................. 14-5

PART II: CORRECTIVE MEASURES AND PENALTIES

14-II.A. Subsidy Under- or Overpayments .................................................... 14-6
   Corrections ............................................................................................. 14-6
   Reimbursement ..................................................................................... 14-6
14-II.B. Family-Caused Errors and Program Abuse ...................................... 14-6
   Family Reimbursement to PHA [HCV GB pp. 22-12 to 22-13] .............. 14-6
   PHA Reimbursement to Family [HCV GB p. 22-12] ............................... 14-7
   Prohibited Actions ................................................................................ 14-7
   Penalties for Program Abuse ................................................................. 14-8
14-II.C. Owner-Caused Error or Program Abuse .......................................... 14-8
   Owner Reimbursement to the PHA ......................................................... 14-8
   Prohibited Owner Actions ..................................................................... 14-8
   Remedies and Penalties ...................................................................... 14-9
14-II.D. PHA-Caused Errors or Program Abuse ............................................ 14-9
   Repayment to the PHA ......................................................................... 14-10
   PHA Reimbursement to Family or Owner ............................................. 14-10
   Prohibited Activities .......................................................................... 14-10
14-II.E. Criminal Prosecution ....................................................................... 14-10
14-II.F. Fraud and Program Abuse Recoveries ............................................ 14-11
**Chapter 15**

**SPECIAL HOUSING TYPES**

[24 CFR 982 Subpart M]

<table>
<thead>
<tr>
<th>PART</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>15-I.A. Overview</td>
<td>15-2</td>
</tr>
<tr>
<td></td>
<td>15-I.C. Housing Quality Standards (HQS)</td>
<td>15-2</td>
</tr>
<tr>
<td>II.</td>
<td>CONGREGATE HOUSING [24 CFR 982.606 through 982.609]</td>
<td>15-4</td>
</tr>
<tr>
<td></td>
<td>15-II.A. Overview</td>
<td>15-4</td>
</tr>
<tr>
<td></td>
<td>15-II.B. Payment Standard, Utility Allowance, and HAP Calculation</td>
<td>15-4</td>
</tr>
<tr>
<td></td>
<td>15-II.C. Housing Quality Standards</td>
<td>15-4</td>
</tr>
<tr>
<td></td>
<td>15-III.A. Overview</td>
<td>15-5</td>
</tr>
<tr>
<td></td>
<td>15-III.C. Housing Quality Standards</td>
<td>15-5</td>
</tr>
<tr>
<td>IV.</td>
<td>SHARED HOUSING [24 CFR 982.615 through 982.618]</td>
<td>15-7</td>
</tr>
<tr>
<td></td>
<td>15-IV.I. Overview</td>
<td>15-7</td>
</tr>
<tr>
<td></td>
<td>15-IV.B. Payment Standard, Utility Allowance and HAP Calculation</td>
<td>15-7</td>
</tr>
<tr>
<td></td>
<td>15-IV.C. Housing Quality Standards</td>
<td>15-8</td>
</tr>
<tr>
<td></td>
<td>15-V.A. Overview</td>
<td>15-9</td>
</tr>
<tr>
<td></td>
<td>15-V.B. Payment Standard, Utility Allowance and HAP Calculation</td>
<td>15-9</td>
</tr>
<tr>
<td></td>
<td>15-V.C. Housing Quality Standards</td>
<td>15-9</td>
</tr>
<tr>
<td>VI.</td>
<td>MANUFACTURED HOMES [24 CFR 982.620 through 982.624; FR Notice 1/18/17]</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>15-VI.A. Overview</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>15-VI.B. Special Policies for Manufactured Home Owners</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>Who Lease A Space</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>Family Income</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>Lease and HAP Contract</td>
<td>15-13</td>
</tr>
<tr>
<td></td>
<td>15-VI.C. Payment Standard, Utility Allowance and HAP Calculation</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>[FR Notice 1/18/17]</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>Payment Standards</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>Utility Allowance</td>
<td>15-10</td>
</tr>
<tr>
<td></td>
<td>Space Rent</td>
<td>15-11</td>
</tr>
<tr>
<td></td>
<td>Amortization Costs</td>
<td>15-11</td>
</tr>
<tr>
<td></td>
<td>Housing Assistance Payment</td>
<td>15-11</td>
</tr>
<tr>
<td></td>
<td>Rent Reasonableness</td>
<td>15-11</td>
</tr>
<tr>
<td></td>
<td>15-VI.D. Housing Quality Standards</td>
<td>15-11</td>
</tr>
</tbody>
</table>
  15-VII.E. Additional PHA Requirements for Search and Purchase
          [24 CFR 982.629] ............................................................................. 15-17
  15-VII.G. Home Inspections, Contract of Sale, and PHA Disapproval of
           Home Inspections ........................................................................ 15-18
           Contract of Sale .......................................................................... 15-19
           Disapproval of a Seller ............................................................... 15-19
  15-VII.I. Continued Assistance Requirements; Family Obligations
  15-VII.K. Homeownership Assistance Payments and Homeownership
  15-VII.L. Portability [24 CFR 982.636, 982.637, 982.353(b) and (c),
           982.552, 982.553] ........................................................................ 15-23
Chapter 16
PROGRAM ADMINISTRATION


PART II: SETTING PROGRAM STANDARDS AND SCHEDULES .............................. 16-3
16-II.A. Overview ............................................................................................... 16-3
16-II.B. Payment Standards [24 CFR 982.503; HCV GB, Chapter 7] ................... 16-3
   Updating Payment Standards ........................................................................ 16-4
   Exception Payment Standards [24 CFR 982.503(c)(5), Notice PIH 2018-01] .... 16-4
   Unit-by-Unit Exceptions [24 CFR 982.503(b), 24 CFR 982.505(d), Notice PIH 2010-26] .......................................................... 16-5
"Success Rate" Payment Standard Amounts [24 CFR 982.503(e)] ......................... 16-5
Decreases in the Payment Standard below the Basic Range [24 CFR 982.503(d)] ....... 16-6
   Air Conditioning ...................................................................................... 16-6
   Reasonable Accommodation .................................................................. 16-7
   Utility Allowance Revisions .................................................................. 16-7

PART III: INFORMAL REVIEWS AND HEARINGS ...................................................... 16-8
16-III.A. Overview ............................................................................................... 16-8
16-III.B. Informal Reviews .................................................................................. 16-8
   Decisions Subject to Informal Review [24 CFR 982.554(a) and (c)] ................. 16-8
   Notice to the Applicant [24 CFR 982.554(a)] ............................................. 16-9
   Scheduling an Informal Review .............................................................. 16-9
   Informal Review Procedures [24 CFR 982.554(b)] .................................... 16-10
   Remote Informal Reviews [Notice PIH 2020-32] ....................................... 16-10
   Ensuring Accessibility for Persons with Disabilities and LEP Individuals .......... 16-10
   Conducting Remote Informal Reviews .................................................... 16-11
   Informal Review Decision [24 CFR 982.554(b)] ......................................... 16-13
16-III.C. Informal Hearings for Participants [24 CFR 982.555] ............................ 16-14
   Decisions Subject to Informal Hearing ...................................................... 16-14
   Ensuring Accessibility for Persons with Disabilities and LEP Individuals .......... 16-15
   Conducting Informal Hearings Remotely ................................................. 16-16
   Informal Hearing Procedures ................................................................. 16-17
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>16-III.D. Hearing and Appeal Provisions for Noncitizens</td>
<td>24</td>
</tr>
<tr>
<td>[24 CFR 5.514]</td>
<td></td>
</tr>
<tr>
<td>Notice of Denial or Termination of Assistance</td>
<td>24</td>
</tr>
<tr>
<td>[24 CFR 5.514(d)]</td>
<td></td>
</tr>
<tr>
<td>USCIS Appeal Process [24 CFR 5.514(e)]</td>
<td>24</td>
</tr>
<tr>
<td>Informal Hearing Procedures for Applicants</td>
<td>25</td>
</tr>
<tr>
<td>[24 CFR 5.514(f)]</td>
<td></td>
</tr>
<tr>
<td>Informal Hearing Procedures for Residents</td>
<td>26</td>
</tr>
<tr>
<td>[24 CFR 5.514(f)]</td>
<td></td>
</tr>
<tr>
<td>Retention of Documents [24 CFR 5.514(h)]</td>
<td>26</td>
</tr>
<tr>
<td>PART IV: OWNER OR FAMILY DEBTS TO THE PHA</td>
<td>28</td>
</tr>
<tr>
<td>16-IV.A. Overview</td>
<td>28</td>
</tr>
<tr>
<td>16-IV.B. Repayment Policy</td>
<td>28</td>
</tr>
<tr>
<td>Owner Debts to the PHA</td>
<td>28</td>
</tr>
<tr>
<td>Family Debts to the PHA</td>
<td>29</td>
</tr>
<tr>
<td>Repayment Agreement [24 CFR 792.103]</td>
<td>29</td>
</tr>
<tr>
<td>General Repayment Agreement Guidelines for Families</td>
<td>29</td>
</tr>
<tr>
<td>Repayment Agreements Involving Improper Payments</td>
<td>31</td>
</tr>
<tr>
<td>PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)</td>
<td>32</td>
</tr>
<tr>
<td>16-V.A. Overview</td>
<td>32</td>
</tr>
<tr>
<td>16-V.B. SEMAP Certification [24 CFR 985.101]</td>
<td>32</td>
</tr>
<tr>
<td>HUD Verification Method</td>
<td>32</td>
</tr>
<tr>
<td>16-V.C. SEMAP Indicators [24 CFR 985.3 and form HUD-52648]</td>
<td>33</td>
</tr>
<tr>
<td>SEMAP Indicators Chart</td>
<td>33</td>
</tr>
<tr>
<td>PART VI: RECORD KEEPING</td>
<td>37</td>
</tr>
<tr>
<td>16-VI.A. Overview</td>
<td>37</td>
</tr>
<tr>
<td>16-VI.B. Record Retention [24 CFR 982.158]</td>
<td>37</td>
</tr>
<tr>
<td>16-VI.C. Records Management</td>
<td>38</td>
</tr>
<tr>
<td>Privacy Act Requirements [24 CFR 5.212 and Form-9886]</td>
<td>38</td>
</tr>
<tr>
<td>Upfront Income Verification (UIV) Records</td>
<td>38</td>
</tr>
<tr>
<td>Criminal Records</td>
<td>41</td>
</tr>
<tr>
<td>Medical/Disability Records</td>
<td>41</td>
</tr>
<tr>
<td>Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking</td>
<td>41</td>
</tr>
<tr>
<td>PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL</td>
<td>42</td>
</tr>
<tr>
<td>16-VII.A. Overview</td>
<td>42</td>
</tr>
<tr>
<td>16-VII.B. Reporting Requirement [24 CFR 35.1225(e)]; Notice PIH 2017-13</td>
<td>42</td>
</tr>
<tr>
<td>16-VII.C. Data Collection and Record Keeping [24 CFR 35.1225(f)]</td>
<td>42</td>
</tr>
<tr>
<td>PART VIII: DETERMINATION OF INSUFFICIENT FUNDING</td>
<td>44</td>
</tr>
<tr>
<td>16-VIII.A. Overview</td>
<td>44</td>
</tr>
<tr>
<td>16-VIII.B. Methodology</td>
<td>44</td>
</tr>
</tbody>
</table>
PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY ................................................... 16-45
16-IX.A. Overview ........................................................................................................... 16-45
   Notification to Public ................................................................................................. 16-46
   Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)] ........ 16-46
   Notification to Owners and Managers ...................................................................... 16-47
16-IX.D. Documentation [24 CFR 5.2007] ................................................................... 16-47
   Conflicting Documentation [24 CFR 5.2007(e)] ...................................................... 16-48
   Discretion to Require No Formal Documentation [24 CFR 5.2007(d)] ................ 16-49
   Failure to Provide Documentation [24 CFR 5.2007(c)] ......................................... 16-49
16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)] .............................................. 16-49

Exhibit 16-1: Sample Notice of Occupancy Rights Under the Violence Against Women Act, Form HUD-5380 ................................................................. 16-51
Exhibit 16-2: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, Form HUD-5382 ........................................ 16-57
Exhibit 16-3: Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HCV Version) ........................................ 16-59
Exhibit 16-4: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 ............................ 16-63
Exhibit 16-5: Model Owner Notification of Rights and Obligations ............................. 16-67
Chapter 17
PROJECT-BASED VOUCHERS

PART I: GENERAL REQUIREMENTS ........................................................................................................ 17-2
   Additional Project-Based Units [FR Notice 1/18/17; Notice PIH 2017-21] ........................................ 17-2
   Units Not Subject to the PBV Program Limitation [FR Notice 1/18/17; Notice PIH 2017-21] ............ 17-3

PART II: PBV OWNER PROPOSALS ....................................................................................................... 17-5
17-II.A. Overview .............................................................................................................................. 17-5
17-II.B. Owner Proposal Selection Procedures [24 CFR 983.51(b)] ................................................. 17-5
   Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21; 24 CFR 983.51(b)] .......... 17-5
   Solicitation and Selection of PBV Proposals [24 CFR 983.51(c)] ..................................................... 17-6
   PHA-Owned Units [24 CFR 983.51(e), 983.59, FR Notice 1/18/17 and Notice PIH 2017-21] ............ 17-8
   PHA Notice of Owner Selection [24 CFR 983.51(d)] ................................................................... 17-9
17-II.C. Housing Type [24 CFR 983.52] ............................................................................................ 17-10
17-II.D. Prohibition of Assistance for Certain Units ........................................................................... 17-10
   Ineligible Housing Types [24 CFR 983.53] ..................................................................................... 17-10
   Subsidized Housing [24 CFR 983.54] ............................................................................................ 17-10
17-II.F. Cap On Number of PBV Units in Each Project ................................................................. 17-11
   Exceptions to 25 Percent per Project Cap [FR Notice 1/18/17; Notice PIH 2017-21] ...................... 17-12
   Projects not Subject to a Project Cap [FR Notice 1/18/17; Notice PIH 2017-21] ......................... 17-13
   Promoting Partially Assisted Projects [24 CFR 983.56(c)] ............................................................. 17-13
17-II.G. Site Selection Standards .......................................................... 17-13

Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)]................................. 17-13
Existing and Rehabilitated Housing Site and Neighborhood Standards [24 CFR 983.57(d)]........................................................ 17-14
New Construction Site and Neighborhood Standards [24 CFR 983.57(e)]............................................................................. 17-15

17-II.H. Environmental Review [24 CFR 983.58].............................. 17-15

PART III: DWELLING UNITS................................................................. 17-17

17-III.A. Overview ............................................................................. 17-17

17-III.B. Housing Quality Standards [24 CFR 983.101].................... 17-17
Lead-based Paint [24 CFR 983.101(c)]........................................ 17-17

17-III.C. Housing Accessibility for Persons with Disabilities .......... 17-17

17-III.D. Inspecting Units ................................................................. 17-17

Pre-selection Inspection [24 CFR 983.103(a)]............................... 17-17
Pre-HAP Contract Inspections [24 CFR 983.103(b), FR Notice 1/18/17, and Notice PIH 2017-20]............................................. 17-17
Turnover Inspections [24 CFR 983.103(c)]................................. 17-17
Annual/Biennial Inspections [24 CFR 983.103(d), FR Notice 6/25/14] .......................................................... 17-17
Other Inspections [24 CFR 983.103(e)].......................................... 17-17
Inspecting PHA-Owned Units [24 CFR 983.103(f)]........................ 17-17

PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS.......................................................... 17-19


17-IV.B. Agreement to Enter into HAP Contract ................................ 17-19
Content of the Agreement [24 CFR 983.152(d)]........................... 17-19
Execution of the Agreement [24 CFR 983.153].................................. 17-19

17-IV.C. Conduct of Development Work........................................... 17-20
Labor Standards [24 CFR 983.154(b)]............................................ 17-20
Owner Disclosure [24 CFR 983.154(d) and (e)]............................. 17-20

17-IV.D. Completion of Housing...................................................... 17-20
Evidence of Completion [24 CFR 983.155(b)]............................... 17-20
PHA Acceptance of Completed Units [24 CFR 983.156]............. 17-21
PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP) ........................................ 17-22
17-V.A. Overview ........................................................................................................... 17-22
17-V.B. HAP Contract Requirements ......................................................................... 17-22
   Execution of the HAP Contract [24 CFR 983.204] ................................................ 17-22
   Remedies for HQS Violations [24 CFR 983.208(b)] ............................................. 17-24
17-V.C. Amendments to the HAP Contract ................................................................. 17-25
   Substitution of Contract Units [24 CFR 983.207(a)] ............................................... 17-25
17-V.D. HAP Contract Year, Anniversary and Expiration Dates [24 CFR 983.207(b) and 983.302(e)] ................................................................................................. 17-26
17-V.F. Additional HAP Requirements .................................................................... 17-27
   Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.208(a)] ... 17-27
   Vacancy Payments [24 CFR 983.352(b)] ......................................................... 17-27

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS .................................... 17-28
17-VI.A. Overview ..................................................................................................... 17-28
17-VI.B. Eligibility for PBV Assistance [24 CFR 983.251(a) and (b)] ..................... 17-28
   In-Place Families [24 CFR 983.251(b)] .............................................................. 17-28
17-VI.C. Organization of the Waiting List [24 CFR 983.251(c)] ................................. 17-29
17-VI.D. Selection From the Waiting List [24 CFR 983.251(c)] ................................. 17-29
   Income Targeting [24 CFR 983.251(c)(6)] ......................................................... 17-29
   Units with Accessibility Features [24 CFR 983.251(c)(7)] ................................ 17-29
   Preferences [24 CFR 983.251(d), FR Notice 11/24/08] ........................................ 17-29
17-VI.E. Offer of PBV Assistance .......................................................................... 17-30
   Refusal of Offer [24 CFR 983.251(e)(3)] ......................................................... 17-30
   Disapproval by Landlord [24 CFR 983.251(e)(2)] ............................................. 17-30
17-VI.F. Owner Selection of Tenants ...................................................................... 17-31
   Leasing [24 CFR 983.253(a)] ............................................................................. 17-31
   Filling Vacancies [24 CFR 983.254(a)] .............................................................. 17-31
   Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)] ........ 17-31
17-VI.G. Tenant Screening [24 CFR 983.255] ......................................................... 17-32
   PHA Responsibility ............................................................................................. 17-32
   Owner Responsibility ......................................................................................... 17-32
PART VII: OCCUPANCY ................................................................. 17-33
  17-VII.A. Overview ................................................................. 17-33
  17-VII.B. Lease [24 CFR 983.256] .......................................... 17-33
    Form of Lease [24 CFR 983.256(b)] .................................. 17-33
    Lease Requirements [24 CFR 983.256(c)] ......................... 17-33
    Tenancy Addendum [24 CFR 983.256(d)] ......................... 17-33
    Initial Term and Lease Renewal [24 CFR 983.256(f)] .......... 17-34
    Changes in the Lease [24 CFR 983.256(e)] ....................... 17-34
    Owner Termination of Tenancy [24 CFR 983.257] ............... 17-34
    Continuation of Housing Assistance Payments [24 CFR 983.258] ............................................................... 17-35
  17-VII.C. Moves .................................................................. 17-35
    Emergency Transfers under VAWA [Notice PIH 2017-08] ...... 17-37
  17-VII.D. Exceptions to the Occupancy Cap [24 CFR 983.262] .............................................................................. 17-37

PART VIII: DETERMINING RENT TO OWNER .............................. 17-40
  17-VIII.A. Overview ............................................................. 17-40
    Certain Tax Credit Units [24 CFR 983.301(c)] .................. 17-40
    Reasonable Rent [24 CFR 983.301(e) and 983.302(c)(2)] .... 17-41
    Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)] ......................................... 17-41
    Use of Small Area FMRs (SAFMRs) [24 CFR 888.113(h)] .... 17-42
    Redetermination of Rent [24 CFR 983.302] ......................... 17-42
    PHA-Owned Units [24 CFR 983.301(g)] ............................. 17-43
    When Rent Reasonable Determinations Are Required .......... 17-43
    How to Determine Reasonable Rent .................................. 17-44
    PHA-Owned Units ............................................................ 17-44
    Owner Certification of Reasonable Rent ............................. 17-44
  17-VIII.D. Effect of Other Subsidy and Rent Control .................. 17-44
    Other Subsidy [24 CFR 983.304] ....................................... 17-44
    Rent Control [24 CFR 983.305] ......................................... 17-45
PART IX: PAYMENTS TO OWNER ................................................................. 17-46
  17-IX.C. Tenant Rent to Owner [24 CFR 983.353] ............................... 17-47
      Tenant and PHA Responsibilities ..................................................... 17-47
      Utility Reimbursements ................................................................. 17-47
      Meals and Supportive Services ..................................................... 17-48
      Other Charges by Owner ............................................................... 17-48

Exhibit 17-1: PBV Development Information ........................................... 17-49

Exhibit 17-2: Special Provisions Applying to TPVs Awarded as Part of a
  Voluntary Conversion of Public Housing Units in Projects that
  Include RAD PBV Units ....................................................................... 17-51
Chapter 18
PROJECT BASED VOUCHERS (PBV) UNDER THE RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM

IHFA No Longer has Low Rent Public Housing

PART I: LRPH Disposition Historical Information ........................................................... 18-1
Chapter 19

SPECIAL PURPOSE VOUCHERS

PART I: FAMILY UNIFICATION PROGRAM (FUP) ............................................................... 19-2
19-I.A. Program Overview [Fact Sheet, Housing Choice Voucher Program Family Unification Program (FUP)] ........................................................................ 19-2
Overview .................................................................................................................. 19-2
Assigning Vouchers [FUP FAQs] .............................................................................. 19-2
19-I.C. FUP Family Voucher Eligibility Criteria ..................................................... 19-3
19-I.D. FUP Youth Voucher Eligibility Criteria ...................................................... 19-4
Eligibility Criteria .................................................................................................... 19-4
Maximum Assistance Period .................................................................................. 19-5
Supportive Services ................................................................................................. 19-5
19-I.E. Referrals and Waiting List Management .................................................... 19-6
Referrals .................................................................................................................. 19-6
Waiting List Placement ........................................................................................... 19-7
Waiting List Selection ............................................................................................. 19-7
19-I.F. PHA HCV Eligibility Determination ............................................................. 19-7
Additional FUP Eligibility Factors [FUP FAQs] .................................................... 19-8
19.I.G. Lease Up ........................................................................................................ 19-8
19-I.H. Termination of Assistance ............................................................................ 19-9
General Requirements ............................................................................................. 19-9
FUP Family Vouchers ............................................................................................. 19-9
FUP Youth Vouchers .............................................................................................. 19-9
19-I.I. FUP Portability ............................................................................................... 19-10
Considerations for FUP Youth Vouchers ............................................................... 19-10

PART II: FOSTER YOUTH TO INDEPENDENCE INITIATIVE ..................................... 19-11
19-II.B. Partnering Agencies [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar] ................................................................. 19-11
Public Child Welfare Agency (PCWA) .................................................................. 19-11
Continuum of Care (CoC) and Other Partners ....................................................... 19-11
19-II.C. Youth Eligibility Criteria [Notice PIH 2020-28; FYI Q&As; FYI FAQs] .............. 19-12
19-II.D. Supportive Services [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar; FYI Q&As] ......................................................... 19-12
19-II.E. Referrals and Waiting List Management [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar FYI FAQs] ............................ 19-13
Referrals .................................................................................................................. 19-13
Waiting List Placement [Notice PIH 2020-28 and FYI FAQs] .............................. 19-13
Waiting List Selection ............................................................................................ 19-14
19-II.F. PHA HCV Eligibility Determination [FYI FAQs] ........................................ 19-14
Additional Eligibility Factors .................................................................................. 19-15
19-II.G. Lease Up ............................................................................................. 19-15

Turnover [FYI FAQs] ............................................................................ 19-15

19-II.H. Maximum Assistance Period

[Notice PIH 2020-28 and FYI FAQs] ....................................................... 19-15

19-II.I. Termination of Assistance [FYI FAQs] ........................................ 19-16

19-II.J. Portability [FYI FAQs] ................................................................. 19-16

19-II.K. Project-Basing FYI Vouchers [FYI FAQs] ................................. 19-16

PART III: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM..... 19-17

19-III.A. Overview .................................................................................... 19-17


Social Security Numbers ...................................................................... 19-19

Proof of Age ......................................................................................... 19-19

Photo Identification ............................................................................ 19-19

Income Eligibility ............................................................................... 19-19

Screening ............................................................................................ 19-19

Denial of Assistance [Notice PIH 2008-37] .......................................... 19-20

19-III.D. Changes in Family Composition ................................................. 19-20

Adding Family Members [FR Notice 3/23/12] .................................. 19-20

Remaining Family Members [HUD-VASH Qs and As] ........................ 19-20

Family Break Up [HUD-VASH Qs and As] ...................................... 19-20


Waiting List ........................................................................................ 19-20

Voucher Issuance .............................................................................. 19-21

Initial Lease Term ............................................................................. 19-21

Ineligible Housing [FR Notice 6/18/14] ............................................. 19-21

HQS Pre-Inspections ....................................................................... 19-21


General Requirements ..................................................................... 19-22

Portability within the Initial VAMC’s Catchment Area ...................... 19-22

Portability Outside of the Initial VAMC’s Catchment Area ............... 19-22


Cessation of Case Management ....................................................... 19-23

VAWA [HUD VASH Qs and As and Notice PIH 2017-08] ................. 19-23

19-III.H. Project-Basing VASH Vouchers ............................................... 19-23

General Requirements [Notice PIH 2017-21] .................................. 19-23

Moves [HUD-VASH Qs and As] ......................................................... 19-24
PART IV: MAINSTREAM VOUCHER PROGRAM ........................................................ 19-25
   19-IV.A. Program Overview [Notice PIH 2020-01]........................................ 19-25
   19-IV.B. Eligible Population [Notice PIH 2020-01 and
             Notice PIH 2020-22] ................................................................. 19-25
   19-IV.C. Partnership And Supportive Services [Notice PIH 2020-01]........ 19-26
   19-IV.D. Waiting List Administration ....................................................... 19-27
             General Waiting List Requirements [Notice PIH 2020-01
             and Mainstream Voucher Basics Webinar, 10/15/20] .............. 19-27
             Admission Preferences [Notice PIH 2020-01;
             FY17 Mainstream NOFA; FY19 Mainstream NOFA] ................. 19-27
   19-IV.E. Portability [Notice PIH 2020-01 and
             Mainstream Voucher Basics Webinar, 10/15/20] .................... 19-27
   19-IV.F. Project-Basing Mainstream Vouchers [FY19 Mainstream
             Voucher NOFA Q&A] ................................................................. 19-28

PART IV: NON-ELDERLY DISABLED (NED) VOUCHERS .................................... 19-29
   19-V.B. Eligible Population ....................................................................... 19-30
             NED Category 2 [Notice PIH 2013-19 and NED Category 2 FAQs] ................................................................. 19-30
   19-V.C. Waiting List .................................................................................... 19-31
             NED Category 2 Referrals [NED Category 2 FAQs] .................... 19-31
             Briefings .................................................................................. 19-31
             Voucher Term ......................................................................... 19-31
             Special Housing Types [Notice PIH 2013-19
             and NED Category 2 FAQs] ..................................................... 19-32
   19-V.E. Portability [NED Category 2 FAQs] ............................................... 19-32
# Administrative Plan - Table of Contents

## Chapter TPS

### Emergency Housing Vouchers

<table>
<thead>
<tr>
<th>Part</th>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>FUNDING</td>
<td>Overview</td>
<td>TSP-2</td>
</tr>
<tr>
<td></td>
<td>TPS-I.A.</td>
<td>Funding Overview</td>
<td>TSP-2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Housing Assistance Payments (HAP) Funding</td>
<td>TSP-2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Administrative Fee and Funding</td>
<td>TSP-2</td>
</tr>
<tr>
<td></td>
<td>TPS-I.B.</td>
<td>Service Fees</td>
<td>TSP-3</td>
</tr>
<tr>
<td>II</td>
<td>PARTNERING AGENCIES</td>
<td>Continuum of Care (CoC)</td>
<td>TSP-6</td>
</tr>
<tr>
<td></td>
<td>TPS-II.A.</td>
<td>Continuum of Care (CoC)</td>
<td>TSP-6</td>
</tr>
<tr>
<td></td>
<td>TPS-II.B.</td>
<td>Other Partnering Organizations</td>
<td>TSP-6</td>
</tr>
<tr>
<td></td>
<td>TPS-II.C.</td>
<td>Referrals</td>
<td>TSP-6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coc and Partnering Agency Referrals</td>
<td>TSP-6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Offers of Assistance with Coc Referral</td>
<td>TSP-7</td>
</tr>
<tr>
<td>III</td>
<td>WAITING LIST MANAGEMENT</td>
<td>HCV Waiting List</td>
<td>TSP-8</td>
</tr>
<tr>
<td></td>
<td>TPS-III.A.</td>
<td>HCV Waiting List</td>
<td>TSP-8</td>
</tr>
<tr>
<td></td>
<td>TPS-III.B.</td>
<td>EHV Waiting List</td>
<td>TSP-8</td>
</tr>
<tr>
<td></td>
<td>TPS-III.C.</td>
<td>HCV Waiting List Preferences</td>
<td>TSP-9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EHV Waiting List Preferences</td>
<td>TSP-9</td>
</tr>
<tr>
<td>IV</td>
<td>FAMILY ELIGIBILITY</td>
<td>Overview</td>
<td>TSP-10</td>
</tr>
<tr>
<td></td>
<td>TPS-IV.A.</td>
<td>Overview</td>
<td>TSP-10</td>
</tr>
<tr>
<td></td>
<td>TPS-IV.B.</td>
<td>Referring Agency Determination of Eligibility</td>
<td>TSP-10</td>
</tr>
<tr>
<td></td>
<td>TPS-IV.C.</td>
<td>PHA Screening</td>
<td>TSP-10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Overview</td>
<td>TSP-10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mandatory Denials</td>
<td>TSP-10</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Permissive Denials</td>
<td>TSP-11</td>
</tr>
<tr>
<td></td>
<td>TPS-IV.D.</td>
<td>Income Verification at Admission</td>
<td>TSP-12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Self-Certification at Admission</td>
<td>TSP-12</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Recently Conducted Income Determinations</td>
<td>TSP-13</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EIV Income Validation</td>
<td>TSP-13</td>
</tr>
<tr>
<td></td>
<td>TPS-IV.E.</td>
<td>Social Security Number and Citizenship Status Verification</td>
<td>TSP-14</td>
</tr>
<tr>
<td></td>
<td>TPS-IV.F.</td>
<td>Age and Disability Verification</td>
<td>TSP-14</td>
</tr>
<tr>
<td></td>
<td>TPS-IV.G.</td>
<td>Income Targeting</td>
<td>TSP-15</td>
</tr>
<tr>
<td>V</td>
<td>HOUSING SEARCH AND LEASING</td>
<td>Initial Voucher Term</td>
<td>TSP-16</td>
</tr>
<tr>
<td></td>
<td>TPS-V.A.</td>
<td>Initial Voucher Term</td>
<td>TSP-16</td>
</tr>
<tr>
<td></td>
<td>TPS-V.B.</td>
<td>Housing Search Assistance</td>
<td>TSP-16</td>
</tr>
<tr>
<td></td>
<td>TPS-V.C.</td>
<td>HQS Pre-Inspections</td>
<td>TSP-17</td>
</tr>
<tr>
<td></td>
<td>TPS-V.D.</td>
<td>Initial Lease Term</td>
<td>TSP-17</td>
</tr>
<tr>
<td></td>
<td>TPS-V.E.</td>
<td>Portability</td>
<td>TSP-17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nonresident Applicants</td>
<td>TSP-17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Billing and Absorption</td>
<td>TSP-17</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Family Briefing</td>
<td>TSP-18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coordination of Services</td>
<td>TSP-18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Services Fee</td>
<td>TSP-18</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Placement Fee/Issuance Reporting Fee</td>
<td>TSP-19</td>
</tr>
</tbody>
</table>
Administrative Plan - Table of Contents

TPS-V.F.  Payment Standards .......................................................... TSP-19
- Payment Standard Schedule ..................................................... TSP-19
- Rent Reasonableness ............................................................... TSP-20
- Increases in Payment Standards .............................................. TSP-20
TPS-V.G.  Termination of Vouchers ............................................... TSP-20

PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS .......... TSP-21

Exhibit TPS-1 .................................................................................. TSP-23
Exhibit TPS-2 .................................................................................. TSP-27
Exhibit TPS-3 .................................................................................. TSP-29

GLOSSARY

IHFA APPENDICES
Introduction

ABOUT THE REFERENCES CITED IN THE MODEL ADMINISTRATIVE PLAN

AUTHORITIES FOR POLICIES IN THE MODEL ADMINISTRATIVE PLAN

The authority for PHA policies is derived from many sources. Primary among these sources are federal statutes, federal regulations, and guidance issued by HUD. State law also directs PHA policy. State law must be followed where such law exists and does not conflict with federal regulations. Industry practice may also be used to develop policy as long as it does not conflict with federal requirements or prohibitions.

HUD

HUD provides the primary source of PHA policy through federal regulations, HUD notices, and handbooks. Compliance with federal regulations, current HUD notices, and current HUD handbooks is mandatory.

HUD also provides guidance to PHAs through other means such as HUD-published guidebooks, expired HUD notices, and expired handbooks. Basing PHA policy on HUD guidance is optional, as long as PHA policies comply with federal law, federal regulations and mandatory policy. Because HUD has already determined that the guidance it provides is consistent with mandatory policies, PHA reliance on HUD guidance provides the PHA with a “safe harbor.”

Material posted on the HUD website can provide further clarification of HUD policies. For example, FAQs on the HUD website can provide direction on the application of federal regulations in various aspects of the program.

State Law

Where there is no mandatory federal guidance, PHAs must comply with state law, if it exists. Where state law is more restrictive than federal law, but does not conflict with it, the PHA should follow the state law.

Industry Practice

Where no law or HUD authority exists on a particular subject, industry practice may support PHA policy. Industry practice refers to a way of doing things or a policy that has been adopted by a majority of PHAs.

RESOURCES CITED IN THE MODEL ADMINISTRATIVE PLAN

The model administrative plan cites several documents. Where a document or resource is cited frequently, it may be abbreviated. Where it is cited only once or twice, the model administrative plan may contain the entire name of the document or resource. Following is a key to abbreviations used for various sources that are frequently cited in the administrative plan and a list of references and document locations that are referenced in the model administrative plan or that may be helpful to you.
Abbreviations
Throughout the model administrative plan, abbreviations are used to designate certain documents in citations. The following is a table of abbreviations of documents cited in the model administrative plan.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Document</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>HCV GB</td>
<td>Housing Choice Voucher Program Guidebook (7420.10G), April 2001.</td>
</tr>
<tr>
<td>HUD-50058 IB</td>
<td>HUD-50058 Instruction Booklet</td>
</tr>
<tr>
<td>RHIIP FAQs</td>
<td>Rental Housing Integrity Improvement Program (RHIIP) Frequently Asked Questions.</td>
</tr>
<tr>
<td>HB 4350.3</td>
<td>Occupancy Requirements of Subsidized Multifamily Housing Programs</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Document and Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td><a href="https://www.ecfr.gov/">https://www.ecfr.gov/</a></td>
</tr>
<tr>
<td>Earned Income Disregard FAQ</td>
</tr>
<tr>
<td><a href="https://www.hud.gov/program_offices/public_indian_housing/phr/about/ao_faq_eid">https://www.hud.gov/program_offices/public_indian_housing/phr/about/ao_faq_eid</a></td>
</tr>
<tr>
<td>Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Final Rule</td>
</tr>
<tr>
<td>Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data</td>
</tr>
<tr>
<td>Executive Order 11063</td>
</tr>
<tr>
<td>Federal Register</td>
</tr>
<tr>
<td><a href="https://www.federalregister.gov/">https://www.federalregister.gov/</a></td>
</tr>
<tr>
<td>Housing Choice Voucher Program Guidebook (7420.10G), Updated Chapters</td>
</tr>
<tr>
<td>Title</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>HUD-50058 Instruction Booklet</td>
</tr>
<tr>
<td>Notice PIH 2017-12, Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System</td>
</tr>
<tr>
<td>OMB Circular A-133</td>
</tr>
</tbody>
</table>

The HUD website is [https://www.hud.gov/](https://www.hud.gov/).

Guidebooks, handbooks and other HUD resources may be found at the HUDClips website: [https://www.hud.gov/program_offices/administration/hudclips](https://www.hud.gov/program_offices/administration/hudclips).
Chapter 1

OVERVIEW OF THE PROGRAM AND PLAN

INTRODUCTION

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

This chapter contains information about the PHA and its programs with emphasis on the HCV program. It also contains information about the purpose, intent and use of the plan and guide.

There are three parts to this chapter:

Part I: The Public Housing Agency (PHA). This part includes a description of the PHA, its jurisdiction, its programs, and its mission and intent.

Part II: The HCV Program. This part contains information about the Housing Choice Voucher program operation, roles and responsibilities, and partnerships.

Part III: The HCV Administrative Plan. This part discusses the purpose and organization of the plan and its revision requirements.

IHFA Notice: Under extenuating circumstances, such as a National or Local Disaster, Pandemic or other such emergencies, HUD/IHFA may allow temporary waivers to normal procedures in order to safeguard the health and safety of IHFA staff and program participants. In the event any such emergencies arise, and at HUD/IHFA’s discretion, IHFA will decide what, if any, waivers are warranted. IHFA will follow HUD issued guidance and will consider industry standards and best practices. Examples of temporary waivers include but are not limited to:

- Allowing changes to how Initial Lease ups, Annual and Interim Reexaminations are conducted by allowing telephone, email, Zoom, or mail meetings with participants;
- Allowing consideration of temporary higher income due to special pandemic pay, or Federal or State stimulus money when calculating income and eligibility;
- Allowing shorter lease terms if deemed necessary;
- Allowing self-certifications of income until proper verification can be obtained safely;
- Allowing delays in HQS inspections or allowing landlords to self-certify that the unit meets HQS standards with IHFA inspectors conducting the inspection at a later date.
PART I: THE PHA

1-I.A. OVERVIEW
This part explains the origin of the PHA’s creation and authorization, the general structure of the organization, and the relationship between the PHA Board and staff.

1-I.B. ORGANIZATION AND STRUCTURE OF THE PHA
The Section 8 tenant-based Housing Choice Voucher (HCV) assistance program is funded by the federal government and administered by Idaho Housing and Finance Association (IHFA). IHFA’s jurisdiction covers 34 of the 44 counties in Idaho, which are served by IHFA’s four (4) branch offices located in Coeur d’Alene, Idaho Falls, Lewiston and Twin Falls). These counties are:

| Bannock County | Bear Lake County | Benewah County |
| Bingham County | Blaine County | Bonner County |
| Bonneville County | Boundary County | Butte County |
| Camas County | Caribou County | Cassia County |
| Clark County | Clearwater County | Custer County |
| Franklin County | Fremont County | Gooding County |
| Idaho County | Jefferson County | Jerome County |
| Kootenai County | Latah County | Lemhi County |
| Lewis County | Lincoln County | Madison County |
| Minidoka County | Nez Perce County | Oneida County |
| Power County | Shoshone County | Teton County |
| Twin Falls County |

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

Formal actions of the PHA are taken through written resolutions, adopted by the board of commissioners and entered into the official records of the PHA.

The principal staff member of the PHA is the executive director (ED), hired and appointed by the board of commissioners. The executive director is directly responsible for carrying out the policies established by the board and is delegated the responsibility for hiring, training and supervising the PHA staff in order to manage the day-to-day operations of the PHA. The executive director is responsible for ensuring compliance with federal and state laws and directives for the programs managed. In addition, the executive director’s duties include budgeting and financial planning for the agency.
1-I.C. PHA MISSION
The purpose of a mission statement is to communicate the purpose of the agency to people inside and outside of the agency. It provides guiding direction for developing strategy, defining critical success factors, searching out key opportunities, making resource allocation choices, satisfying clients and stakeholders, and making decisions.

IHFA Policy
Mission Statement – Idaho Housing and Finance Association improves lives and strengthens Idaho communities by expanding housing opportunities, building self-sufficiency, and fostering economic development.

1-I.D. THE PHA’S PROGRAMS
The following programs are included under this administrative plan:

IHFA Policy
IHFA’s administrative plan (AP) is applicable to the operation of the Housing Choice Voucher program. These policies also pertain to families who participate in the FSS program; however, there is also an FSS action plan, which addresses the operation and guidelines for the operation of the FSS program. In addition, the administrative plan addresses policies for the following special programs:

- Homeownership
- Mainstream
  - Mainstream – Regular Mainstream
  - Mainstream – Rapid Rehousing/Permanent Supportive Housing (MRR)
  - Mainstream – Institution/Homeless - Disabled Family Non-Elderly (DFN)
- Non-Elderly Disabled Rental Assistance (NED)
- Project-Based Vouchers
- Veteran’s Affairs Supportive Housing (VASH)

1-I.E. THE PHA’S COMMITMENT TO ETHICS AND SERVICE
As a public service agency, the PHA is committed to providing excellent service to HCV program participants, owners, and to the community. The PHA’s standards include:

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

• Promote a market-driven housing program that will help qualified low-income families be successful in obtaining affordable housing and increase the supply of housing choices for such families.

• Create positive public awareness and expand the level of family, owner, and community support in accomplishing the PHA’s mission.

• Attain and maintain a high level of standards and professionalism in day-to-day management of all program components.

• Administer an efficient, high-performing agency through continuous improvement of the PHA’s support systems and a high level of commitment to our employees and their development.

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

IHFA Policy

IHFA conducts business in accordance with core values and ethical standards and requires compliance with the conflict-of-interest provisions cited in 24 CFR 982.161. IHFA is committed to the highest standards of business ethics and integrity as well as strict observance of, and compliance with, the laws and regulations governing its business operations. IHFA has adopted a Code of Conduct to clearly define its values and behavioral expectations for every employee of the Association. Violations of the IHFA Code of Conduct may result in disciplinary action up to and including termination of employment.

IHFA prohibits the solicitation or acceptance of gifts or gratuities in excess of a nominal value by an officer or employee of the Association or any contractor, subcontractor, or agent of the Association. The full IHFA policies on gratuities and Code of Conduct can be found on IHFA’s online Personnel Policy Manual under On the Job and Safety and Conduct.
PART II: THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

1-II.A. OVERVIEW AND HISTORY OF THE PROGRAM

The intent of this section is to provide the public and staff with information related to the overall operation of the program. There have been many changes to the program since its inception in 1974 and a brief history of the program will assist the reader to better understand the program.

The United States Housing Act of 1937 (the “Act”) is responsible for the birth of federal housing program initiatives. The Act was intended to provide financial assistance to states and cities for public works projects, slum clearance and the development of affordable housing developments for low-income residents.

The Housing and Community Development (HCD) Act of 1974 created a new federally assisted housing program – the Section 8 Existing program (also known as the Section 8 Certificate program). The HCD Act represented a significant shift in federal housing strategy from locally owned public housing to privately owned rental housing.

Under the Certificate program, federal housing assistance payments were made directly to private owners of rental housing, where this housing was made available to lower-income families. Eligible families were able to select housing in the private rental market. Assuming that the housing met certain basic physical standards of quality (“Housing Quality Standards (HQS)”) and was within certain HUD-established rent limitations (“fair market rents”), the family would be able to receive rental assistance in the housing unit. Family contribution to rent was generally set at 30 percent of the family’s adjusted income, with the remainder of the rent paid by the program.

Another unique feature of the Certificate program was that the rental assistance remained with the eligible family, if the family chose to move to another privately-owned rental unit that met program requirements (in contrast to the public housing program where the rental assistance remains with the unit, should the family decide to move). Consequently, the Certificate program was characterized as tenant-based assistance, rather than unit-based assistance.

The HCD Act of 1987 authorized a new version of tenant-based assistance – the Section 8 Voucher program. The Voucher program was very similar to the Certificate program in that eligible families were able to select housing in the private rental market and receive assistance in that housing unit.

However, the Voucher program permitted families more options in housing selection. Rental housing still had to meet the basic Housing Quality Standards (HQS), but there was no fair market rent limitation on rent. In addition, family contribution to rent was not set at a limit of 30 percent of adjusted income. Consequently, depending on the actual rental cost of the unit selected, a family might pay more or less than 30 percent of their adjusted income for rent.

From 1987 through 1999, public housing agencies managed both the Certificate and Voucher tenant-based assistance programs, with separate rules and requirements for each. From 1994 through 1998, HUD published a series of new rules, known as “conforming” rules, to more closely combine and align the two similar housing programs, to the extent permitted by the law.

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) – also known as the Public Housing Reform Act – was signed into law. QHWRA eliminated all statutory differences between the Certificate and Voucher tenant-based programs and required that the two programs
be merged into a single tenant-based assistance program, now known as the Housing Choice Voucher (HCV) program.

The HCV program was modeled closely on the pre-merger Voucher program. However, unlike the pre-merger Voucher program, the HCV program requires an assisted family to pay at least 30 percent of adjusted income for rent.

The transition of assistance from the Certificate and Voucher programs to the new HCV program began in October 1999. By October 2001, all families receiving tenant-based assistance were converted to the HCV program.

1-II.B. HCV PROGRAM BASICS

The purpose of the HCV program is to provide rental assistance to eligible families. The rules and regulations of the HCV program are determined by HUD. The PHA is afforded choices in the operation of the program which are included in the PHA’s administrative plan, a document approved by the board of commissioners of the PHA.

The HCV program offers mobility to eligible families because they may search for suitable housing anywhere in the PHA’s jurisdiction and may also be eligible to move under portability to other PHAs’ jurisdictions.

When a family is determined to be eligible for the program and funding is available, the PHA issues the family a housing voucher. When the family finds a suitable housing unit and funding is available, the PHA will enter into a contract with the owner and the family will enter into a lease with the owner. Each party makes their respective payment to the owner so that the owner receives full rent.

Even though the family is determined to be eligible for the program, the owner has the responsibility of approving the family as a suitable renter. The PHA continues to make payments to the owner as long as the family is eligible and the housing unit continues to qualify under the program.

1-II.C. THE HCV PARTNERSHIPS

To administer the HCV program, the PHA enters into a contractual relationship with HUD (Consolidated Annual Contributions Contract). The PHA also enters into contractual relationships with the assisted family and the owner or landlord of the housing unit.

For the HCV program to work and be successful, all parties involved – HUD, the PHA, the owner, and the family – have important roles to play. The roles and responsibilities of all parties are defined in federal regulations and in legal documents that parties execute to participate in the program.

The chart on the following page illustrates key aspects of these relationships.
The HCV Relationships:

Congress Appropriates Funding

HUD Provides Funding To PHA

Program Regulations and ACC specifies PHA Obligations and Voucher Funding

PHA Administers Program

Voucher specifies Family Obligations

Housing Assistance Payments (HAP) Contract specifies Owner and PHA Obligations

Family (Program Participant)

Lease specifies Tenant and Landlord Obligations

Owner / Landlord
What Does HUD Do?

HUD has the following major responsibilities:

- Develop regulations, requirements, handbooks, notices and other guidance to implement HCV housing program legislation passed by Congress;
- Allocate HCV program funds to PHAs;
- Provide technical assistance to PHAs on interpreting and applying HCV program requirements;
- Monitor PHA compliance with HCV program requirements and PHA performance in program administration.

What Does the PHA Do?

The PHA administers the HCV program under contract with HUD and has the following major responsibilities:

- Establish local policies to administer the program;
- Review applications from interested applicants to determine whether they are eligible for the program;
- Maintain a waiting list and select families for admission;
- Issue vouchers to eligible families and provide information on how to lease a unit;
- Conduct outreach to owners, with special attention to owners outside areas of poverty or minority concentration;
- Approve the rental unit (including assuring compliance with HQS and rent reasonableness), the owner, and the tenancy;
- Make housing assistance payments to the owner in a timely manner;
- Recertify families for continued eligibility under the program;
- Ensure that owners and families comply with their contractual obligations;
- Provide families and owners with prompt, professional service;
- Comply with all fair housing and equal opportunity requirements, HUD regulations and requirements, the Annual Contributions Contract, HUD-approved applications for funding, the PHA’s administrative plan, and other applicable federal, state and local laws.

What Does the Owner Do?

The owner has the following major responsibilities:

- Screen families who apply for tenancy, to determine suitability as renters.
  - The PHA can provide some information to the owner, but the primary responsibility for tenant screening rests with the owner.
The owner should consider family background factors such as rent and bill-paying history, history of caring for property, respecting the rights of others to peaceful enjoyment of the property, compliance with essential conditions of tenancy, whether the family is engaging in drug-related criminal activity or other criminal activity that might threaten others.

- Comply with the terms of the Housing Assistance Payments contract executed with the PHA;
- Comply with all applicable fair housing laws and do not discriminate against anyone;
- Maintain the housing unit in accordance with HQS and make necessary repairs in a timely manner;
- Collect rent due from the assisted family and otherwise comply with and enforce provisions of the dwelling lease.

What Does the Family Do?
The family has the following responsibilities:

- Provide the PHA with complete and accurate information as determined by the PHA to be necessary for administration of the program;
- Make their best and most timely efforts to locate qualified and suitable housing;
- Attend all appointments scheduled by the PHA;
- Allow the PHA to inspect the unit at reasonable times and after reasonable notice;
- Take responsibility for care of the housing unit, including any violations of HQS caused by the family;
- Comply with the terms of the lease with the owner;
- Comply with the family obligations of the voucher;
- Not commit serious or repeated violations of the lease;
- Not engage in drug-related or violent criminal activity;
- Notify the PHA and the owner before moving or terminating the lease;
- Use the assisted unit only for residence and as the sole residence of the family. Not sublet the unit, assign the lease, or have any interest in the unit;
- Promptly notify the PHA of any changes in family composition;
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

1-II.D. APPLICABLE REGULATIONS

Applicable regulations include:

- 24 CFR Part 5: General Program Requirements
- 24 CFR Part 8: Nondiscrimination
- 24 CFR Part 35: Lead-Based Paint
- 24 CFR Part 100: The Fair Housing Act
• 24 CFR Part 982: Section 8 Tenant-Based Assistance: Housing Choice Voucher Program
• 24 CFR Part 983: Project-Based Vouchers
• 24 CFR Part 985: The Section 8 Management Assessment Program (SEMAP)
PART III: THE HCV ADMINISTRATIVE PLAN

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

The administrative plan is required by HUD. The purpose of the administrative plan is to establish policies for carrying out the programs in a manner consistent with HUD requirements and local goals and objectives contained in the PHA’s agency plan. This administrative plan is a supporting document to the PHA agency plan, and is available for public review as required by 24 CFR Part 903.

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

The PHA is responsible for complying with all changes in HUD regulations pertaining to the HCV program. If such changes conflict with this plan, HUD regulations will have precedence.

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

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

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

- Selection and admission of applicants from the PHA waiting list, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list (Chapter 4);
- Issuing or denying vouchers, including PHA policy governing the voucher term and any extensions of the voucher term. If the PHA decides to allow extensions of the voucher term, the PHA administrative plan must describe how the PHA determines whether to grant extensions, and how the PHA determines the length of any extension (Chapter 5);
- Any special rules for use of available funds when HUD provides funding to the PHA for a special purpose (e.g., desegregation), including funding for specified families or a specified category of families (Chapter 4);
- Occupancy policies, including definition of what group of persons may qualify as a 'family', definition of when a family is considered to be 'continuously assisted'; standards for denying admission or terminating assistance based on criminal activity or alcohol abuse in accordance with 982.553 (Chapters 3 and 12);
- Encouraging participation by owners of suitable units located outside areas of low income or minority concentration (Chapter 13);
- Assisting a family that claims that illegal discrimination has prevented the family from leasing a suitable unit (Chapter 2);
- Providing information about a family to prospective owners (Chapters 3 and 9);
• Disapproval of owners (Chapter 13);
• Subsidy standards (Chapter 5);
• Family absence from the dwelling unit (Chapter 12);
• How to determine who remains in the program if a family breaks up (Chapter 3);
• Informal Review procedures for applicants (Chapter 16);
• Informal Hearing procedures for participants (Chapter 16);
• The process for establishing and revising voucher payment standards, including policies on administering decreases in the payment standard during the HAP contract term (Chapter 16);
• The method of determining that rent to owner is a reasonable rent (initially and during the term of a HAP contract) (Chapter 8);
• Special policies concerning special housing types in the program (e.g., use of shared housing) (Chapter 15);
• Policies concerning payment by a family to the PHA of amounts the family owes the PHA (Chapter 16);
• Interim redeterminations of family income and composition (Chapter 11);
• Restrictions, if any, on the number of moves by a participant family (Chapter 10);
• Approval by the board of commissioners or other authorized officials to charge the administrative fee reserve (Chapter 16);
• Procedural guidelines and performance standards for conducting required HQS inspections (Chapter 8); and
• PHA screening of applicants for family behavior or suitability for tenancy (Chapter 3).

**Mandatory vs. Discretionary Policy**

HUD makes a distinction between:

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

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

Creating policies based upon HUD guidance is not mandatory, but provides a PHA with a “safe harbor.” HUD has already determined that the recommendations and suggestions it makes are consistent with mandatory policies. If a PHA adopts an alternative strategy, it must make its own determination that the alternative approach is consistent with legislation, regulations, and other mandatory requirements. There may be very good reasons for adopting a policy or procedure that is different than HUD’s safe harbor, but PHAs should carefully think through those decisions.
1-III.C. ORGANIZATION OF THE PLAN
The plan is organized to provide information to users in particular areas of operation.

1-III.D. UPDATING AND REVISING THE PLAN
The PHA will revise this administrative plan (AP) as needed to comply with changes in HUD regulations. The original plan and any changes must be approved by the board of commissioners of the agency, the pertinent sections included in the Agency Plan, and a copy provided to HUD.

IHFA Policy (Updated 2022)
IHFA will review and update the plan as needed to reflect changes in regulations, IHFA operations, or when needed to ensure staff consistency in operation. Changes to the AP will be approved by IHFA’s Board of Commissioners or other authorized IHFA officials.
Chapter 2

FAIR HOUSING AND EQUAL OPPORTUNITY

INTRODUCTION

This chapter explains the laws and HUD regulations requiring PHAs to affirmatively further civil rights and fair housing in all federally assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and processes. The responsibility to further nondiscrimination pertains to all areas of the PHA’s housing choice voucher (HCV) operations. This chapter describes HUD regulations and PHA policies related to these topics in three parts:

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

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

PART I: NONDISCRIMINATION

2-I.A. OVERVIEW

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

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Orders 11063 and 13988
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012 and further clarified in Notice PIH 2014-20
- Violence Against Women Reauthorization Act of 2013 (VAWA)

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

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

IHFA Policy

IHFA will comply with all federal, state, and local laws.

2-I.B. NONDISCRIMINATION

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

The PHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (called “protected classes”)

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

The PHA will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12; Executive Order 13988].
**IHFA Policy**

IHFA does not identify any additional protected classes.

The PHA will not use any of these factors to:

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

**Providing Information to Families and Owners**

The PHA must take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, the PHA must provide information to HCV applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods [24 CFR 982.301]. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

**Discrimination Complaints**

If an applicant or participant believes that any family member has been discriminated against by the PHA or an owner, the family should advise the PHA. The PHA should make every reasonable attempt to determine whether the applicant’s or participant’s assertions have merit and take any warranted corrective action. In addition, the PHA is required to provide the applicant or participant with information about how to file a discrimination complaint [24 CFR 982.304].

Upon receipt of a housing discrimination complaint, the PHA is required to:
• Provide written notice of the complaint to those alleged and inform the complainant that such notice was made

• Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted

• Keep records of all complaints, investigations, notices, and corrective actions

IHFA Policy (Updated 12/2022)

IHFA will provide federal/state/local information to applicants and participants in the HCV program regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. Such information will be posted in each branch office and all applicable Fair Housing Information and Discrimination Complaint Forms will be made available at IHFA offices and discussed at all briefings. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

IHFA will assist any family that believes they have suffered illegal discrimination by providing them with copies of the housing discrimination form. IHFA will also assist them in completing the form, if requested will provide them with the address of the nearest HUD Office of Fair Housing and Equal Opportunity. IHFA will provide them with the toll-free number for HUD’s Housing Discrimination Hotline of 1-800-669-9777 or TTY 1-800-877-8339 (www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint).

IHFA will attempt to remedy discrimination complaints made against IHFA and will conduct an investigation into all allegations of discrimination. IHFA will investigate all formal reports of discrimination purported to be committed by staff in accordance with all rules and regulations. IHFA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.) Within ten (10) business days of receiving the complaint, IHFA will provide a written notice to those alleged to have violated the rule. IHFA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule.

Within ten (10) business days following the conclusion of IHFA’s investigation, IHFA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted. Upon request, IHFA will provide information on how to complete and submit a housing discrimination complaint form to HUD’s Office of Fair Housing and Equal Opportunity (FHEO).
PART II: POLICIES RELATED TO PERSONS WITH DISABILITIES

2-II.A. OVERVIEW

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

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

IHFA Policy  (Updated 2022)

All pre-applications and formal applications will contain a notice to the applicant regarding reasonable accommodation. Notifications of reexamination, inspection, appointment, or termination of assistance will include information about requesting a reasonable accommodation. Any notification requesting action by the participant will include information about requesting a reasonable accommodation by including the appropriate language such as:

“If you or a member of your family have a disability and think you might need or want a reasonable accommodation, you may request it at any time in the application process or at any time you need an accommodation.”

Or

“If you are a person with disabilities and require a reasonable accommodation, please contact your Housing Specialist at the phone number listed on this letter.”

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

2-II.B. DEFINITION OF REASONABLE ACCOMMODATION

A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the HCV program. For example, reasonable accommodations may include making home visits, extending the voucher term, or approving an exception payment standard in order for a participant to lease an accessible dwelling unit.

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

Types of Reasonable Accommodations

When needed, the PHA will modify normal procedures to accommodate the needs of a person with disabilities. Examples include:

- Permitting applications and reexaminations to be completed by mail
• Conducting home visits
• Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside the PHA range) if the PHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit
• Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit
• Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with PHA staff

2-II.C. REQUEST FOR AN ACCOMMODATION

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

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

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

**IHFA Policy**

Requests for accommodation should be made in writing using a Reasonable Accommodation form. However, IHFA will consider the accommodation any time the family indicates that a Reasonable Accommodation is required even if it is not submitted on IHFA’s form or is made verbally. IHFA will obtain additional information if necessary, and discuss viable options if a particular request is not feasible. All decisions granting or denying requests will be in writing.

2-II.D. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

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

If a person’s disability is obvious or otherwise known to the PHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to the PHA, the PHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

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

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual’s disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

- The PHA must request only information that is necessary to evaluate the disability-related need for the accommodation. The PHA will not inquire about the nature or extent of any disability.

- Medical records will not be accepted or retained in the participant file.

- In the event that the PHA does receive confidential information about a person’s specific diagnosis, treatment, or the nature or severity of the disability, the PHA will either return the document to the household or redact the confidential information. In place of the information, the PHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

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

The PHA must approve a request for an accommodation if the following three conditions are met:

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

- There is a disability-related need for the accommodation.

- The requested accommodation is reasonable, meaning it would not impose an undue financial and/or administrative burden on the PHA, or fundamentally alter the nature of the PHA’s HCV operations (including the obligation to comply with HUD requirements and regulations).

Requests for accommodations must be assessed on a case-by-case basis, taking into account factors such as the overall size of the PHA’s program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family’s disability-related needs.
Before making a determination whether to approve the request, the PHA may enter into discussion and negotiation with the family, request more information from the family, or may upon request of the family and with receipt of the signed consent and authorization forms so that the PHA may verify the need for the requested accommodation.

IHFA Policy (Updated 2022) (Also see Chapter 16)

After a request for an accommodation is presented, IHFA will respond in writing within ten (10) business days. If IHFA determines more information is needed, after reviewing a reasonable accommodation (RA) request, IHFA staff will attempt to engage in interactive discussions with the participant to clarify the requested accommodation.

If IHFA’s review results in an accommodation denial because there is no relationship, or nexus, found between the disability and the requested accommodation, the denial notice will inform the family of the right to appeal IHFA’s decision through an Informal Review (if applicable) or Informal Hearing (see Chapter 16).

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

If more than one accommodation is equally effective in providing access to IHFA’s programs and services, IHFA retains the right to select the most effective or economic choice.

If IHFA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, IHFA will notify the family, in writing, of its determination within ten (10) business days from the date of the most recent discussion or communication with the family.

If the participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. IHFA does not have responsibility for the owner’s unit and does not have responsibility to make the unit accessible.

Any request for an accommodation that would enable a participant to materially violate family obligations will not be approved.

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

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

At the initial point of contact with each applicant, the PHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.
**IHFA Policy**

IHFA will, upon request, provide alternative forms of communication for individuals who are visually, hearing, mentally or manually impaired. Some examples of alternative forms of communication include, but are not limited to:

- Providing a sign language interpreter
- Having material explained orally by staff
- Having a third party representative (a friend, relative or advocate) receive, interpret and explain housing materials and be present at meetings
- Providing large type documents, Braille documents, or a reader available to an applicant with a vision impairment during the application process

2-II.G. PHYSICAL ACCESSIBILITY

The PHA must comply with a variety of regulations pertaining to physical accessibility, including the following:

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

The PHA’s policies concerning physical accessibility must be readily available to applicants and participants. They can be found in three key documents:

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

The design, construction, or alteration of PHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the HCV program.

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

In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family’s expense when the family moves.
2-II.H. DENIAL OR TERMINATION OF ASSISTANCE

A PHA’s decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation [24 CFR 982.552 (2)(iv)].

When applicants with disabilities are denied assistance, the notice of denial must inform them of the PHA’s Informal Review process and their right to request an Informal Review. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the Informal Review process.

When a participant family’s assistance is terminated, the notice of termination must inform them of the PHA’s Informal Hearing process and their right to request a hearing and reasonable accommodation.

When reviewing reasonable accommodation requests, the PHA must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to the PHA’s decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, the PHA must make the accommodation.
PART III: IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

2-III.A. OVERVIEW

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

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

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

Examples of LEP individuals include but are not limited to: (Updated 10/2022)

- Persons who are seeking housing assistance from IHFA or are current participants
- Persons who are attempting to file a housing discrimination complaint with Fair Housing
- Persons who are seeking supportive services to become first-time homebuyers
- Persons seeking housing related social services, training, or any other assistance from HUD financial recipients
- Parents and family members of the above

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

2-III.B. ORAL INTERPRETATION

The PHA will offer competent interpretation services free of charge, upon request, to the LEP person.

IHFA Policy

IHFA will utilize the Language Line or other similar service for telephone interpreter
services.

IHFA will endeavor to have bilingual staff or access to people who speak languages other than English to assist non-English speaking families. Through contracted interpreter services, all LEP clients will be provided with interpretation.

Where LEP persons desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by IHFA. The interpreter may be a family member or friend. The use of minors as interpreters should be avoided. Interpreter services are readily available so use of translation/interpreter services should not cause any undue hardship or delay.

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

2-III.C. WRITTEN TRANSLATION

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

IHFA Policy

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

- IHFA will provide written translations of vital documents for each eligible LEP language group that constitutes five (5) percent or 1,000 persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- If there are fewer than fifty (50) persons in a language group that reaches the five (5) percent trigger, IHFA does not translate vital written materials, but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

2-III.D. IMPLEMENTATION PLAN

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

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

IHFA Policy  
(Updated 10/2022)

LEP Assessment and Primary Language Identification:

Staff members should determine as soon as practical whether applicants/participants, or a family member involved in making decisions regarding an individual’s housing, is an LEP person and if so, the primary language spoken by that person. Under ordinary
circumstances, this determination should take place during the initial application process. When that is not possible, assessment should take place during the next phase of the application process, at the formal application, at issuance of voucher, or at an annual or interim reexamination. To ensure translation services are available whenever staff have contact with participants, Housing Inspectors will carry the “Language Line Language Identification Card, and instructions for using the Language Line in their vehicles. IHFA will rely on the person’s own assessment of his or her English proficiency in determining the need for an interpreter. Staff members should not feel uncomfortable about initiating inquires about a person’s language proficiency.

IHFA will make forms and notices available in Spanish and a current list of Spanish forms is available upon request from IHFA’s Boise office or branch offices. IHFA periodically evaluates the forms necessary for LEP persons and will continue to have new forms translated in Spanish as needed. The Briefing packet is also available in Braille.

**Updating the Language Assistance Plan (LAP)**

IHFA will annually obtain information from the U.S. Census Bureau, its waiting list, and its list of participants in its housing programs, regarding LEP persons and the need for language services. Based on the information received from these sources, the LAP will be adjusted accordingly.
EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR Parts 8.3 and 100.201]

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

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

The phrase “physical or mental impairment” includes:

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

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

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

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

The definition of a person with disabilities does not include:

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

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.
The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the $400 elderly/disabled household deduction, the $480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

The definition of a person with a disability for purposes of granting a reasonable accommodation request is much broader than the HUD definition of disability. Many people will not qualify as a disabled person under the HCV program, yet an accommodation is needed to provide equal opportunity.
Chapter 3

ELIGIBILITY

INTRODUCTION

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

To be eligible for the HCV program:

- The applicant family must:
  - Qualify as a family as defined by HUD and the PHA.
  - Have income at or below HUD-specified income limits.
  - Qualify on the basis of citizenship or the eligible immigrant status of family members.
  - Provide social security number information for household members as required.
  - Consent to the PHA’s collection and use of family information as provided for in PHA-provided consent forms.
  - Not currently be receiving a duplicative subsidy.

- The PHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or the PHA.

This chapter contains three parts:

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

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

Part III: Denial of Assistance. This part covers factors related to an applicant’s past or current conduct (e.g. criminal activity) that can cause the PHA to deny assistance.
PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.A. OVERVIEW

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

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

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

Family

To be eligible for assistance, an applicant must qualify as a family. Family as defined by HUD includes, but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, disabled person, near-elderly person, or any other single person; or 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.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

IHFA Policy (Updated 2022)

Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.

Foster children will be considered as household members (but not as dependents for the purpose of receiving the $480 dependent allowance) when considering income limits for program eligibility and bedroom size.

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual’s income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application, and must notify IHFA if the family’s composition changes.

Household

Household is a broader term that includes additional people who, with the PHA’s permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.
3-I.C. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY

Family Breakup [24 CFR 982.315; Notice PIH 2017-08]

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

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, the PHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, and stalking, see section 16-IX.D of this plan.)

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

- If a court determines the disposition of property between members of the assisted family, the PHA is bound by the court’s determination of which family members continue to receive assistance.

IHFA Policy

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

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

In the absence of a judicial decision or an agreement among the original family members, IHFA will determine which family will retain their placement on the waiting list or continue to receive assistance. In making its determination, IHFA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3) whether the household break up is a result of actual or threatened physical violence by a spouse or other member(s) of the household; (4) to whom the voucher was issued; and (5) whether the assistance should remain with the family members remaining in the unit.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, IHFA will be bound by the court’s determination of which family members continue to receive assistance in the program.

An Informal Hearing is not required in the case of a household break up because the family assistance is not being terminated.
Remaining Member of a Tenant Family [24 CFR 5.403, 24 CFR 5.603, HCV GB pg 5-18, 50058 IB]

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

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

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

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

IHFA Policy

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

The head of household must have the legal capacity to enter into a lease under state and local law.

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

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

Spouse means the marriage partner of the head of household.

IHFA Policy

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

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

IHFA Policy

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

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

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

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

**Joint Custody of Dependents**

IHFA Policy

Dependents that are subject to a joint custody arrangement will be considered a member of the family if they live with the applicant or participant family fifty-one (51) percent or more of the time. Fifty-one (51) percent will be defined as more than fifty (50) percent or at least **183 days per calendar year**. If a divorce decree states that custody of the children is 50/50 and there is no other documentation to support custody of one parent or the other of **183 days** or no pattern is established, additional documentation will be required. In the event that both parties are on the program and attempting to claim the child, they will be given the opportunity to determine who will be given the additional bedroom. In the event they are unable to make that determination, IHFA will make a decision based on the circumstances.

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

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

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

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

**Elderly Persons**

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

**Near-Elderly Persons**

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

**Elderly Family**

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

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

**Persons with Disabilities**

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

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

**Disabled Family**

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

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

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

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

**IHFA Policy (Updated 2022)**

A guest can remain in the assisted unit no longer than thirty (30) consecutive days or a total of ninety (90) cumulative calendar days during any twelve (12) month period.

The participant must report to IHFA and the landlord if immediate family members requiring the care of the household are expected to stay between thirty (30) and ninety (90) days. If visitors stay past ninety (90) days, the participant must seek and obtain approval from the landlord and IHFA to add the visitor to the lease. A determination will be made as to their eligibility and income will be counted in determining the household’s contribution for rent.

Children who are subject to a joint custody arrangement or for whom a family has visitation privileges, that are not included as a family member because they live outside of the assisted household more than fifty (50) percent of the time, are not subject to the time limitations of guests as described above.

**3-I.K. FOSTER CHILDREN AND FOSTER ADULTS**

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

The term *foster child* is not specifically defined by the regulations.

Foster children and foster adults who are living with an applicant or who have been approved by the PHA to live with a participant family are considered household members but not family members. The income of foster children/adults is not counted in family annual income, and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603; HUD-50058 IB, p. 13].
A foster child is a child that is in the legal guardianship or custody of a state, county, or private adoption or foster care agency, yet is cared for by foster parents in their own homes, under some kind of short-term or long-term foster care arrangement with the custodial agency.

A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of HQS space standards according to 24 CFR 982.401.

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

3-I.L. ABSENT FAMILY MEMBERS

Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order. [24 CFR 982.312]

Definitions of Temporarily and Permanently Absent

Households must report, in writing, to IHFA the absence of any household member for a period of time longer than thirty (30) consecutive days. Generally, if a household member leaves the household for less than 120 consecutive days in a calendar year, they are considered temporarily absent, unless one of the following verifications is provided:

- proof of residence in another location, such as a utility bill;
- cancelled checks for rent;
- driver’s licenses showing name and the changed address;
- leases or rental agreements in their name at another location;
- documents from a court or prison; or
- tenant self-certification (for absent head, spouse or co-head) if no other documentation is available.

If a household member leaves the household for more than 120 consecutive days in a calendar year, the unit will not be considered to be their principle place of residence and they will be removed from the program, unless the family receives approval from the branch supervisor for extenuating circumstances (e.g. hospitalization). However, in no case may a household be absent more than 180 consecutive calendar days in any circumstance or for any reason (24 CFR 982.312 (a)) (See exception on page 3-9).

Absent Students

If a family member attends school away from home, the person will continue to be considered a family member unless information becomes available indicating that the student has established a separate household or the family declares that the student has
established a separate household. Dorms or student housing is not considered a separate household.

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

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

IHFA Policy

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

Absent Head, Spouse, or Cohead [24 CFR 5.609 (a)(1)]

IHFA Policy (Updated 2022) (Also see Chapter 6)

If the head or co-head leaves the household, the household must report, in writing, the change in household composition to IHFA, stating the head or co-head is permanently absent. If, at the time the absence is reported, it has been less than 120 days (the limit for being temporarily absent), but the absence is expected to be permanent, suitable documentation must be submitted for the absent member to be removed from the household and any income changes made. Suitable documents include one of the following:

- Documents reflecting the filing of a divorce action or legal separation;
- Documents reflecting the filing of a restraining order;
- Documents reflecting long term incarceration;
- Certification by the remaining head or co-head that the absence is permanent;
- Any previously mentioned documentation listed under Definitions of Temporarily or Permanently Absent on page 3-7.

If the household provides documentation that the reason for leaving was due to domestic violence, consideration will be given to the circumstances of the case, and the preferences of remaining head of household regarding retention of the voucher.

If the sole member of the household has to leave the household for more than 120 days, the unit will not be considered to be their principal place of residence and they will be terminated from the program. If the sole member of the household has to be admitted to a hospital or nursing home on a permanent basis, verification should be obtained from the facility or other appropriate medical source or family member that indicates they will be permanently absent.

When the entire family is to be absent from the unit for a period of time greater than thirty (30) days, written notification must be provided to IHFA. Notification must include the reason for the absence (e.g., hospitalization, medical or similar reasons, but does NOT include school abroad) and the expected date of return. The family must also take the necessary steps to ensure proper notice has been given to their landlord. Under
extreme extenuating circumstances, an extension may be approved as a reasonable accommodation, up to but no longer than six (6) months (or 180 days).

If absence exceeds 180 days, the family will be terminated from the program. However, they will be allowed to reapply for admission without the two-year sanction period associated with terminations due to violation of family obligations as long as their termination was not related to a violation of family obligation.

Exception: If the head, spouse, or co-head is absent due to employment or serving in the military, IHFA will count all regular pay, special pay and allowances (whether the person is living in the dwelling or not) and the absent head, spouse, or co-head will continue to be considered a family member. The exclusion to this is special hazardous duty pay for exposure to hostile fire.

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

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

IHFA Policy (Also see Chapter 6)

An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

IHFA will request verification of the family member’s permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent. If the family certifies that the family member is confined on a permanent basis, they may present, and IHFA will consider, any additional documentation or evidence verifying permanent absence.

Return of Permanently Absent Family Members

IHFA Policy

The family must request IHFA’s approval for the return of any adult family member that was previously determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed elsewhere in this chapter.

3-I.M. LIVE-IN AIDE (24 CFR 982.316, 24 CFR 5.403 & 5.609(b))

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

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

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

**IHFA Policy (Updated 2022)**

A family’s request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or caseworker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family must submit a new, written request, subject to IHFA verification, at each annual reexamination unless that knowledgeable professional has indicated that the need is for a lifetime duration and the live-in-aide is still residing in the unit.

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

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

- The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to IHFA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

IHFA will notify the family of its decision in writing within **ten (10) business days** of receiving a request for a live-in aide, including all required documentation related to the request.

In the case of a situation where a participant has a rotating nursing service/medical service where the unit is not the primary residence of the caregiver, the caregiver will not be considered a live-in aide and an additional bedroom will not be authorized. When a live-in aide’s employer requires periodic personnel changes, but a live-in aide is continuously in the unit, it will not be considered a rotating basis (unless requested as a Reasonable Accommodation). Live-in aides will be listed on the lease but will not sign the lease and are not considered family members.
PART II: BASIC ELIGIBILITY CRITERIA

3-II.A. INCOME ELIGIBILITY AND TARGETING

Income Limits

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

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

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

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

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

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

Using Income Limits for Eligibility [24 CFR 982.201]

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

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

IHFA Policy

IHFA will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time the family is admitted to the Voucher program.

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

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

**IHFA Policy**

IHFA has not established any additional categories of eligible low-income families.

**Using Income Limits for Targeting [24 CFR 982.201]**

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

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

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

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

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

**Declaration [24 CFR 5.508]**

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

**U.S. Citizens and Nationals**

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

Family members who declare citizenship or national status will not be required to provide additional documentation unless IHFA receives information indicating that an individual’s declaration may not be accurate.

Eligible Noncitizens

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

Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under section 141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS [Public Law 106-504].

Ineligible Noncitizens

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

Providing housing assistance to noncitizen students is prohibited [24 CFR 5.522]. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

Mixed Families

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

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

A PHA may elect to provide assistance to a family before the verification of the eligibility of the individual or one family member [24 CFR 5.512(b)]. Otherwise, no individual or family may be assisted prior to the affirmative establishment by the PHA that the individual or at least one family member is eligible. Verification of eligibility for this purpose occurs when the individual or family members have submitted documentation to the PHA in accordance with program requirements [24 CFR 5.512(a)].
IHFA Policy (Updated 2022)

IHFA will not provide assistance to a family without the eligibility verification of at least one family member.

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

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

Informal Hearing procedures are contained in Chapter 16.

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

For new occupants joining the assisted family, the PHA must verify status at the first interim or regular reexamination following the person’s occupancy, whichever comes first. Adding a household member initiates the interim review and eligibility factors must be completed prior to admission.

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

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

IHFA Policy

IHFA will verify the citizenship status of applicants at the time other eligibility factors are determined prior to admission.

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

The applicant and all members of the applicant’s household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age 6 has been added to an applicant family within six (6) months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child’s SSN within ninety (90) days of the effective date of the initial HAP contract. A detailed discussion of acceptable documentation is provided in Chapter 7.

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

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

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

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

HUD requires each adult family member, and the head of household, spouse, or cohead, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, the form HUD-52675 Debts Owed to Public Housing Agencies and Terminations, 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 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)].

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

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

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

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

**Definitions**

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

**Dependent Child**

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

**Independent Student**

**IHFA Policy (Updated 2022)**

IHFA will consider a student “independent” from his or her parents and the parents’ income will not be considered when determining the student’s eligibility if the following **four criteria are all met:**

1. The individual is of legal contract age under state law.

2. The individual has established a household separate from his/her parents for at least **one (1) year** prior to application for occupancy or the individual meets the U.S. Department of Education’s definition of independent student.

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

      • The individual is at least 24 years old by December 31 of the award year for which aid is sought
      • The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older
      • The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s state of legal residence
      • The individual is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes
      • The individual is a graduate or professional student
      • The individual is married
      • The individual has one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)
      • The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:
         - A local educational agency homeless liaison
         - The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director
         - A financial aid administrator
The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

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

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

If IHFA determines that an individual meets the definition of a vulnerable youth, such a determination is all that is necessary to determine that the person is an independent student for the purposes of using only the student’s income for determining eligibility for assistance.

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

Institution of Higher Education

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

Parents

**IHFA Policy**

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

Person with Disabilities

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

Veteran

**IHFA Policy**

For the purposes of student eligibility restrictions, the definition of a veteran is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Vulnerable Youth

**IHFA Policy**

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

Determining Student Eligibility

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

IHFA Policy

For any student who is subject to the 5.612 restrictions, IHFA will:

• Follow its usual policies in determining whether the student individually and the student’s “family” collectively are eligible for the program;
• Determine whether the student is independent from his/her parents in accordance with the definition of independent student in this section;
• Follow the policies below, if applicable, in determining whether the student’s parents are income eligible for the program.

If IHFA determines that the student, the student’s parents (if applicable), or the student’s “family” is not eligible, IHFA will send a notice of denial in accordance with the policies in Section 3-III.F, and the applicant family will have the right to request an Informal Review in accordance with the policies in Section 16-III.B.

Determining Parental Income Eligibility

IHFA Policy

For any student who is subject to the 5.612 restrictions and who does not satisfy the definition of independent student in this section, IHFA will determine the income eligibility of the student’s parents as follows:
• If the student’s parents are married and living together, IHFA will obtain a joint income declaration and certification of joint income from the parents.

• If the student’s parent is widowed or single, IHFA will obtain an income declaration and certification of income from that parent.

• If the student’s parents are divorced or separated, IHFA will obtain an income declaration and certification of income from each parent.

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

In determining the income eligibility of the student’s parents, IHFA will use the income limits for the jurisdiction in which the parents live. As verification of a parent(s) income, IHFA will accept from a parent a declaration and certification, which includes a statement regarding penalty of perjury. IHFA retains the right to request and review supporting documentation at any time if it is determined that the declaration, certification, and eligibility of the parent is in question. Supporting documents include, but are not limited to: Internal Revenue Service (IRS) tax returns, consecutive and original pay stubs, bank statements, pension benefits statements, Temporary Assistance to Needy Families (TANF) award letter, Social Security Administration (SSA) award letter, other official and authentic documents from a Federal, State or local agency.

3-II.F. EIV SYSTEM SEARCHES [Notice PIH 2018-18; EIV FAQs; EIV System Training 9/30/20]

Existing Tenant Search

Prior to admission to the program, the PHA must search for all household members using the EIV Existing Tenant Search module. The PHA must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. The PHA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance.

If the tenant is a new admission to the PHA, and a match is identified at a multifamily property, the PHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

IHFA Policy

IHFA will contact property management 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. IHFA will only approve assistance contingent upon the move-out from the currently occupied assisted unit.
Debts Owed to PHAs and Terminations

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

If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three (3) years from the end of participation date in the program.

IHFA Policy

IHFA 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.

IHFA 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, IHFA will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

Income and IVT Reports

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 sixty (60) days of the EIV Income or IVT report dates.
PART III: DENIAL OF ASSISTANCE

3-III.A. OVERVIEW

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

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.

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 process rights of applicants and tenants [Notice PIH 2015-19].

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].

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.

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

Denial of assistance includes any of the following:

- Not placing the family's name on the waiting list
- Denying or withdrawing a voucher
- Not approving a request for tenancy or refusing to enter into a HAP contract
- Refusing to process a request for or to provide assistance under portability procedures
Prohibited Reasons for Denial of Program Assistance [24 CFR 982.202(b), 24 CFR 5.2005(b)]

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

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

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

HUD requires the PHA to deny assistance in the following cases:

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

  **IHFA Policy**

  IHFA may admit an otherwise-eligible family who was evicted from federally-assisted housing within the **past three (3) years** for drug-related criminal activity, if IHFA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by IHFA, or that the circumstances leading to the eviction no longer exist (for example, the criminal household member is no longer in the household).

- The PHA determines that any household member is currently engaged in the use of illegal drugs.

  **IHFA Policy**

  *Currently engaged in* is defined as any use of illegal drugs during the previous **six (6) months**.

- The PHA has reasonable cause to believe that any household member’s current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
**IHFA Policy**

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

- Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program

**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.

**IHFA Policy (Updated 2022)**

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past three (3) years, the family will be denied assistance.

*Drug-related criminal activity*, 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].

If IHFA seeks to deny assistance because of illegal use, or possession for personal use of a controlled substance, such use or possession must have occurred within one (1) year before the date that IHFA provides notice to the family of the determination to deny assistance.

*Violent criminal activity*, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

IHFA will review criminal history for violent criminal activity and drug-related activity for the previous three (3) years and may deny assistance based on the previous or current criminal history. Criminal history review will be based on the date of the criminal offense.

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; 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 IHFA (including an IHFA employee or an IHFA contractor, subcontractor, or agent).

*Immediate vicinity* means within a three-block radius of the premises.

Evidence of such criminal activity includes, but is not limited to:

- Any conviction for drug-related or violent criminal activity within the past **three (3) years**.
- Records of arrests for drug-related or violent criminal activity within the past **three (3) years**, although a record or records of arrest will not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity.
- A conviction for drug-related or violent criminal activity may be given more weight than an arrest for such activity.

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

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

HUD authorizes the PHA to deny assistance based on the family’s previous behavior in assisted housing.

Per the alternative requirements listed in the *Federal Register* notice dated December 29, 2014, PHAs are no longer permitted to deny assistance to a family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program [FR Notice 12/29/14].

**IHFA Policy (Updated 2022)**

IHFA may deny assistance to an applicant family if:

- The family does not meet any one or more of the eligibility criteria.
- The family does not provide information that IHFA or HUD determines is necessary in the administration of the program.
- The family fails to respond to a written request for information or a request to declare their continued interest in the program.
- The family fails to complete any aspect of the application or lease up process.
- The family does not provide complete and true information to IHFA.
- Any family member has been evicted from federally-assisted housing in the **last five (5) years**.
- The family has had assistance terminated under the program for any member of the family in the **last two (2) years** (IHFA will honor timeframes from other PHAs who have longer terms).
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
The family owes rent or other amounts to any PHA in connection with Section 8 or other public housing assistance under the 1937 Act, unless the family repays the full amount of the debt prior to being selected from the waiting list.

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

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

A family member has engaged in or threatened violent or abusive behavior toward IHFA personnel.

- **Abusive or violent behavior towards IHFA personnel** includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

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

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

### 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].

**IHFA Policy**

IHFA will perform a criminal background check on all adult household members, including live-in aides. IHFA may deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. This check will be made through state or local law enforcement, iCourt, or court records in those cases where the household member has lived in the local jurisdiction for the last **three (3) years**. The branch office supervisor must approve the need to access additional reports if the household member lived in a state outside the local jurisdiction more than **three (3) years** ago, there is reason to believe criminal activity occurred in another state, or a more extensive criminal check is necessary. IHFA may use one of the following methods:

- Contact law enforcement agencies where the individual lived,
• Use a professional background screening service,
• Request a check through the FBI’s National Crime Information Center (NCIC), or
• Use of the Dru Sjodin National Sex Offender Registry

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.

PHAs are required to perform criminal background checks necessary to determine whether any household member is subject to a lifetime registration requirement under a state sex offender program in the state where the housing is located, as well as in any other state where a household member is known to have resided [24 CFR 982.553(a)(2)(i)].

**IHFA Policy**

IHFA will use the Idaho Sex Offender Registry and the Dru Sjodin National Sex Offender database, if they lived out of state, to screen applicants for admission.

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

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

**Screening for Suitability as a Tenant [24 CFR 982.307]**

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

**IHFA Policy**

IHFA will not conduct additional screening to determine an applicant family’s suitability for tenancy.

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

HUD requires the PHA to provide prospective owners with the family's current and prior address (as shown in PHA records) and the name and address (if known) of the owner at the family's current and prior addresses. HUD permits the PHA to provide owners with additional information, as long as families are notified that the information will be provided, and the same type of information is provided to all owners.
The PHA may not disclose to the owner any confidential information provided to the PHA by the family in response to a PHA request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation [24 CFR 5.2007(a)(4)].

IHFA Policy

IHFA will inform owners of their responsibility to screen prospective tenants, and will provide owners, upon request, with the required known name and address information, at the time of the initial HQS inspection or before. IHFA will not provide any additional information to the owner, such as tenancy history or criminal history, etc.

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

Evidence [24 CFR 982.553(c)]

IHFA Policy

IHFA will use the concept of the preponderance of the evidence as the standard for making all admission decisions.

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

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

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

IHFA Policy

IHFA will consider the following facts and circumstances prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents’ safety or property
- The effects that denial of assistance may have on other members of the family who were not involved in the action or failure to act
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or (as discussed further in section 3-III.G) a victim of domestic violence, dating violence, sexual assault, or stalking
- The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family’s recent history and the likelihood of favorable conduct in the future

While a record or records of arrest will not be used as the sole basis for denial, an arrest may, however, trigger an investigation to determine whether the applicant actually engaged in disqualifying criminal activity. As part of its investigation, IHFA may obtain
the police report associated with the arrest and consider the reported circumstances of the arrest. IHFA may also consider:

- Any statements made by witnesses or the applicant not included in the police report
- Whether criminal charges were filed
- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
- Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity

Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.

In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

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

**Removal of a Family Member's Name from the Application**

Should the PHA’s screening process reveal that an applicant’s household includes an individual subject to state lifetime registered sex offender registration, the PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must deny admission to the family [Notice PIH 2012-28].

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

**IHFA Policy**

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit, stay as a guest, or reside in the assisted unit.

After admission to the program, the family must present evidence of the former family member’s current address upon IHFA’s request.

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

If the family includes a person with disabilities, the PHA’s decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.
IHFA Policy

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

3-III.F. NOTICE OF ELIGIBILITY OR DENIAL

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

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

IHFA Policy  (24 CFR 982.204 (c)(2))

Any applicant whose name is being removed from the waiting list will be notified by IHFA, in writing, that they have ten (10) business days, from the date of the written correspondence, to present mitigating circumstances or request an Informal Review. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the timeframe specified.

IHFA’s system of removing applicants’ names from the waiting list will not violate the rights of persons with disabilities. If an applicant’s failure to respond to a request for information or updates was caused by the applicant’s disability, IHFA will reinstate the applicant to their former position on the waiting list.

If disability status is unknown, IHFA may obtain verification that the applicant is a person with disabilities.

If a PHA uses a criminal record or sex offender registration information obtained under 24 CFR 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before the PHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record [24 CFR 5.903(f) and 5.905(d)]. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record, in the Informal Review process in accordance with program requirements [24 CFR 982.553(d)].

IHFA Policy

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, IHFA will notify the family in writing of the proposed denial and provide a copy of the record with a Supervisor Conference letter to the applicant and to the subject of the record. The family will be given ten (10) business days to dispute the accuracy and relevance of the information. If the family does not contact IHFA to dispute
the information within that ten (10) day period, IHFA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information at a Supervisor Conference prior to issuance of the official denial letter will still be given the opportunity to do so as part of the Informal Review process.

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

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

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

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.

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

Notification

VAWA 2013 expanded notification requirements to include the obligation for PHAs to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD–5380) and a domestic violence certification form (HUD-5382) at the time the applicant is denied.

IHFA Policy

IHFA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under IHFA’s policies.

While IHFA is not required to identify whether adverse factors that resulted in the applicant’s denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform IHFA that their status as a victim is directly related to the grounds for the denial. IHFA will request that the applicant provide enough information to IHFA to allow IHFA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

IHFA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-5382. IHFA will request in writing that an applicant wishing to claim protection under VAWA notify IHFA within fourteen (14) business days.
IHFA will not disregard or mitigate potentially disqualifying information if the household includes a perpetrator of a previous incident of domestic violence, dating violence, sexual assault, or stalking.

Documentation

Victim Documentation [24 CFR 5.2007]

IHFA Policy

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

Perpetrator Documentation

IHFA Policy

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

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

- Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to his or her belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.
EXHIBIT 3-1: DETAILED DEFINITIONS RELATED TO DISABILITIES

Person with Disabilities [24 CFR 5.403]

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

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

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

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

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

  **(A) In General**

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

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

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

  (iii) is likely to continue indefinitely;

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

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

  **(B) Infants and Young Children**

  An individual from birth to age 9, inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting 3 or more of the criteria described in clauses (i) through (v) of subparagraph (A) if the individual, without services and supports, has a high probability of meeting those criteria later in life.
• Has a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

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

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

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

**Individual with Handicaps [24 CFR 8.3]**

*Individual with handicaps* means any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

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

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

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

4. **Is regarded as having an impairment** means:
   
   (a) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;
   
   (b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or
(c) Has none of the impairments defined in paragraph (1) of this section but is treated by a recipient as having such an impairment.
Institution of Higher Education shall have the meaning given this term in the Higher Education Act of 1965 in 20 U.S.C. 1001 and 1002.

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

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

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

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

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

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

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

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

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

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

(c) List of accrediting agencies. For purposes of this section and section 1002 of this title, the Secretary shall publish a list of nationally recognized accrediting agencies or associations that the Secretary determines, pursuant to subpart 2 of part G of subchapter IV of this chapter, to be reliable authority as to the quality of the education or training offered.
Definition of ‘‘Institution of Higher Education’’ From 20 U.S.C. 1002

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

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

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

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

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

(2) Institutions outside the United States

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

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

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

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

(II) The institution has a clinical training program that was approved by a State as of January 1, 1992; or
(ii) In the case of a veterinary school located outside the United States that does not meet the requirements of section 1001(a)(4) of this title, the institution’s students complete their clinical training at an approved veterinary school located in the United States.

(B) Advisory panel

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

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

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

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

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

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

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

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

(B) Enrolls 50 percent or more of the institution’s students in correspondence courses, unless the institution is an institution that meets the definition in such section, except that the Secretary, at the request of such institution, may waive the applicability of this subparagraph to such institution for good cause, as determined by the Secretary in the case of an institution of higher education that provides a 2-or 4-year program of instruction (or both) for which the institution awards an associate or baccalaureate degree, respectively;
(C) Has a student enrollment in which more than 25 percent of the students are incarcerated, except that the Secretary may waive the limitation contained in this subparagraph for a nonprofit institution that provides a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor’s degree, or an associate’s degree or a postsecondary diploma, respectively; or

(D) Has a student enrollment in which more than 50 percent of the students do not have a secondary school diploma or its recognized equivalent, and does not provide a 2-or 4-year program of instruction (or both) for which the institution awards a bachelor’s degree or an associate’s degree, respectively, except that the Secretary may waive the limitation contained in this subparagraph if a nonprofit institution demonstrates to the satisfaction of the Secretary that the institution exceeds such limitation because the institution serves, through contracts with Federal, State, or local government agencies, significant numbers of students who do not have a secondary school diploma or its recognized equivalent.

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

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

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

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

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

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

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

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

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

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

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

(F) Has at least 10 percent of the school’s revenues from sources that are not derived from funds provided under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, as determined in accordance with regulations prescribed by the Secretary.

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

(c) Postsecondary vocational institution.

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

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

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

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

(2) Additional institutions. The term ‘‘postsecondary vocational institution’’ also includes an educational institution in any State that, in lieu of the requirement in paragraph (1) of section 1001 (a) of this title, admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located.
Chapter 4
APPLICATIONS, WAITING LIST AND TENANT SELECTION

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

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

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that the PHA affirmatively further fair housing goals in the administration of the program [24 CFR 982.53, HCV GB p. 4-1]. Adherence to the selection policies described in this chapter ensures that the PHA will be in compliance with all relevant fair housing requirements, as described in Chapter 2.

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

Part I: The Application Process. This part provides an overview of the application process, and discusses how applicants can obtain and submit applications. It also specifies how the PHA will handle the applications it receives.

Part II: Managing the Waiting List. This part presents the policies that govern how the PHA’s waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process the PHA will use to keep the waiting list current.

Part III: Selection for HCV Assistance. This part describes the policies that guide the PHA in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that the PHA has the information needed to make a final eligibility determination.
PART I: THE APPLICATION PROCESS

4-I.A. OVERVIEW

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

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

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

IHFA Policy (Updated 2022)

Families wishing to apply for the HCV Program will be required to complete an application for housing assistance.

Due to the demand for HCV assistance in IHFA’s jurisdiction; IHFA will take applications on an open enrollment basis. Completed applications will be accepted from all applicants and placed on the waiting list. IHFA will later verify the information in the applications relevant to the applicant’s eligibility, admission, and level of benefit.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide limited basic information including names, social security numbers (SSN) for the head and co-head, addresses, phone number, family composition, income category, and information establishing any preference to which they may be entitled. The family will also be required to fill out applicable forms (i.e. Debts Owed to PHAs and Terminations, Emergency Contact, etc.). This first phase results in the family’s placement on the waiting list.

The second phase is the final determination of eligibility, referred to as the formal application process. The formal application process takes place when the family reaches the top of the waiting list. IHFA will ensure that verification of all preferences and eligibility selection factors are current in order to determine the family’s final eligibility for admission into the HCV Program.

Families have the option of applying online in IHFA’s applicant portal at https://www.idahohousing.com/rental-assistance/rental-assistance-application/ or a paper application can be printed, completed, and mailed, emailed, or hand delivered to the appropriate branch office location during normal business hours. Applications will be mailed to interested families upon request.

Completed applications must be returned to IHFA at:
Applications must be complete in order to be accepted by IHFA for processing. If an application is incomplete, IHFA will notify the family of the additional information required. For incomplete applications, the date of application will be the original date received if families respond within ten (10) business days with the requested information. If they respond after ten (10) business days, the application date will be the date the application is complete.

4-I.C. ACCESSIBILITY OF THE APPLICATION PROCESS

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

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

Limited English Proficiency

PHAs are required to take reasonable steps to ensure equal access to their programs and activities by persons with limited English proficiency [24 CFR 1]. Chapter 2 provides a full discussion on the PHA’s policies related to ensuring access to people with limited English proficiency (LEP).

4-I.D. PLACEMENT ON THE WAITING LIST

The PHA must review each complete application received and make a preliminary assessment of the family’s eligibility. The PHA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR 982.206(b)(2)]. Where the family is determined to be ineligible, the PHA must notify the family in writing [24 CFR 982.201(f)]. Where the family is determined to be eligible, the family will be placed on a waiting list of applicants.

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

IHFA Policy

Upon receipt of the family’s pre-application, IHFA will make a preliminary determination of eligibility. If IHFA determines the family to be ineligible, the family will receive written notice (eligibility letter) stating they will not be placed on the waiting list. The notice will state the reasons therefore and offer the family the opportunity for an Informal Review of this determination, if appropriate. The letter will contain information on how to request the Informal Review, and will be sent within five (5) business days after receiving the pre-application. The applicant will have ten (10) business days from the denial to request the Informal Review (see Chapter 16).

Eligible for Placement on the Waiting List

IHFA Policy

Upon receipt of the family’s pre-application, IHFA will make a preliminary determination of eligibility. If IHFA determines the family is eligible, they will receive written notice of their placement on the waiting list and the approximate amount of time before housing assistance may be offered. The eligibility letter will be sent within five (5) business days after receiving the pre-application.

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

Applicants will be placed on the waiting list according to any preference(s) they claimed, and the date and time their application is received by IHFA.
PART II: MANAGING THE WAITING LIST

4-II.A. OVERVIEW

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

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

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

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

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

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

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

IHFA Policy (Updated 2022)

IHFA will maintain the following waiting lists. Each branch office will pull from the waiting list based on their region.

- A single waiting list for regular Housing Choice Voucher (HCV) program;
- A waiting list for each Project-Based Voucher project;
- A waiting list for the Emergency Housing Voucher (EHV) program.

HUD directs that a family that applies for assistance from the HCV program must be offered the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program the PHA operates if 1) the other programs’ waiting lists are open, and 2) the family is qualified for the other programs.

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

A family’s decision to apply for, receive, or refuse other housing assistance must not affect the family’s placement on the HCV waiting list, or any preferences for which the family may qualify.
IHFA Policy
IHFA will not merge the HCV waiting list with the waiting list for any other program it operates.

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

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

IHFA Policy
IHFA generally maintains an open waiting list, accepting applications for assistance on an ongoing basis.

In the event IHFA decides to close the waiting list, closing of the waiting list will be announced via public notice. The public notice will state the date the waiting list will be closed. The public notice will be published in a local newspaper of general circulation, posted on IHFA’s website and on any available minority media platform.

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

IHFA Policy
Opening of the waiting list will be announced via public notice, at least ten (10) business days prior to opening, that applications for HCV will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, on IHFA’s website and on any available minority media platform. The public notice will state any limitations to who may apply. Publications include, but are not limited to:

- The Bonner County Daily Bee
- The Times News
- The Post Register
- The Moscow-Pullman Daily News
- The Lewiston Tribune
- The Coeur d’Alene Press
- The Idaho State Journal
- Teton Valley News
- The Lewiston Tribune
- The Moscow-Pullman Daily News
- The Coeur d’Alene Press
- The Idaho State Journal
- Teton Valley News

4-II.D. FAMILY OUTREACH [HCV GB, pp. 4-2 to 4-4]
The PHA must conduct outreach as necessary to ensure that the PHA has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted.

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

PHA outreach efforts must comply with fair housing requirements. This includes:

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

PHA outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:
- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low-income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

**IHFA Policy**

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

**4-II.E. REPORTING CHANGES IN FAMILY CIRCUMSTANCES**

**IHFA Policy**

An applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. IHFA will annotate the applicant’s file and will update their place on the waiting list. Confirmation of the changes will be communicated to the family in writing.

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

HUD requires the PHA to establish policies to use when removing applicant names from the waiting list.

**Purging the Waiting List**

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a PHA request for information or updates, and the PHA determines that the family did not respond because of the family member’s disability, the PHA must reinstate the applicant family to their former position on the waiting list [24 CFR 982.204(c)(2)].
IHFA Policy  (Updated 12/2022)

IHFA will update and purge applicants from its waiting list as needed to ensure that the pool of applicants reasonably represent interested families. This will be accomplished by either updating the entire waiting list, or the branch office may elect to update the top 200-300 applicants if the waiting list is long. This process enables IHFA to update the information regarding address, family composition, income category and preferences. During times of frequent and ongoing waiting list pulls, a waiting list update may be deferred.

To update the waiting list, IHFA will use the Yardi-Voyager Waiting List Administration tool. If the family is registered through the Rent Café Portal, the update is sent via email. If the family applied with a paper application, the update is sent via first class mail. The waiting list update determines whether the family continues to be interested in, and still qualifies for, the program.

This update request will be sent to the last address or email that IHFA has on record for the family. The update period takes approximately thirty (30) days. The date of the first request letter/email that is sent marks the start of the time period. A second request letter/email will be sent ten (10) business days after the first request. Each request letter/email provides 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.

The family’s response may be done through the Rent Café portal or may be in writing and delivered by either mail, email, fax, or in person. Responses should be postmarked or received by IHFA by the date noted in the update request letter/email.

If the family fails to respond by the due date noted in the update request letter/email, the family will be removed from the waiting list without further notice.

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.

If a family is removed from the waiting list for failure to respond, IHFA may reinstate the family if it is determined that the lack of response was due to IHFA error, or to circumstances beyond the family’s control.

Removal from the Waiting List

IHFA Policy

IHFA will not remove an applicant’s name from the waiting list unless:

- The applicant requests that the name be removed;
- The applicant does not disclose SSN for the head and co-head;
- The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or misses scheduled appointments. If an applicant household includes a person with disabilities and the family did not respond to a request for information or updates because of the family member’s disability, IHFA must reinstate the applicant in the family’s former position on the waiting list;
• The applicant does not meet either the eligibility or screening criteria for the program. Applicants who are over the income guidelines and therefore not income eligible will not be admitted to the waiting list; or
• The applicant owes money to IHFA.
PART III: SELECTION FOR HCV ASSISTANCE

4-III.A. OVERVIEW

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

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

The PHA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to the PHA’s selection policies [24 CFR 982.204(b) and 982.207(e)].

4-III.B. SELECTION AND HCV FUNDING SOURCES

Special Admissions [24 CFR 982.203]

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

Targeted Funding [24 CFR 982.204(e)]

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

IHFA Policy (Updated 2022)

1. IHFA administers the following types of targeted funding:
   - Mainstream Voucher Program
     - Mainstream – Regular Mainstream vouchers (177 vouchers)
     - Mainstream – Rapid Rehousing/Permanent Supportive Housing (MRR) (38 vouchers)
     - Mainstream – Institution/Homeless – Disabled Family Non-Elderly (DFN) (50 vouchers)
   - Emergency Housing Vouchers (EHV)

2. IHFA administers the following targeted programs:
   - Veteran Affairs Supportive Housing (VASH)
   - Homeownership Voucher Program
- Rental Assistance for Non-Elderly Persons with Disabilities (NED)
- Project-Based Voucher Program

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

4-III.C. SELECTION METHOD
PHAs must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the PHA will use [24 CFR 982.202(d)].

Local Preferences [24 CFR 982.207; HCV p. 4-16]
PHAs are permitted to establish local preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of local preferences. Any local preferences established must be consistent with the PHA plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

IHFA Policy (Updated 4/2023)
IHFA offers the following local preferences:

A. Shelter Plus Care participants who are no longer in need of supportive services
B. Federal Disaster Victims
   - Households who are victims of a Federally Declared Disaster and who have been certified as such by a Federal Agency (provided adequate budget authority/special funding is available)
C. Households displaced due to Government Action or Loss of Funding as determined by IHFA, and which are comprised of families with children or families where the head or co-head are elderly or disabled
D. Terminal Illness
   - Households with a family member that can be classified, by a medical professional, as being in the final stages of a terminal illness
E. Families with one (1) or more children (under the age of 18 or disabled) or elderly/disabled families
F. Mainstream Vouchers – to qualify, someone in the household must be non-elderly (18 years of age or older, but not yet 62) and disabled.
   - Regular Mainstream vouchers are for:
     - Families or individual with a member who is non-elderly (18 years of age or older, but not yet 62) and disabled;
   - DFN Mainstream vouchers are for:
     - families or individual who are homeless, at-risk of homelessness, transitioning out of an institution, or is at-risk of being institutionalized (50 vouchers); or
MRR Mainstream vouchers are for:
- families or individual currently residing in a Permanent Supportive Housing or Rapid Rehousing project (38 vouchers).

Note: The Non-Elderly Disabled (NED) program is different than the Mainstream program. NED slots are assigned by IHFA as a targeted program, not a preference to be selected by applicants. To qualify for a NED slot, the head, spouse, or cohead must be non-elderly (18 years of age or older, but not yet 62) and disabled (also see Chapter 19, Part V).

G. Families First (limited to 40 vouchers-referrals only)
- A family that a public child welfare agency has certified for whom the lack of adequate housing is a primary factor in the imminent placement of the family’s child, or children, in out-of-home care, or in the delay of discharge of a child, or children, to the family from out-of-home care (see Appendix A)

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

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

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

IHFA Policy

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

If there are not enough extremely low-income families on the waiting list, IHFA will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

Order of Selection

The PHA system of preferences may select families based on local preferences according to the date and time of application or by a random selection process (lottery) [24 CFR 982.207(c)]. If a PHA does not have enough funding to assist the family at the top of the waiting list, it is not permitted to skip down the waiting list to a family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204(d) and (e)].
IHFA Policy  
(Updated 2022)

Families will be selected from the waiting list based on the targeted funding or selection preference(s) which they claim, and in accordance with IHFA’s hierarchy of preferences, if applicable.

Shelter Plus Care participants who are no longer in need of supportive services will be offered housing before any families with the Federal Disaster Victims preference.

All families with the Federal Disaster Victims preference will be housed before any family with the Displaced Households Due to Government Action or Loss of Funding preference.

All families with the Displaced Households Due to Government Action or Loss of Funding preference will be housed before any family with the Terminal Illness preference.

All families with the Terminal Illness preference will be offered housing before any applicants with the Families/Elderly/Disabled preference.

All families with the Families/Elderly/Disabled preference will be offered housing before applicants with no preference standing.

Applicants who qualify, and are referred by the proper agency, for the set-aside preferences of Mainstream, or Families First, generally qualify for another preference as well. Both preferences will be listed on the waiting list and the family housed according to the preference that is available first. Families First, VASH, NED and Mainstream set aside vouchers will be pulled as vacancies occur.

In the event that funding shortfalls are experienced, IHFA may stop issuing, or recall vouchers from families who are searching for units. When voucher issuance resumes, IHFA will first offer special purpose vouchers such as Mainstream, VASH, Mainstream DFN & MRR, and NED vouchers. Once the required number of special purpose vouchers has been filled, IHFA will begin offering vouchers in accordance with the above listed preference selection.

4-III.D. NOTIFICATION OF SELECTION

When a family has been selected from the waiting list, the PHA must notify the family [24 CFR 982.554(a)].

IHFA Policy  
(Updated 12/2022)

IHFA will notify the family by mail or email when it is selected from the waiting list. The notice will inform the family of the following:

- Date, time, and location of the scheduled formal application interview, including any procedures for rescheduling the interview;
- Who is required to attend the interview;
- All documents that must be provided at the interview, including information about what constitutes acceptable documentation.
If a notification letter is returned to IHFA with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family’s email or address of record.

4-III.E. THE APPLICATION INTERVIEW

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

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if the PHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by the PHA [Notice PIH 2018-24].

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

IHFA Policy  (Update 2022)  (See Chapter 7)
Families selected from the waiting list are required to participate in an eligibility interview. When a family appears to be within approximately two (2) months of being offered assistance, the family will be invited to a Formal appointment and the verification process will begin.

Formal appointments will be held by video conference (Zoom), unless the applicant is not able to video conference, or they need to have the appointment conducted by phone or in-person. Consideration will also be given for Reasonable Accommodations (RA) and Limited English Proficiency (LEP) issues. The head of household and the spouse/cohead will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/cohead may attend the interview on behalf of the family.
Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to IHFA.

During the formal application process, consent forms must be signed and it is at this point in time that the family’s waiting list preference will be verified. If the family no longer qualifies for the preference claimed, the family may opt to either be returned to or removed from the waiting list. IHFA must notify the family in writing of this determination and give the family the opportunity for an Informal Review. The family will be required to present SSN information, citizenship/eligible immigrant information, and all other documents required to document legal identity and complete the eligibility determination. Verification of SSN and citizenship/eligible immigrant information will be conducted in accordance with Chapter 7, sections 7-II.B. and 7-II.G. At this time, criminal background checks and a Former Tenant Search will be conducted on all household members 18 years of age and older. If the Former Tenant Search shows the family was terminated from another PHA’s program for adverse reasons, IHFA will honor the other PHA’s termination timeframe. Family composition, income and allowances (and any changes that occur during the formal application process) will be verified and the family’s final eligibility and tenant payment will be based on this information.
IHFA will provide the family a list of any required documents or information that the family is unable to provide at the interview and those documents must be provided within **ten (10) business days** of the interview (Chapter 7 provides details about submission deadlines for particular items, including documentation of eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (see Chapter 3).

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

Interviews will be conducted in English. For limited English proficient (LEP) applicants, IHFA will provide translation services in accordance with IHFA’s LEP plan.

If the family is unable to attend a scheduled interview, the family should contact IHFA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, IHFA will send another notification letter with a new interview appointment time. Applicants who fail to attend two (2) scheduled interviews without IHFA approval will be denied assistance based on the family’s failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

### 4-III.F. COMPLETING THE APPLICATION PROCESS

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

**IHFA Policy** *(Updated 2022)*

If IHFA determines that the family is ineligible, IHFA will send written notification of the ineligibility determination within **ten (10) business days** of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an Informal Review (Chapter 16).

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

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

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

This chapter describes HUD regulations and PHA policies related to these topics in two parts:

Part I: Briefings and Family Obligations. This part details the program’s requirements for briefing families orally, and for providing written materials describing the program and its requirements. It includes a particular focus on the family’s obligations under the program.

Part II: Subsidy Standards and Voucher Issuance. This part discusses the PHA’s standards for determining how many bedrooms a family of a given composition qualifies for, which in turn affects the amount of subsidy the family can receive. It also discusses the policies that dictate how vouchers are issued, and how long families have to locate a unit.
PART I: BRIEFINGS AND FAMILY OBLIGATIONS

5-I.A. OVERVIEW

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

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

Notification of Briefing

Prior to issuance of a voucher, the PHA must give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed in individual face-to-face meetings, through group briefing sessions, or via remote briefing sessions using virtual platforms (e.g. Zoom).

IHFA Policy

When IHFA selects a family from the waiting list, and that family is determined eligible, the family will be invited to attend a briefing explaining how the program works. In order to receive a voucher the family is required to attend the briefing. If they cannot attend the originally scheduled briefing, they may schedule to attend a later session. If the family fails to attend two briefings without good cause, they will be denied admission.

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

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

In-Person Briefings

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.

IHFA Policy (Updated 2022)

In-person briefings will generally be conducted in group meetings. At the family’s written request, IHFA may provide an individual briefing under extenuating circumstances.

Generally, the head of household is required to attend the briefing. If the head of household is unable to attend, IHFA may approve another adult family member to attend the briefing.
Families that attend group briefings and still need individual assistance will be referred to an appropriate IHFA staff person.

Briefings will be conducted in English. For limited English proficient (LEP) applicants, IHFA will provide interpretation services in accordance with IHFA’s LEP plan (See Chapter 2).

**Attendance**

**IHFA Policy** *(Updated 2022)*

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

Applicants will have two opportunities to attend their appointments and briefings. At that point, unless there are extenuating circumstances that have necessitated that they reschedule again, action will be taken. The household will be removed from the waiting list, if an applicant. If they are a participant, and have rescheduled their meeting or briefing, they will be informed that they may only reschedule one additional time, unless there are extenuating circumstances. Extenuating circumstances may include, but are not limited to, medical or health reasons.

If an applicant with a disability requires auxiliary aids to gain full benefit from the briefing, IHFA will furnish such aids, when possible, where doing so would not result in a fundamental alteration of the nature of the program or is an undue financial or administrative burden. In determining the most suitable auxiliary aid, IHFA will give primary consideration to the request of the applicant. Families unable to attend a briefing due to a disability may request a reasonable accommodation such as having the briefing presented in an alternate location.

**Remote Briefings [Notice PIH 2020-32]**

Remote briefings may be conducted over the phone, via video conferencing, or through other virtual platforms (e.g. Zoom or GoToMeeting).

**IHFA Policy** *(Updated 2022)*

IHFA has the sole discretion to require that briefings be conducted remotely.

Briefings will be conducted via video-teleconferencing (Zoom), unless there are extenuating circumstances, or as an accommodation for persons with disabilities, or in the event the participant does not have technology to conduct a remote briefing.

**Accessibility Requirements for Persons with Disabilities and LEP Individuals**

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.

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 his or her 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.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances.

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.

**Conducting Remote Briefings**

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.

**IHFA Policy** *(Updated 2022)*

Briefings will be conducted via video-teleconferencing (e.g. Zoom). At the formal appointment, IHFA staff will survey the family to determine their ability to participate in the briefing. IHFA staff will ask if the family has a computer, phone, tablet or laptop, with a camera and internet access. Alternately, if the family does not have any of those available, they will be asked if there is another person or place they can go with sufficient privacy and internet access. A consent form notifying them of accessibility options for persons with disabilities or LEP persons, must be signed. It may be necessary for staff to read the notice to the applicant/participant if requested and note on the release that it was orally presented to the family, including the date and HS’s signature.

If the family does not have the technology, and no alternative place can be identified, an in-person briefing will be conducted at the branch office.

In the event the family cannot physically attend a briefing, due to distance or other means, the branch office will attempt to contact a community agency/partner to determine if they have space and technology available to use, or if an in-home briefing can be conducted using the community agency/partner’s technology (phone, iPad, laptop, etc.).

The briefing scheduling letter will indicate how the briefing will be conducted. If the family subsequently determines they cannot video conference, they must contact the branch office **five (5) business days** prior to briefing date to arrange for a phone or in-person briefing. 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 IHFA.
The briefing packet will be mailed or emailed to the participant per their choice, at least **five (5) business days** prior to the scheduled briefing date. The applicant must immediately contact the branch office if they do not receive the packet **within three (3) days** of the briefing date, to make arrangements to receive another. To ensure confidentiality of all PII information contained in the packet, the email will be encrypted.

IHFA will provide login information and/or conferencing call-in information and an electronic copy of the briefing packet via mail and/or email at least **five (5) business days** before the briefing.

Persons with disabilities who require a reasonable accommodation to participate in the briefing; those having a visual, hearing, mental or manual impairment and need an alternate form of communication or an auxiliary aid; or persons with limited English proficiency who require an interpreter or other translation service, must contact the branch office **five (5) business days prior to** the briefing so arrangements can be made. IHFA will ensure that families who participate in remote briefings have the opportunity to ask questions as part of the briefing.

**Oral Briefing [24 CFR 982.301(a)]**

Each briefing must provide information on the following subjects:

- How the Housing Choice Voucher program works;
- Family and owner responsibilities;
- Where the family can lease a unit, including renting a unit inside or outside the PHA’s jurisdiction;
- An explanation of how portability works. The PHA may not discourage the family from choosing to live anywhere in the PHA jurisdiction or outside the PHA jurisdiction under portability, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order;
- The PHA must inform the family of how portability may affect the family’s assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family’s assistance; and
- The advantages of areas that do not have a high concentration of low-income families.

**Briefing Packet [24 CFR 982.301(b)]**

Documents and information provided in the briefing packet must include the following:

- The term of the voucher, voucher suspensions, and the PHA’s policies on any extensions of the term. If the PHA allows extensions, the packet must explain how the family can request an extension.
- A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family, how the PHA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how the PHA determines the maximum allowable rent for an assisted unit.
• Where the family may lease a unit and an explanation of how portability works, including information on how portability may affect the family’s assistance through screening, subsidy standards, payment standards, and any other elements of the portability process that may affect the family’s assistance.

• The HUD-required tenancy addendum, which must be included in the lease.

• The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy.

• A statement of the PHA policy on providing information about families to prospective owners.

• The PHA subsidy standards including when and how exceptions are made.

• Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.

• Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.

• A list of landlords known to the PHA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to the PHA that may assist the family in locating a unit. PHAs must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration.

• Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to the PHA.

• The family obligations under the program, including any obligations of a welfare-to-work family. **Idaho does not have welfare-to-work program.**

• The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.

• PHA Informal Hearing procedures including when the PHA is required to offer a participant family the opportunity for an Informal Hearing, and how to request the hearing.

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

• A Record of Contacts form and instructions for requesting voucher extensions.

If the PHA is located in a metropolitan area, the following additional information must be included in the briefing packet in order to receive full points under SEMAP Indicator 7, Expanding Housing Opportunities [24 CFR 985.3(g)]:

• Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction

• Information about the characteristics of these areas including job opportunities, schools, transportation, and other services

• An explanation of how portability works, including a list of portability contact persons for neighboring PHAs with names, addresses, and telephone numbers
Additional Items to Be Included in the Briefing Packet

In addition to items required by the regulations, PHAs may wish to include supplemental materials to help explain the program to both participants and owners [HCV GB p. 8-7, Notice PIH 2017-12].

IHFA Policy (Updated 2022)

IHFA will provide the following additional materials and information in the briefing packet:

- IHFA’s Information Release Policy and acknowledgment form;
- Family Self-Sufficiency Survey;
- Applicant/Participant Fraud Letter and Fraud information;
- HQS requirements for Manufactured Housing tie-downs, woodstove clearance, and proper care for a water heater information sheet;
- Types of eligible housing;
- An explanation that the family share of rent may not exceed 40% of the family’s monthly adjusted income if the gross rent exceeds the applicable payment standard;
- An explanation that information is maintained in the office either in a binder or on bulletin boards which contains a list of landlords or other parties known to IHFA who may be willing to lease a unit to the family and information about the rental listing website;
- An explanation that if the head or spouse/co-head of the assisted family does not have legal residence in IHFA’s jurisdiction at the time of application, the family will not have any right to lease a unit outside of IHFA’s jurisdiction for a twelve (12) month period beginning when the family is first admitted to the program;
- “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12;
- The form HUD-5380 domestic violence certification form and the form HUD-5382 notice of occupancy rights, which contains information on VAWA protections for victims of domestic violence, dating violence, sexual assault, and stalking (provided during the formal application process);
- Lead Based Paint and Bed Bug information;
- Information on how to fill out and file a housing discrimination complaint form.

Additional informational brochures such as Tenant/Landlord guidelines, Family Self-Sufficiency, and Fair Housing shall be offered.

5-I.C. FAMILY OBLIGATIONS

Obligations of the family are described in the housing choice voucher (HCV) regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. The PHA must inform families of these obligations during the oral
briefing, and the same information must be included in the briefing packet. When the family’s unit is approved and the HAP contract is executed, the family must meet those obligations in order to continue participating in the program. Violation of any family obligation may result in termination of assistance, as described in Chapter 12.

**Time Frames for Reporting Changes Required by Family Obligations**

**IHFA Policy**

Unless otherwise noted, when family obligations require the family to respond to a request or notify IHFA of a change, notifying IHFA of the request or change within **ten (10) business days** is considered prompt notice.

When a family is required to provide notice to IHFA, the notice must be in writing.

**Family Obligations [24 CFR 982.551]**

The family obligations of the voucher are listed as follows:

- The family must supply any information that the PHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.
- The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.

**IHFA Policy**

IHFA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner’s notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

*Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)]
• The family must notify the PHA and the owner before moving out of the unit or terminating the lease.

  **IHFA Policy**
  
  The family must comply with lease requirements regarding written notice to the owner. The family must provide **thirty (30) days written notice** to IHFA at the same time the owner is notified.

• The family must promptly give the PHA a copy of any owner eviction notice.

• The family must use the assisted unit for residence by the family. The unit must be the family’s only residence.

• The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

  **IHFA Policy**
  
  The request to add a family member must be submitted in writing and approved prior to the person moving into the unit, along with the landlord’s approval to add the family member. IHFA will determine eligibility of the new member in accordance with the policies in Chapter 3.

• The family must promptly notify the PHA in writing if any family member no longer lives in the unit.

• If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when PHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (sections I.K and I.M), and Chapter 11 (section II.B).

• The family must not sublease the unit, assign the lease, or transfer the unit.

  **IHFA Policy**
  
  Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

• The family must supply any information requested by the PHA to verify that the family is living in the unit or information related to family absence from the unit.

• The family must promptly notify the PHA when the family is absent from the unit.

  **IHFA Policy (Updated 2022)**
  
  Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period **greater than thirty (30) calendar days**. Written notice must be provided to IHFA at the start of the extended absence.
The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].

The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).

Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).

Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and PHA policies related to drug-related and violent criminal activity.

Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and PHA policies related to alcohol abuse.

An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.

A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]
PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE

5-II.A. OVERVIEW

The PHA must establish subsidy standards that determine the number of bedrooms needed for families of different sizes and compositions. This part presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. The PHA must also establish policies related to the issuance of the voucher, to the voucher term, and to any extensions of the voucher term.

5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

For each family, the PHA determines the appropriate number of bedrooms under the PHA subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

The following requirements apply when the PHA determines family unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family.
- Any live-in aide (approved by the PHA to reside in the unit to care for a family member who is disabled or is at least 50 years of age) must be counted in determining the family unit size;
- Unless a live-in aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under the PHA subsidy standards.

IHFA Policy

IHFA will assign one bedroom for the head of household and spouse or co-head, and one bedroom for each two persons after that. IHFA considers only the number of household members, and does not consider age, gender or family relationship.

Only one additional bedroom may be approved for a live-in aide. Although a live-in aide may have IHFA approved family members live with him/her in the assisted unit, no additional bedrooms will be provided for the family members of the live-in aide. IHFA must ensure that Housing Quality Standards (HQS) will not be violated and that there will be no more than two people per bedroom or living/sleeping space in the unit in accordance with 24 CFR 982.401(d)(2)(ii). If the approval of additional family members
of a live-in aide would result in a violation of HQS, the additional family members of the live-in aide may not be approved.

IHFA reserves the right to change these as needed based upon availability of HUD funding.

5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS

In determining family unit size for a particular family, the PHA may grant an exception to its established subsidy standards if the PHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances [24 CFR 982.402(b)(8)]. Reasons may include, but are not limited to:

- A need for an additional bedroom for medical equipment
- A need for a separate bedroom for reasons related to a family member’s disability, medical or health condition

For a single person who is not elderly, disabled, or a remaining family member, an exception cannot override the regulatory limit of a zero or one bedroom [24 CFR 982.402(b)(8)].

**IHFA Policy (Updated 2022)**

IHFA may grant exceptions from the established unit size standard if IHFA determines that the exception is justified by health, disability, or other personal circumstances. The Branch office Supervisor must document the rationale for any approved exceptions. If a participant family’s request is denied, the notice will inform the family of their right to request an Informal Hearing.

IHFA will grant exceptions to normal subsidy standards when a family requests, through a request for reasonable accommodation, a larger voucher than the guidelines allow and documents a medical reason why the larger voucher is necessary, and not just desirable. Reasonable accommodations are granted for a specific purpose due to a documented disability and the accommodation requested by the family to fully utilize the HCV program. IHFA’s decision to approve an additional bedroom subsidy as a reasonable accommodation will continue only as long as necessary per the health care provider, or as long as the additional bedroom is used for the purpose indicated by the accommodation request. If it is determined/demonstrated that the room is not used for the purpose intended, the accommodation will be revoked and an Informal Hearing will be offered regarding the decision.

IHFA will determine the family unit size in accordance with the above guidelines and will determine the maximum rent subsidy for the family; however, the family may select a unit that is larger or smaller than the family unit size assigned. If the family selects a smaller unit, the payment standard for the smaller size will be used to calculate the subsidy. If the family selects a larger size, the payment standard for the family unit size for which the family qualifies will determine the maximum subsidy.

IHFA will notify the family of its determination within ten (10) business days of receiving the family’s request. If a participant family’s request is denied, the notice will inform the family of their right to request an Informal Hearing.
5-II.D. VOUCHER ISSUANCE [24 CFR 982.302]

When a family is selected from the waiting list (or as a special admission as described in Chapter 4), or when a participant family wants to move to another unit, the PHA issues a Housing Choice Voucher, form HUD-52646. This chapter deals only with voucher issuance for applicants. For voucher issuance associated with moves of program participants, please refer to Chapter 10.

The voucher is the family’s authorization to search for housing. It specifies the unit size for which the family qualifies, and includes both the date of voucher issuance and date of expiration. It contains a brief description of how the program works and explains the family obligations under the program. The voucher is evidence that the PHA has determined the family to be eligible for the program, and that the PHA expects to have money available to subsidize the family if the family finds an approvable unit. However, the PHA does not have any liability to any party by the issuance of the voucher, and the voucher does not give the family any right to participate in the PHA’s housing choice voucher program [Voucher, form HUD-52646].

A voucher can be issued to an applicant family only after the PHA has determined that the family is eligible for the program based on verification of information received within the sixty (60) days prior to issuance [24 CFR 982.201(e)] and after the family has attended an oral briefing [HCV 8-1].

IHFA Policy

Once all family information has been verified, their eligibility determined, their subsidy calculated, and they have attended the family briefing, IHFA will issue the voucher.

The PHA should have sufficient funds to house an applicant before issuing a voucher. If funds are insufficient to house the family at the top of the waiting list, the PHA must wait until it has adequate funds before it calls another family from the list [HCV GB p. 8-10].

IHFA Policy (Also See Chapter 16, Part VIII)

IHFA’s HCV program is based on funding availability. The voucher may be revoked at any time, if IHFA determines there is insufficient funding available. If this becomes necessary, any voucher that has been issued and not used to rent an applicable unit will be subject to recall. Applicants whose vouchers have been recalled will be placed back on the waiting list.

If the PHA determines that there is insufficient funding after a voucher has been issued, the PHA may rescind the voucher and place the affected family back on the waiting list.

5-II.E. VOUCHER TERM AND EXTENSIONS

Voucher Term [24 CFR 982.303]

The initial term of a voucher must be at least sixty (60) calendar days. The initial term must be stated on the voucher [24 CFR 982.303(a)].

IHFA Policy

The initial voucher term will be sixty (60) to 120 calendar days and will be stated on the Housing Choice Voucher. The initial term of certain special programs will be 120 calendar days, such as Mainstream, Mainstream MRR/DFN, NED, EHV and VASH.
Extensions of Voucher Term [24 CFR 982.303(b)]

The PHA has the authority to grant extensions of search time, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. There is no limit on the number of extensions that the PHA can approve. Discretionary policies related to extension and expiration of search time must be described in the PHA’s administrative plan [24 CFR 982.54].

PHAs must approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

The family must be notified in writing of the PHA’s decision to approve or deny an extension. The PHA’s decision to deny a request for an extension of the voucher term is not subject to Informal Review [24 CFR 982.554(c)(4)].

IHFA Policy

Generally, extensions will only be given due to extreme extenuating circumstances (such as, but not limited to illness, hospitalization or death in the family, or when a family has made a good faith effort but has been unsuccessful in locating a unit) or as a reasonable accommodation for a disability. To obtain an extension, the family must make a request in writing prior to the expiration date. A statement of the efforts the family has made to find a unit must accompany the request. A sample extension request form and a form for recording their search efforts will be included in the family’s briefing packet. Requests for an extension of the voucher term will be reviewed on a case-by-case basis. The length of the extension will be determined on a case-by-case basis, but will generally be made in thirty (30) day increments. Extensions beyond sixty (60) days may be approved by the Branch Office Supervisor. If the Branch Office Supervisor decides to deny an extension request, the request and any pertinent documents must be sent to the Boise office for review and final determination.

Suspensions of Voucher Term [24 CFR 982.303(c)]

The PHA must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied. This action is also referred to as Tolling.

Expiration of Voucher Term

Once a family’s housing choice voucher term (including any extensions) expires, the family is no longer eligible to search for housing under the program. If the family still wishes to receive assistance, the PHA may require that the family reapply, or may place the family on the waiting list with a new application date but without requiring reapplication. Such a family does not become ineligible for the program on the grounds that it was unable to locate a unit before the voucher expired [HCV GB p. 8-13].

IHFA Policy

Correspondence will be sent to the applicant thirty (30) days prior to the initial expiration of the voucher to warn of the upcoming expiration and will include
notification to the applicant of the right to an Informal Review. In the absence of extenuating circumstances, if a Request for Tenancy Approval (RTA) has not been submitted prior to the expiration of the voucher, the applicant will be removed from the waiting list and required to reapply.
Chapter 6

INCOME AND SUBSIDY DETERMINATIONS
[24 CFR Part 5, Subparts E and F; 24 CFR 982]

INTRODUCTION

A family’s income determines eligibility for assistance and is also used to calculate the family’s payment and the PHA’s subsidy. The PHA will use the policies and methods described in this chapter to ensure that only eligible families receive assistance and that no family pays more or less than its obligation under the regulations. This chapter describes HUD regulations and PHA policies related to these topics in three parts as follows:

- **Part I: Annual Income.** 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.

- **Part II: Adjusted Income.** 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.

- **Part III: Calculating Family Share and PHA Subsidy.** 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.
PART I: ANNUAL INCOME

6-I.A. OVERVIEW

The general regulatory definition of *annual income* shown below is from 24 CFR 5.609.

<table>
<thead>
<tr>
<th>5.609 Annual income.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Annual income means all amounts, monetary or not, which:</td>
</tr>
<tr>
<td>(1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or</td>
</tr>
<tr>
<td>(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and</td>
</tr>
<tr>
<td>(3) Which are not specifically excluded in paragraph [5.609(c)].</td>
</tr>
<tr>
<td>(4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.</td>
</tr>
</tbody>
</table>

In addition to this general definition, HUD regulations establish policies for treating specific types of income and assets. The full texts of those portions of the regulations are provided in exhibits at the end of this chapter as follows:

- Annual Income Inclusions (Exhibit 6-1)
- Annual Income Exclusions (Exhibit 6-2)
- Treatment of Family Assets (Exhibit 6-3)
- Earned Income Disallowance for Persons with Disabilities (Exhibit 6-4)
- The Effect of Welfare Benefit Reduction (Exhibit 6-5)

Sections 6-I.B and 6-I.C discuss general requirements and methods for calculating annual income. The rest of this section describes how each source of income is treated for the purposes of determining annual income. HUD regulations present income inclusions and exclusions separately [24 CFR 5.609(b) and 24 CFR 5.609(c)]. In this plan, however, the discussions of income inclusions and exclusions are integrated by topic (e.g., all policies affecting earned income are discussed together in section 6-I.D). Verification requirements for annual income are discussed in Chapter 7.

6-I.B. HOUSEHOLD COMPOSITION AND INCOME

Income received by all family members must be counted unless specifically excluded by the regulations. It is the responsibility of the head of household to report changes in family composition. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.
<table>
<thead>
<tr>
<th>Summary of Income Included and Excluded by Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Live-in aides</td>
</tr>
<tr>
<td>Foster child or foster adult</td>
</tr>
<tr>
<td>Head, spouse, or cohead Other adult family members</td>
</tr>
<tr>
<td>Children under 18 years of age</td>
</tr>
<tr>
<td>Full-time students 18 years of age or older (not head, spouse, or cohead)</td>
</tr>
</tbody>
</table>

**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].

**IHFA Policy** *(Updated 2022) (Also see Chapter 3)*

Generally an individual who is or is expected to be absent from the assisted unit for **120 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 **120 consecutive days** is considered permanently absent and no longer a family member, unless the family receives approval from the branch supervisor for extenuating circumstances (e.g. hospitalization). However, in no case may a household be absent more than **180 consecutive calendar days** in any circumstance or for any reason (24 CFR 982.312 (a)). Exceptions to this general policy are discussed below.

**Absent Students**

**IHFA Policy** *(Updated 2022) (Also see Chapter 3)*

If a family member attends school away from home, the person will continue to be considered a family member unless information becomes available indicating that the student has established a separate household or the family declares that the student has established a separate household. Dorms or student housing is not considered a separate household.

**Absences Due to Placement in Foster Care**

Children temporarily absent from the home as a result of placement in foster care are considered members of the family [24 CFR 5.403].
IHFA Policy

If a child has been placed in foster care, IHFA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member. If the child is expected to be returned, but is out of the home for more than six months from the initial removal date, the voucher size will be reduced at the next regular reexamination.

Absent Head, Spouse, or Cohead

IHFA Policy (Updated 2022) (Also see Chapter 3)

Households must report, in writing, to IHFA the absence of any household member for a period of time longer than thirty (30) consecutive days.

If a household member leaves the household for more than 120 consecutive days in a calendar year, except for medical or military circumstances described below, the unit will not be considered to be their principal place of residence and they will be removed from the program. Other limited employment absences for the head, spouse, or co-head will be considered on a case-by-case basis.

When the entire family is to be absent from the unit for a period of time greater than thirty (30) days, written notification must be provided to IHFA. Notification must include the reason for the absence (e.g., hospitalization, medical or similar reasons, but does NOT include school abroad) and the expected date of return. The family must also take the necessary steps to ensure proper notice has been given to their landlord. Under extreme extenuating circumstances, an extension may be approved as a reasonable accommodation, up to but no longer than six (6) months (or 180 days).

IHFA must count all income of every household member who is named on the lease including those who are temporarily absent from the household.

Exception: If the head, spouse, or co-head is absent due to employment or serving in the military, IHFA will count all regular pay, special pay and allowances (whether the person is living in the dwelling or not) and the absent head, spouse, or co-head will continue to be considered a family member. The exclusion to this is special hazardous duty pay for exposure to hostile fire.

Family Members Permanently Confined for Medical Reasons

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

IHFA Policy (Also see Chapter 3)

If a family certifies that a family member is permanently absent or confined due to medical reasons, IHFA will request verification of the family member’s permanent absence. Acceptable proof of absence includes:

- Verification from a responsible medical professional; or
- Current copy of lease, utility bills, court documents, care facility documents, or other acceptable evidence verifying the member’s permanent absence.

If the acceptable verification cannot be provided, the person will be considered temporarily absent until acceptable verification is received. When an individual who has been counted as a family member is determined permanently absent, the family is eligible for the medical expense deduction only if the remaining head, spouse, or cohead qualifies as an elderly person or a person with disabilities.

**Joint Custody of Dependents**

**IHFA Policy (Updated 2022)**

Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or participant family 51 percent or more of the time. Fifty-one (51) percent will be defined as more than 50% or at least 183 calendar days per year. If a divorce decree states that custody of the children is 50/50 and there is no other documentation to support custody of one parent or the other of 183 days or no pattern is established, additional documentation will be required. In the event that both parties are on the program and attempting to claim the child(ren), they will be given the opportunity to determine who will be given the additional bedroom. In the event they are unable to make that determination, IHFA will make a decision based on available documents such as court orders, school records, or an IRS return showing which family has claimed the child for income tax purposes.

**Caretakers for a Child**

**IHFA Policy**

If neither a parent nor a designated guardian remains in a household receiving HCV assistance, IHFA will take the following actions upon the approval of a caretaker which is at the owner and IHFA’s discretion and subject to the owner and IHFA’s screening criteria.

1. If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made.

2. If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for ninety (90) days. After the ninety (90) days has elapsed, the caretaker will be considered a family member unless information is provided that would confirm that the caretaker’s role is temporary. In such cases IHFA will extend the caretaker’s status as an eligible visitor.

3. At any time that custody or guardianship legally has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker.

4. During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.
6-I.C. ANTICIPATING ANNUAL INCOME
The PHA is required to count all income “anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date” [24 CFR 5.609(a)(2)]. Policies related to anticipating annual income are provided below.

Basis of Annual Income Projection
The PHA generally will use current circumstances to determine anticipated income for the coming 12-month period. HUD authorizes the PHA to use other than current circumstances to anticipate income when:

- An imminent change in circumstances is expected [HCV GB, p. 5-17]
- It is not feasible to anticipate a level of income over a 12-month period (e.g., seasonal or cyclic income) [24 CFR 5.609(d)]
- The PHA believes that past income is the best available indicator of expected future income [24 CFR 5.609(d)]

PHAs are required to use HUD’s Enterprise Income Verification (EIV) system in its entirety as a third party source to verify employment and income information, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR 5.233(a)(2)]. HUD allows PHAs to use tenant-provided documents (pay stubs) to project income once EIV data has been received in such cases where the family does not dispute the EIV employer data and where the PHA does not determine it is necessary to obtain additional third-party data.

IHFA Policy (Updated 2022)
IHFA will use EIV as the primary third-party source to verify income. EIV will be compared to verification of wages, it cannot be used alone as a means of verification. When verifying wages, IHFA’s policy is that verification documents must be in the form of the most recent two (2) months of paystubs or four (4) current, consecutive paystubs, computer generated wage printout, or a letter from an employer detailing hours, wage amount, and frequency of pay. These verifications must be generated within sixty (60) days of IHFA’s request date or the effective date of the action, to project annual income. A self-certification of income does not qualify as verification documentation.

IHFA will use EIV as its highest verification source for Social Security income, and will not require additional supporting documents.

IHFA will obtain written and/or oral third-party verification in accordance with the verification requirements and policy in Chapter 7 in the following circumstances:

- If there is a significant discrepancy (equal to or greater than $2400 annually) between EIV and the most current hand-carried documents;
- If the employment is not showing in the EIV system;
- If the participant is unable to provide the most current pay stubs or other hand-carried documents;
- If the income reported in EIV is disputed by the participant;
• If documents are not original, altered, mutilated, not legible, or appear to be forged.

When calculating anticipated income, use the effective date of the action (annual, interim) to calculate income changes.

Example: An annual reexam is being processed in September with a December 1st effective date and the person receives social security income. To prorate the cola properly, use the current SS rate for December and the new SS rate for the other eleven (11 months). See also the procedure for calculating the Cola rate increase.

**Known Changes in Income**

If the PHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the 12-month period.

**Example:** An employer reports that a full-time employee who has been receiving $8/hour will begin to receive $8.25/hour in the eighth week after the effective date of the reexamination. In such a case the PHA would calculate annual income as follows:

\[ ($8/\text{hour} \times 40 \text{ hours} \times 7 \text{ weeks}) + ($8.25 \times 40 \text{ hours} \times 45 \text{ weeks}). \]

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 PHA 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 PHA’s policy on reexaminations does not require interim reexaminations for other types of changes.

When tenant-provided third-party documents are used to anticipate annual income, they will be dated within the last 60 days of the reexamination interview date.

**Projecting Income**

In HUD’s EIV webcast of January 2008, HUD made clear that PHAs are not to use EIV quarterly wages to project annual income.

**6-I.D. EARNED INCOME**

**Types of Earned Income Included in Annual Income**

**Wages and Related Compensation**

The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services is included in annual income [24 CFR 5.609(b)(1)].

**IHFA Policy**

For persons who regularly receive bonuses or commissions, IHFA will verify and then average amounts received. If the family disputes the amount of commissions or bonuses received, or enough history isn’t shown in the documents provided by the applicant/participant, IHFA will send a verification form to the employer and the file will be documented appropriately.
Some Types of Military Pay

All regular pay, special pay and allowances of a member of the Armed Forces are counted [24 CFR 5.609(b)(8)] except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire [24 CFR 5.609(c)(7)].

Types of Earned Income Not Counted in Annual Income

Temporary, Nonrecurring, or Sporadic Income [24 CFR 5.609(c)(9)]

This type of income (including gifts) is not included in annual income. Sporadic income includes temporary payments from the U.S. Census Bureau for employment lasting no longer than 180 days [Notice PIH 2009-19].

IHFA Policy

Sporadic income is income that is not received periodically and cannot be reliably predicted. For example, the income of an individual who works occasionally as a handyman would be considered sporadic if future work could not be anticipated and no historic, stable pattern of income existed.

Children’s Earnings

Employment income earned by children (including foster children) under the age of 18 years is not included in annual income [24 CFR 5.609(c)(1)]. (See Eligibility chapter for a definition of foster children.)

Certain Earned Income of Full-Time Students

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-time,” a student must be considered “full-time” by an educational institution with a degree or certificate program [HCV GB, p. 5-29].

Income of a Live-in Aide

Income earned by a live-in aide, as defined in [24 CFR 5.403], is not included in annual income [24 CFR 5.609(c)(5)]. (See Eligibility chapter for a full discussion of live-in aides.)

Income Earned under Certain Federal Programs

Income from some federal programs is specifically excluded from consideration as income [24 CFR 5.609(c)(17)], including:

- Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
- Awards under the federal work-study program (20 U.S.C. 1087 uu)
- Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))
- Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))
• Allowances, earnings, and payments to participants in programs funded under the Workforce Investment Act of 1998 (29 U.S.C. 2931)

**Resident Service Stipend**

Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed $200 per individual per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA’s governing board. No resident may receive more than one such stipend during the same period of time [24 CFR 5.600(c)(8)(iv)].

**State and Local Employment Training Programs**

Incremental earnings and benefits to any family member resulting from participation in qualifying state or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff are excluded from annual income. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the training program [24 CFR 5.609(c)(8)(v)].

**IHFA Policy**

IHFA considers a qualified program to be one that incorporates 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 individuals’ ability to obtain employment. It may have performance standards to measure proficiency. Training may include, but is not limited to: classroom training in a specific occupational skill, on-the-job training with wages subsidized by the program or basic education.

**HUD-Funded Training Programs**

Amounts received under training programs funded in whole or in part by HUD [24 CFR 5.609(c)(8)(i)] are excluded from annual income. Eligible sources of funding for the training include operating subsidy, Section 8 administrative fees, and modernization, Community Development Block Grant (CDBG), HOME program, and other grant funds received from HUD.

**IHFA Policy**

To qualify as a training program, the program must meet the definition of training program provided above for state and local employment training programs.

**Earned Income Tax Credit**

Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j)), are excluded from annual income [24 CFR 5.609(c)(17)]. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee’s payroll check.
**Earned Income Disallowance**

The earned income disallowance for persons with disabilities is discussed in section 6-I.E below.

**6-I.E. EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES**


The earned income disallowance (EID) encourages people with disabilities to enter the workforce 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.

**Eligibility**

This disallowance applies only to individuals in families already participating in the HCV program (not at initial examination). To qualify, the family must experience an increase in annual income that is the result of one of the following events:

- Employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment. *Previously unemployed* includes a person who annually has earned not more than the minimum wage applicable to the community multiplied by 500 hours. The applicable minimum wage is the federal minimum wage unless there is a higher state or local minimum wage.

- Increased earnings by a family member who is a person with disabilities and whose earnings increase during participation in an economic self-sufficiency or job-training program. A self-sufficiency program includes a program designed to encourage, assist, train, or facilitate the economic independence of HUD-assisted families or to provide work to such families [24 CFR 5.603(b)].

- New employment or increased earnings by a family member who is a person with disabilities and who has received benefits or services under Temporary Assistance for Needy Families (TANF) or any other state program funded under Part A of Title IV of the Social Security Act within the past *six months*. If the benefits are received in the form of monthly maintenance, there is no minimum amount. If the benefits or services are received in a form other than monthly maintenance, such as one-time payments, wage subsidies, or transportation assistance, the total amount received over the six-month period must be at least $500.

**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 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.

**Calculation Method**

*Initial 12-Month Exclusion*
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.

**IHFA Policy**

The initial EID exclusion period will begin on the first of the month following the date an eligible member of a qualified family is first employed or first experiences an increase in earnings.

**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.

**IHFA Policy**

During the second 12-month exclusion period, IHFA will exclude 100 percent of any increase in income attributable to new employment or increased earnings.

**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.

**6-I.F. BUSINESS INCOME [24 CFR 5.609(b)(2)]**

Annual income includes “the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family” [24 CFR 5.609(b)(2)].

**Business Expenses**

Net income is “gross income less business expense” [HCV GB, p. 5-19].

**IHFA Policy (Updated 2022)**

To determine business expenses that may be deducted from gross income, IHFA will use current applicable Internal Revenue Service (IRS) rules, including the IRS Schedule C, for determining allowable business expenses [see IRS Publication 535], unless a topic is addressed by HUD regulations or guidance as described below.

**Business Expansion**

HUD regulations do not permit the PHA to deduct from gross income expenses for business expansion.
IHFA Policy

Business expansion is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

Capital Indebtedness

HUD regulations do not permit the PHA to deduct from gross income the amortization of capital indebtedness.

IHFA Policy

Capital indebtedness is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means IHFA will allow as a business expense interest, but not principal, paid on capital indebtedness.

Negative Business Income

If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

Withdrawal of Cash or Assets from a Business

HUD regulations require the PHA to include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

IHFA Policy

Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of an assisted family provided an up-front loan of $2,000 to help a business get started, IHFA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor contributed to the business without compensation.

Co-owned Businesses

IHFA Policy

If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family’s share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6-I.G. ASSETS [24 CFR 5.609(b)(3); 24 CFR 5.603(b)]

Overview

There is no asset limitation for participation in the HCV program. However, HUD requires that the PHA include in annual income the anticipated “interest, dividends, and other net income of
any kind from real or personal property” [24 CFR 5.609(b)(3)]. This section discusses how the income from various types of assets is determined. For most types of assets, the PHA must determine the value of the asset in order to compute income from the asset. Therefore, for each asset type, this section discusses:

- How the value of the asset will be determined
- How income from the asset will be calculated

Exhibit 6-1 provides the regulatory requirements for calculating income from assets [24 CFR 5.609(b)(3)], and Exhibit 6-3 provides the regulatory definition of net family assets. This section begins with a discussion of general policies related to assets and then provides HUD rules and PHA policies related to each type of asset.

Optional policies for family self-certification of assets are found in Chapter 7.

**General Policies**

**Income from Assets**

The PHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes the PHA to use other than current circumstances to anticipate income when (1) an imminent change in circumstances is expected (2) it is not feasible to anticipate a level of income over 12 months or (3) the PHA 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 PHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

**IHFA Policy (Updated 2022)**

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 IHFA to show why the asset income determination does not represent the family’s anticipated asset income.

- When combined assets exceed $5,000, the greater of actual or imputed income is used in calculating annual income. Cash value will be used to determine if combined assets exceed $5,000.
- Market value will be the current balance of the asset. Interest will be calculated based on the market value of the asset.
- When the combined market value of assets is clearly $5,000 or less, IHFA will not verify or calculate the cash value for purposes of imputed income.
- During self-certification years, the redetermination form will serve as self-certification.
- Families are not required to convert any asset to cash.

**Valuing Assets**

The calculation of asset income sometimes requires the PHA to make a distinction between an asset’s market value and its cash value.
• The market value of an asset is its worth in the market (e.g., the amount a buyer would pay for real estate or the total value of an investment account).

• The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

IHFA Policy (Updated 2022)

Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions [HCV GB, p. 5-28].

In the case of real estate, IHFA will consider the market value to be the appraised value of the property. The cash value is the market value minus the balance of any mortgage and reasonable and customary costs associated with the sale of the property.

Lump-Sum Receipts

Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account) [RHIIP FAQs]. (For a discussion of lump-sum payments that represent the delayed start of a periodic payment, most of which are counted as income, see sections 6-I.H and 6-I.I.)

Imputing Income from Assets [24 CFR 5.609(b)(3), Notice PIH 2012-29]

When net family assets are $5,000 or less, the PHA will include in annual income the actual income anticipated to be derived from the assets. When the family has net family assets in excess of $5,000, the PHA will include in annual income the greater of (1) the actual income derived from the assets or (2) the imputed income. Imputed income from assets is calculated by multiplying the total cash value of all family assets by an average passbook savings rate as determined by the PHA.

• Note: The HUD field office no longer provides an interest rate for imputed asset income. The “safe harbor” is now for the PHA to establish a passbook rate within 0.75 percent of a national average.

• The PHA must review its passbook rate annually to ensure that it remains within 0.75 percent of the national average.

IHFA Policy (Updated 2022)

Where the family has net family assets in excess of $5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate. IHFA will determine the passbook savings rate annually; usually in March of each year and staff will be provided a copy of the updated passbook savings rate each year. The rate will not be adjusted unless the current IHFA rate is no longer within 0.75 percent of the national rate. If it is no longer within 0.75 percent of the national rate, the passbook rate will be based on the current national rate.
Determining Actual Anticipated Income from Assets

It may or may not be necessary for the PHA to use the value of an asset to compute the actual anticipated income from the asset. When the value is required to compute the anticipated income from an asset, the market value of the asset is used. For example, if the asset is a property for which a family receives rental income, the anticipated income is determined by annualizing the actual monthly rental amount received for the property; it is not based on the property’s market value. However, if the asset is a savings account, the anticipated income is determined by multiplying the market value of the account by the interest rate on the account.

Withdrawal of Cash or Liquidation of Investments

Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family. For example, when a family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

Jointly Owned Assets

The regulation at 24 CFR 5.609(a)(4) specifies that annual income includes “amounts derived (during the 12-month period) from assets to which any member of the family has access.”

IHFA Policy (Updated 2022)

If an asset is owned by more than one person and any family member has access to the asset, IHFA will count the full value of the asset. IHFA will consider even restricted access to an asset as having access; the full value of the asset will be counted, unless percentage of ownership documentation is provided. In the case of a trustee account, if a participant has direct access to the account or the account is used to pay living expenses or bills, IHFA will consider the account to be accessible and will count the full value of the asset.

Disbursements made from a Special Needs Trust on a regular or recurring basis for the personal use of the participant will be counted as income. Sporadic, non-recurring payments from a trust to a participant will not be counted as income. Payment of a fee to a court appointed trustee will not be considered personal use and shall not be counted as income to the participant.

Assets Disposed of for Less than Fair Market Value [24 CFR 5.603(b)]

HUD regulations require the PHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

Minimum Threshold

The HCV Guidebook permits 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].
IHFA Policy

IHFA 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 (2) years exceeds the gross amount received for the assets by more than $1,000. Assets disposed of for less than fair market value that exceed $1,000 will be counted for a period of two years from the date of disposition. At the conclusion of that two year time period, the income assigned to the disposed asset also expires. If the two (2) year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the assets.

Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

Separation or Divorce

The regulation also specifies that assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

IHFA Policy

Assets disposed of due to a separation or divorce settlement are not considered assets disposed of for less than fair market value.

Foreclosure or Bankruptcy

Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

Family Declaration

IHFA Policy

Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. IHFA may verify the value of the assets disposed of if other information available to IHFA does not appear to agree with the information reported by the family.

Types of Assets

Checking and Savings Accounts [24 CFR 982.516 (a)(3)(ii)]

For regular checking accounts and savings accounts, cash value has the same meaning as market value. If a checking account does not bear interest, the anticipated income from the account is zero.

IHFA Policy (Updated 2022)

The interest earned on a savings account will be based on the current balance in the account and checking accounts will be based on a three (3) month average balance. At admission to the program, and every three (3) years thereafter (i.e. every third year),
verification of all assets is required. Any additions to the household will require verification of the new member’s assets. During annual reexaminations between admission to the program and every three (3) years thereafter (i.e. every third year), when combined assets total $5,000 or less, the current balance on all accounts will be used, and the redetermination form will serve as self-certification.

*IHFA last obtained asset verifications for the period of 9/1/2019 through 8/31/2020.*

The schedule for asset verifications to be obtained will be:

<table>
<thead>
<tr>
<th>Date Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/1/2022 through 8/31/2023</td>
</tr>
<tr>
<td>9/1/2025 through 8/31/2026</td>
</tr>
<tr>
<td>9/1/2028 through 8/31/2029</td>
</tr>
<tr>
<td>9/1/2031 through 8/31/2032</td>
</tr>
</tbody>
</table>

**Investment Accounts Such as Stocks, Bonds, Saving Certificates, and Money Market Funds**

Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

**IHFA Policy** *(Updated 2022)*

In determining the market value of an investment account, IHFA will use the value of the account on the most recent investment report.

How anticipated income from an investment account will be calculated depends on whether the rate of return is known.

- For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings).
- When the anticipated rate of return is not known (e.g., stocks), IHFA will calculate asset income based on the earnings for the most recent reporting period.

**Equity in Real Property or Other Capital Investments**

Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset [HCV GB, p. 5-25].

**IHFA Policy**

In the case of real estate, IHFA will consider the market value to be the appraised value of the property. The cash value is the market value minus the balance of any mortgages and reasonable and customary costs associated with the sale of the property.

Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

- Equity accounts in HUD homeownership programs [24 CFR5.603(b)]
• The value of a home currently being purchased with assistance under the HCV program Homeownership Option for the first 10 years after the purchase date of the home [24 CFR 5.603(b), Notice PIH 2012-3]

• Equity in owner-occupied cooperatives and manufactured homes in which the family lives [HCV GB, p. 5-25]

• Equity in real property when a family member’s main occupation is real estate [HCV GB, p. 5-25]. This real estate is considered a business asset, and income related to this asset will be calculated as described in section 6-I.F.

• Interests in Indian Trust lands [24 CFR 5.603(b)]

• Real property and capital assets that are part of an active business or farming operation [HCV GB, p. 5-25]

The PHA must also deduct from the equity the reasonable costs for converting the asset to cash. Using the formula for calculating equity specified above, the net cash value of real property is the market value minus the balance of the loan (mortgage) minus the expenses to convert to cash [Notice PIH 2012-3].

**IHFA Policy**

For the purposes of calculating expenses to convert to cash for real property, IHFA will use the current market rate for fees associated with the sale of a property.

A family may have real property as an asset in two ways: (1) owning the property itself and (2) holding a mortgage or deed of trust on the property. In the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

**IHFA Policy**

In the case of capital investments owned jointly with others not living in a family’s unit, IHFA will count the full value of the asset unless IHFA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

**Trusts**

A trust is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

**Revocable Trusts**

If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset [HCV GB, p. 5-25]. Any income earned as a result of investment of trust...
funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

**Nonrevocable Trusts**

In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate [24 CFR 5.603(b)]. (Periodic payments are covered in section 6-I.H. Lump-sum receipts are discussed earlier in this section.)

**Retirement Accounts**

*Company Retirement/Pension Accounts*

In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, the PHA must know whether the money is accessible before retirement [HCV GB, p. 5-26].

While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset [HCV GB, p. 5-26].

After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate [HCV GB, p. 5-26], except to the extent that it represents funds invested in the account by the family member. (For more on periodic payments, see section 6-I.H.) The balance in the account is counted as an asset only if it remains accessible to the family member.

**IRA, Keogh, and Similar Retirement Savings Accounts**

IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty [HCV GB, p. 5-25].

**Personal Property**

Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset [HCV GB, p. 5-25].

**IHFA Policy**

In determining the value of personal property held as an investment, IHFA will use the family’s estimate of the value. IHFA may obtain an appraisal to confirm the value of the asset if there is reason to believe that the family’s estimated value is off by $50 or may require the family to submit additional documentation.

Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

Necessary items of personal property are not considered assets [24 CFR 5.603(b)].
**IHFA Policy**

Necessary personal property consists of only those items not held as an investment, and may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

**Life Insurance**

The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family’s assets [HCV GB 5-25]. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

**6-I.H. PERIODIC PAYMENTS**

Periodic payments are forms of income received on a regular basis. HUD regulations specify periodic payments that are and are not included in annual income.

**Periodic Payments Included in Annual Income**

- Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions. However, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family [24 CFR 5.609(b)(4) and (b)(3)].
- Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum [24 CFR 5.609(b)(4) and HCV, p. 5-14].

**Lump-Sum Payments for the Delayed Start of a Periodic Payment**

Most lump-sums received as a result of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic social security or supplemental security income (SSI) payments are not counted as income. Additionally, any deferred disability benefits that are received in a lump-sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income [24 CFR 5.609(c)(14)].

**IHFA Policy** *(Updated 2022)*

Due to current interim policy, IHFA will not retroactively process lump sum payments for unemployment, TANF/welfare benefits etc.

**Treatment of Overpayment Deductions from Social Security Benefits**

The PHA must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from his or her benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount [Notice PIH 2018-24].
Periodic Payments Excluded from Annual Income

- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone) [24 CFR 5.609(c)(2)]. Kinship guardianship assistance payments (Kin-GAP) and other similar guardianship payments are treated the same as foster care payments and are likewise excluded from annual income [Notice PIH 2012-1].

  IHFA Policy

  IHFA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency [HCV GB, p. 5-18].

- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)].

- Amounts received under the Low-Income Home Energy Assistance Program (42 U.S.C. 1626(c)) [24 CFR 5.609(c)(17)].

- Amounts received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q) [24 CFR 5.609(c)(17)].

- Earned Income Tax Credit (EITC) refund payments (26 U.S.C. 32(j)) [24 CFR 5.609(c)(17)]. Note: EITC may be paid periodically if the family elects to receive the amount due as part of payroll payments from an employer.

- Lump-sums received as a result of delays in processing Social Security and SSI payments (see section 6-I.H.) [24 CFR 5.609(c)(14)].

- Lump-sums or prospective monthly amounts received as deferred disability benefits from the Department of Veterans Affairs (VA) [24 CFR 5.609(c)(14)].

6-I.I. PAYMENTS IN LIEU OF EARNINGS

Payments in lieu of earnings, such as unemployment and disability compensation, worker’s compensation, and severance pay, are counted as income [24 CFR 5.609(b)(5)] if they are received either in the form of periodic payments or in the form of a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment. If they are received in a one-time lump sum (as a settlement, for instance), they are treated as lump-sum receipts [24 CFR 5.609(c)(3)]. (See also the discussion of periodic payments in section 6-I.H and the discussion of lump-sum receipts in section 6-I.G.)

6-I.J. WELFARE ASSISTANCE

Overview

Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments [24 CFR 5.603(b)].
Sanctions Resulting in the Reduction of Welfare Benefits [24 CFR 5.615]

The PHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The full text of the regulation at 24 CFR 5.615 is provided as Exhibit 6-5. The requirements are summarized below. This rule applies only if a family was receiving HCV assistance at the time the sanction was imposed.

Covered Families

The families covered by 24 CFR 5.615 are those “who receive welfare assistance or other public assistance benefits (‘welfare benefits’) from a State or other public agency (‘welfare agency’) under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance” [24 CFR 5.615(b)]

Imputed Income

When a welfare agency imposes a sanction that reduces a family’s welfare income because the family commits fraud or fails to comply with the agency’s economic self-sufficiency program or work activities requirement, the PHA must include in annual income “imputed” welfare income. The PHA must request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

This requirement does not apply to reductions in welfare benefits: (1) at the expiration of the lifetime or other time limit on the payment of welfare benefits, (2) if a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or (3) because a family member has not complied with other welfare agency requirements [24 CFR 5.615(b)(2)].

Offsets

The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero [24 CFR 5.615(c)(4)].

6-I.K. PERIODIC AND DETERMINABLE ALLOWANCES [24 CFR 5.609(b)(7)]

Annual income includes periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing with an assisted family.

Alimony and Child Support

The PHA must count alimony or child support amounts awarded as part of a divorce or separation agreement.
IHFA Policy (Updated 2022)

Payments received in lump sums prior to assistance that are not anticipated to recur, will not be considered when determining anticipated income. (Repayment of amounts accumulated pre-program that can be anticipated to continue will be counted as anticipated income (e.g. back child support)).

When less than the court ordered amount of child or spousal support is being received, third party verification from Child Support Enforcement (CSE) will be documented. If verification from CSE is not available, the applicant or participant will be required to submit evidence to support the claim by submitting documentation from the absent parent or signing zero child support certification.

Regular Contributions or Gifts

The PHA must count as income regular monetary and nonmonetary contributions or gifts from persons not residing with an assisted family [24 CFR 5.609(b)(7)]. Temporary, nonrecurring, or sporadic income and gifts are not counted [24 CFR 5.609(c)(9)].

Examples of regular contributions include: (1) regular payment of a family’s bills (e.g., utilities, telephone, rent, credit cards, and car payments), (2) cash or other liquid assets provided to any family member on a regular basis, and (3) “in-kind” contributions such as groceries and clothing provided to a family on a regular basis.

Nonmonetary contributions will be valued at the cost of purchasing the items, as determined by IHFA. For contributions that may vary from month to month (e.g., utility payments), IHFA will include an average amount based upon past history.

6-I.L. STUDENT FINANCIAL ASSISTANCE [24 CFR 5.609(b)(9); Notice PIH 2015-21]

In 2005, Congress passed a law (for Section 8 programs only) requiring that certain student financial assistance be included in annual income. Prior to that, the full amount of student financial assistance was excluded. For some students, the full exclusion still applies.

Student Financial Assistance Included in Annual Income [24 CFR 5.609(b)(9); FR 4/10/06; Notice PIH 2015-21]

The regulation requiring the inclusion of certain student financial assistance applies only to students who satisfy all of the following conditions:

- They are enrolled in an institution of higher education, as defined under the Higher Education Act (HEA) of 1965.
- They are seeking or receiving Section 8 assistance on their own—that is, apart from their parents—through the HCV program, the project-based voucher program, or the moderate rehabilitation program.
- They are under 24 years of age OR they have no dependent children.

For students who satisfy these three conditions, any financial assistance in excess of tuition and any other required fees and charges received: (1) under the 1965 HEA, (2) from a private source,
or (3) from an institution of higher education, as defined under the 1965 HEA, must be included in annual income.

To determine annual income in accordance with the above requirements, the PHA will use the definitions of dependent child, institution of higher education, and parents in section 3-II.E, along with the following definitions [FR 4/10/06, pp. 18148-18150]:


- **Assistance from private sources** means assistance from nongovernmental sources, including parents, guardians, and other persons not residing with the student in an HCV assisted unit.

- **Tuition and fees** are defined in the same manner in which the Department of Education defines tuition and fees [Notice PIH 2015-21].
  - This is the amount of tuition and required fees covering a full academic year most frequently charged to students.
  - The amount represents what a typical student would be charged and may not be the same for all students at an institution.
  - If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an academic year is used to estimate average tuition.
  - Required fees include all fixed-sum charges that are required of a large proportion of all students. Examples include, but are not limited to, writing and science lab fees and fees specific to the student’s major or program (i.e., nursing program).
  - Expenses related to attending an institution of higher education must not be included as tuition. Examples include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed-sum charges.

**Student Financial Assistance Excluded from Annual Income [24 CFR 5.609(c)(6)]**

Any student financial assistance not subject to inclusion under 24 CFR 5.609(b)(9) is fully excluded from annual income under 24 CFR 5.609(c)(6), whether it is paid directly to the student or to the educational institution the student is attending. This includes any financial assistance received by:

- Students residing with parents who are seeking or receiving Section 8 assistance
- Students who are enrolled in an educational institution that does not meet the 1965 HEA definition of institution of higher education
- Students who are over 23 AND have at least one dependent child, as defined in section 3-II.E
- Students who are receiving financial assistance through a governmental program not authorized under the 1965 HEA.
6-I.M. ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME

Other exclusions contained in 24 CFR 5.609(c) that have not been discussed earlier in this chapter include the following:

- Reimbursement of medical expenses [24 CFR 5.609(c)(4)]
- Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred and which are made solely to allow participation in a specific program [24 CFR 5.609(c)(8)(iii)]
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS) [(24 CFR 5.609(c)(8)(ii)]
- Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era [24 CFR 5.609(c)(10)]
- Adoption assistance payments in excess of $480 per adopted child [24 CFR 5.609(c)(12)]
- Refunds or rebates on property taxes paid on the dwelling unit [24 CFR 5.609(c)(15)]
- Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home [24 CFR 5.609(c)(16)]
- Amounts specifically excluded by any other federal statute [24 CFR 5.609(c)(17), FR Notice 5/20/14]. HUD publishes an updated list of these exclusions periodically. It includes:
  (a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b))
  (b) Benefits under Section 1780 of the School Lunch Act and Child Nutrition Act of 1966, including WIC
  (c) Payments to volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058)
  (d) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c))
  (e) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e)
  (f) Payments or allowances made under the Department of Health and Human Services’ Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f))
  (g) Payments received under programs funded in whole or in part under the Workforce Investment Act of 1998 (29 U.S.C. 2931)
  (h) Deferred disability benefits from the Department of Veterans Affairs, whether received as a lump sum or in monthly prospective amounts
  (i) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-04)
  (j) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b))
  (k) A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled Elouise...
Cobell et al. v. Ken Salazar et al., for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010

(l) The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408)

(m) Benefits under the Indian Veterans Housing Opportunity Act of 2010 (only applies to Native American housing programs)

(n) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f))

(o) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.)

(p) Payments received under 38 U.S.C. 1833(c) to children of Vietnam veterans born with spina bifida, children of women Vietnam veterans born with certain birth defects, and children of certain Korean service veterans born with spina bifida

(q) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)

(r) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q)

(s) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j))

(t) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433)

(u) Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For Section 8 programs, the exception found in § 237 of Public Law 109–249 applies and requires that the amount of financial assistance in excess of tuition and mandatory fees shall be considered income in accordance with the provisions codified at 24 CFR 5.609(b)(9), except for those persons with disabilities as defined by 42 U.S.C. 1437a(b)(3)(E) (Pub. L. 109–249) (See Section 6-I.L. for exceptions.)

(v) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d))

(w) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602)

(x) Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002
(y) Payments made from the proceeds of Indian tribal trust cases as described in Notice PIH 2013–30, "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a))

(z) Major disaster and emergency assistance received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by states, local governments, and disaster assistance organizations

(aa) Distributions from an ABLE account, and actual or imputed interest on the ABLE account balance
PART II: ADJUSTED INCOME

6-II.A. INTRODUCTION

Overview

HUD regulations require PHAs to deduct from annual income any of five mandatory deductions for which a family qualifies. The resulting amount is the family’s adjusted income. Mandatory deductions are found in 24 CFR 5.611.

5.611(a) Mandatory deductions. In determining adjusted income, the responsible entity [PHA] must deduct the following amounts from annual income:

1) $480 for each dependent;
2) $400 for any elderly family or disabled family;
3) The sum of the following, to the extent the sum exceeds three percent of annual income:
   i) Unreimbursed medical expenses of any elderly family or disabled family;
   ii) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
4) Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

This part covers policies related to these mandatory deductions. Verification requirements related to these deductions are found in Chapter 7.

Anticipating Expenses

IHFA Policy

Generally, IHFA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., child care during school and non-school periods and cyclical medical expenses), IHFA will estimate costs based on historic data and known future costs.

If a family has an accumulated debt for medical or disability assistance expenses, IHFA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. IHFA may require the family to provide documentation of payments made in the preceding year.

6-II.B. DEPENDENT DEDUCTION

An allowance of $480 is deducted from annual income for each dependent [24 CFR 5.611(a)(1)]. Dependent is defined as any family member other than the head, spouse, or cohead who is under
the age of 18 or who is 18 or older and is a person with disabilities or a full-time student. Foster children, foster adults, and live-in aides are never considered dependents [24 CFR 5.603(b)].

6-II.C. ELDERLY OR DISABLED FAMILY DEDUCTION

A single deduction of $400 is taken for any elderly or disabled family [24 CFR 5.611(a)(2)]. An elderly family is a family whose head, spouse, cohead, or sole member is 62 years of age or older, and a disabled family is a family whose head, spouse, cohead, or sole member is a person with disabilities [24 CFR 5.403].

6-II.D. MEDICAL EXPENSES DEDUCTION [24 CFR 5.611(a)(3)(i)]

Unreimbursed medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent of annual income.

The medical expense 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 [VG, p. 28].

Definition of Medical Expenses

HUD regulations define medical expenses at 24 CFR 5.603(b) to mean “medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance.”

IHFA Policy (Updated 2022)

The most current IRS Publication 502, Medical and Dental Expenses, will be used as a reference to determine the costs that qualify as medical expenses.

<table>
<thead>
<tr>
<th>Summary of Allowable Medical Expenses from IRS Publication 502</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services of medical professionals</td>
</tr>
<tr>
<td>Surgery and medical procedures that are necessary, legal, non-cosmetic</td>
</tr>
<tr>
<td>Services of medical facilities</td>
</tr>
<tr>
<td>Hospitalization, long-term care, and in-home nursing services</td>
</tr>
<tr>
<td>Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor</td>
</tr>
<tr>
<td>Improvements to housing directly related to medical needs (e.g., ramps for a wheelchair, handrails)</td>
</tr>
<tr>
<td>Substance abuse treatment programs</td>
</tr>
<tr>
<td>Psychiatric treatment</td>
</tr>
<tr>
<td>Ambulance services and some costs of transportation related to medical expenses</td>
</tr>
<tr>
<td>The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)</td>
</tr>
<tr>
<td>Cost and continuing care of necessary service animals</td>
</tr>
<tr>
<td>Medical insurance premiums or the cost of a health maintenance organization (HMO)</td>
</tr>
</tbody>
</table>
Note: This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.

The calculation of medical expenses will be determined by using the lower of the monthly payment x 12 months or the current balance (if the participant has made any payments toward the amounts owing and can reasonably be expected to continue payments, whether or not monthly in nature) plus the anticipated medical expenses.

For all recipients enrolled in the Medicare Prescription Drug Plan (MPDP), IHFA will allow as an exclusion/deduction, to income, the following items:

a. Any low-income subsidy received (excluded)

b. Any premiums paid for being enrolled in the plan (initial and ongoing) (allowable medical deduction)

c. All out of pocket prescription drug costs (allowable medical deduction)

Families That Qualify for Both Medical and Disability Assistance Expenses

IHFA Policy

This policy applies only to families in which the head, spouse, or cohead is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, IHFA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-I.E. DISABILITY ASSISTANCE EXPENSES DEDUCTION [24 CFR 5.603(b) and 24 CFR 5.611(a)(3)(ii)]

Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they: (1) are necessary to enable a family member 18 years or older to work, (2) are not paid to a family member or reimbursed by an outside source, (3) in combination with any medical expenses, exceed three percent of annual income, and (4) do not exceed the earned income received by the family member who is enabled to work.

Earned Income Limit on the Disability Assistance Expense Deduction

A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work [24 CFR 5.603(b)].

The disability expense deduction is capped by the amount of “earned income received by family members who are 18 years of age or older and who are able to work” because of the expense [24 CFR 5.611(a)(3)(ii)]. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

IHFA Policy

The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family’s request, IHFA will consider factors such as how the work schedule of the relevant family members relates to the hours of care.
provided, the time required for transportation, the relationship of the family members to
the person with disabilities, and any special needs of the person with disabilities that
might determine which family members are enabled to work.

When IHFA determines that the disability assistance expenses enable more than one
family member to work, the expenses will be capped by the sum of the family members’
incomes.

**Eligible Disability Expenses**

Examples of auxiliary apparatus are provided in the *HCV Guidebook* as follows: “Auxiliary
apparatus are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to
enable a blind person to read or type, but only if these items are directly related to permitting the
disabled person or other family member to work” [HCV GB, p. 5-30].

HUD advises PHAs to further define and describe auxiliary apparatus [VG, p. 30].

**Eligible Auxiliary Apparatus**

**IHFA Policy**

Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the
case of an apparatus that is specially adapted to accommodate a person with disabilities
(e.g., a vehicle or computer), the cost to maintain the special adaptations (but not
maintenance of the apparatus itself) is an eligible expense. The cost of service animals
trained to give assistance to persons with disabilities, including the cost of acquiring the
animal, veterinary care, food, grooming, and other continuing costs of care, will be
included as allowable expenses.

**Eligible Attendant Care**

The family determines the type of attendant care that is appropriate for the person with
disabilities.

**IHFA Policy**

Attendant care includes, but is not limited to, reasonable costs for home medical care,
nursing services, in-home or center-based care services, interpreters for persons with
hearing impairments, and readers for persons with visual disabilities.

Attendant care expenses will be included for the period that the person enabled to work is
employed plus reasonable transportation time. The cost of general housekeeping and
personal services is not an eligible attendant care expense. However, if the person
enabled to work is the person with disabilities, personal services necessary to enable the
person with disabilities to work are eligible.

If the care attendant also provides other services to the family, IHFA will prorate the cost
and allow only that portion of the expenses attributable to attendant care that enables a
family member to work. For example, if the care provider also cares for a child who is
not the person with disabilities, the cost of care must be prorated. Unless otherwise
specified by the care provider, the calculation will be based upon the number of hours
spent in each activity and/or the number of persons under care.
Payments to Family Members

No disability assistance expenses may be deducted for payments to a member of an assisted family [24 CFR 5.603(b)]. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

Necessary and Reasonable Expenses

The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

Families That Qualify for Both Medical and Disability Assistance Expenses

IHFA Policy

This policy applies only to families in which the head or spouse is 62 or older or is a person with disabilities.

When expenses anticipated by a family could be defined as either medical or disability assistance expenses, IHFA will consider them medical expenses unless it is clear that the expenses are incurred exclusively to enable a person with disabilities to work.

6-II.F. CHILD CARE EXPENSE DEDUCTION

HUD defines child care expenses at 24 CFR 5.603(b) as “amounts anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for child care. In the case of child care necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.”

Clarifying the Meaning of Child for This Deduction

Child care expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family’s household [VG, p. 26]. However, child care expenses for foster children that are living in the assisted family’s household are included when determining the family’s child care expenses [HCV GB, p. 5-29].

Qualifying for the Deduction

Determining Who Is Enabled to Pursue an Eligible Activity

IHFA Policy

The family must identify the family member(s) enabled to pursue an eligible activity. The term eligible activity in this section means any of the activities that may make the family eligible for a child care deduction (seeking work, pursuing an education, or being gainfully employed).

In evaluating the family’s request, IHFA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special
needs of the child that might help determine which family member is enabled to pursue an eligible activity.

**Seeking Work**

**IHFA Policy**

Verification of child care expenses for participants actively seeking employment will require the participant to furnish one of the following:

1. Written or oral third party verification from a local or state government agency that governs work-related activities such as the state unemployment office, state work related training programs, etc., or

2. In the event third party verification is not available, IHFA may rely on participant provided documentation showing the name, address and telephone number of businesses/persons contacted regarding possible employment.

**Furthering Education**

**IHFA Policy**

If the child care expense being claimed is to enable a family member to further his or her education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the child care claimed.

**Being Gainfully Employed**

**IHFA Policy**

If the child care expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member’s employment during the time that child care is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

**Earned Income Limit on Child Care Expense Deduction**

When a family member looks for work or furthers his or her education, there is no cap on the amount that may be deducted for child care – although the care must still be necessary and reasonable. However, when child care enables a family member to work, the deduction is capped by “the amount of employment income that is included in annual income” [24 CFR 5.603(b)].

The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

When the person who is enabled to work is a person with disabilities who receives the earned income disallowance (EID) or a full-time student whose earned income above $480 is excluded, child care costs related to enabling a family member to work may not exceed the portion of the person’s earned income that actually is included in annual income. For example, if a family member who qualifies for the EID makes $15,000 but because of the EID only $5,000 is included in annual income, child care expenses are limited to $5,000.
The PHA must not limit the deduction to the least expensive type of child care. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working [HCV GB, p. 5-30].

**IHFA Policy**

When the child care expense being claimed is to enable a family member to work, only one family member’s income will be considered for a given period of time. When more than one family member works during a given period, IHFA generally will limit allowable child care expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work. When child care is needed for both being gainfully employed and to further education, IHFA will review the family member’s school schedule to determine how expenses will be split and what costs are appropriate.

**Eligible Child Care Expenses**

The type of care to be provided is determined by the assisted family. The PHA may not refuse to give a family the child care expense deduction because there is an adult family member in the household that may be available to provide child care [VG, p. 26].

**Allowable Child Care Activities**

**IHFA Policy**

For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of child care.

The costs of general housekeeping and personal services are not eligible. Likewise, child care expenses paid to a family member who lives in the family’s unit are not eligible; however, payments for child care to relatives who do not live in the unit are eligible.

If a child care provider also renders other services to a family or child care is used to enable a family member to conduct activities that are not eligible for consideration, IHFA will prorate the costs and allow only that portion of the expenses that is attributable to child care for eligible activities. For example, if the care provider also cares for a child with disabilities who is 13 or older, the cost of care will be prorated. Unless otherwise specified by the child care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

**Necessary and Reasonable Costs**

Child care expenses will be considered necessary if: (1) a family adequately explains how the care enables a family member to work, actively seek employment, or further his or her education, and (2) the family certifies, and the child care provider verifies, that the expenses are not paid or reimbursed by any other source.

**IHFA Policy**

*(Updated 2022)*

Child care expenses will be considered for the time required for the eligible activity plus reasonable transportation time. IHFA will use the general limit of one-half (1/2) hour of
travel time each way unless the family member can demonstrate other time frames for reasonable employment.

To establish reasonableness of child care costs, each branch office will annually obtain the schedule of child care costs from local welfare agencies as well as make contact with five (5) child care establishments to determine a reasonable spread for costs and flat fees. Boise staff will audit child care reasonableness during branch office audits.
PART III: CALCULATING FAMILY SHARE AND PHA SUBSIDY

6-III.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

TTP Formula [24 CFR 5.628]

HUD regulations specify the formula for calculating the total tenant payment (TTP) for an assisted family. TTP is the highest of the following amounts, rounded to the nearest dollar:

- 30 percent of the family’s monthly adjusted income (adjusted income is defined in Part II)
- 10 percent of the family’s monthly gross income (annual income, as defined in Part I, divided by 12)
- The welfare rent (in as-paid states only)
- A minimum rent between $0 and $50 that is established by the PHA

The PHA has authority to suspend and exempt families from minimum rent when a financial hardship exists, as defined in section 6-III.B.

The amount that a family pays for rent and utilities (the family share) will never be less than the family’s TTP but may be greater than the TTP depending on the rent charged for the unit the family selects.

Welfare Rent [24 CFR 5.628]

IHFA Policy (Updated 2022)

Welfare rent does not apply in this locality.

Minimum Rent [24 CFR 5.630]

IHFA Policy (Updated 2022)

IHFA has set the minimum rent at $0, effective March 1, 2022.

Family Share [24 CFR 982.305(a)(5)]

If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds the PHA’s applicable payment standard: (1) the family will pay more than the TTP, and (2) at initial occupancy the PHA may not approve the tenancy if it would require the family share to exceed 40 percent of the family’s monthly adjusted income. The income used for this determination must have been verified no earlier than 60 days before the family’s voucher was issued. (For a discussion of the application of payment standards, see section 6-III.C.)

PHA Subsidy [24 CFR 982.505(b)]

The PHA will pay a monthly housing assistance payment (HAP) for a family that is equal to the lower of (1) the applicable payment standard for the family minus the family’s TTP or (2) the gross rent for the family’s unit minus the TTP. (For a discussion of the application of payment standards, see section 6-III.C.)
Utility Reimbursement [24 CFR 982.514(b); 982.514(c)]

When the PHA subsidy for a family exceeds the rent to owner, the family is due a utility reimbursement. HUD permits the PHA to pay the reimbursement to the family or directly to the utility provider.

IHFA Policy

When there is a utility reimbursement, IHFA pays the full amount of the rent to the owner and sends the utility reimbursement to the family.

The PHA may make all utility reimbursement payments to qualifying families on a monthly basis or may make quarterly payments when the monthly reimbursement amount is $15.00 or less. Reimbursements must be made once per calendar-year quarter and must be prorated if the family leaves the program in advance of its next quarterly reimbursement. The PHA must also adopt hardship policies for families for whom receiving quarterly reimbursement would create a financial hardship.

IHFA Policy

IHFA will issue all utility reimbursements monthly.

6-III.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

IHFA Policy (Also see Minimum Rent Policy 6.III-A, pg. 6-36)

In the event the family requests a hardship exemption, IHFA will suspend the minimum rent for the family beginning the month following the family’s hardship request. The suspension will continue until IHFA can determine whether hardship exists and whether the hardship is of a temporary or long-term nature. During suspension, the family will not be required to pay a minimum rent and the Housing Assistance Payment will be increased accordingly.

Overview

If the PHA establishes a minimum rent greater than zero, the PHA must grant an exemption from the minimum rent if a family is unable to pay the minimum rent because of financial hardship.

The financial hardship exemption applies only to families required to pay the minimum rent. If a family’s TTP is higher than the minimum rent, the family is not eligible for a hardship exemption. If the PHA determines that a hardship exists, the family share is the highest of the remaining components of the family’s calculated TTP.

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.
IHFA Policy
A hardship will be considered to exist only if the loss of eligibility has an impact on the family’s ability to pay the minimum rent.

For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

(2) The family would be evicted because it is unable to pay the minimum rent.

IHFA Policy
For a family to qualify under this provision, the cause of the potential eviction must be the family’s failure to pay rent to the owner or tenant-paid utilities.

(3) Family income has decreased because of changed family circumstances, including the loss of employment.

IHFA Policy
A voluntary termination of employment will not qualify as loss of employment to claim a financial hardship.

(4) A death has occurred in the family.

IHFA Policy
In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member’s income).

(5) The family has experienced other circumstances determined by the PHA.

IHFA Policy
IHFA has not established any additional hardship criteria.

Implementation of Hardship Exemption

Determination of Hardship
When a family requests a financial hardship exemption, the PHA must suspend the minimum rent requirement beginning the first of the month following the family’s request.

The PHA then determines whether the financial hardship exists and whether the hardship is temporary or long-term.

IHFA Policy
IHFA defines temporary hardship as a hardship that is expected to last ninety (90) days or less. If IHFA determines that there is a qualifying hardship but that it is of a temporary nature, the minimum rent will not be imposed for a period of ninety (90) days from the month following the date of the family’s request.

IHFA defines long-term hardship as a hardship that is expected to last more than ninety (90) days. If IHFA determines there is a long-term hardship, the family will be exempt from the minimum rent requirement until the hardship no longer exists. This exemption requires branch supervisor approval.
The family may use the Informal Hearing procedure to appeal IHFA’s determination regarding the hardship.

When the minimum rent is suspended, the family share reverts to the highest of the remaining components of the calculated TTP. The example below demonstrates the effect of the minimum rent exemption.

<table>
<thead>
<tr>
<th>Example: Impact of Minimum Rent Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assume the PHA has established a minimum rent of $50.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Family Share – No Hardship</th>
<th>Family Share – With Hardship</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0 30% of monthly adjusted income</td>
<td>$0 30% of monthly adjusted income</td>
</tr>
<tr>
<td>$15 10% of monthly gross income</td>
<td>$15 10% of monthly gross income</td>
</tr>
<tr>
<td>N/A Welfare rent</td>
<td>N/A Welfare rent</td>
</tr>
<tr>
<td>$50 Minimum rent</td>
<td>$50 Minimum rent</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum rent applies.</th>
<th>Hardship exemption granted.</th>
</tr>
</thead>
<tbody>
<tr>
<td>TTP = $50</td>
<td>TTP = $15</td>
</tr>
</tbody>
</table>

**IHFA Policy**

To qualify for a hardship exemption, a family must submit a request for a hardship exemption in writing. The request must explain the nature of the hardship and how the hardship has affected the family’s ability to pay the minimum rent.

**IHFA will make the determination of hardship within thirty (30) calendar days.**

**No Financial Hardship**

If the PHA determines there is no financial hardship, the PHA will reinstate the minimum rent and require the family to repay the amounts suspended.

**IHFA Policy**

If IHFA determines there is no qualifying hardship, the minimum rent will be reinstated, including requiring repayment of minimum rent to IHFA for the time of suspension.

**Temporary Hardship**

If the PHA determines that a qualifying financial hardship is temporary, the PHA must suspend the minimum rent for the 90-day period beginning the first of the month following the date of the family’s request for a hardship exemption.

At the end of the 90-day suspension period, the family must resume payment of the minimum rent and must repay the PHA the amounts suspended. HUD requires the PHA to offer a reasonable repayment agreement, on terms and conditions established by the PHA. The PHA also may determine that circumstances have changed and the hardship is now a long-term hardship.
IHFA Policy

At the end of the **ninety (90)-day period**, the minimum rent will be imposed retroactively to the time of suspension. IHFA will offer a reasonable repayment agreement for any minimum rent amounts paid by IHFA on the family’s behalf during the period of suspension. Also refer to Chapter 16 of this plan.

**Long-Term Hardship**

If the PHA determines that the financial hardship is long-term, the PHA must exempt the family from the minimum rent requirement for so long as the hardship continues. The exemption will apply from the first of the month following the family’s request until the end of the qualifying hardship. When the financial hardship has been determined to be long-term, the family is not required to repay the minimum rent.

IHFA Policy  *(Updated 2022)*

The hardship period ends when any of the following circumstances apply:

(1) At an interim or annual reexamination, the family’s calculated TTP is greater than the minimum rent.

(2) For hardship conditions based on loss of income, the hardship condition will continue to be recognized until new sources of income are received that are at least equal to the amount lost. For example, if a hardship is approved because a family no longer receives a $60/month child support payment, the hardship will continue to exist until the family receives at least $60/month in income from another source or once again begins to receive the child support.

(3) For hardship conditions based upon hardship-related expenses, the minimum rent exemption will continue to be recognized until the cumulative amount exempted is equal to the expense incurred.

**Enhanced Vouchers:**

Families assisted with Enhanced housing choice vouchers have a special statutory minimum rent requirement. The law requires that a family receiving enhanced voucher assistance must pay for rent no less than the rent the family was paying on the date of the eligible event for the project. The eligibility event is the expiration date of the expiring project based contract in the case of owner opt outs. The method for calculating the minimum rent changes if the family’s income subsequently decreases to a significant extent (15% or more) from the family’s gross income on the effective date of the prepayment. The Enhanced voucher minimum rent only applies if the family remains in the project. If the family moves from the project the regular minimum rent applies.

6-III.C. APPLYING PAYMENT STANDARDS [24 CFR 982.505; 982.503(b)]

**Overview**

The PHA’s schedule of payment standards is used to calculate housing assistance payments for HCV families. This section covers the application of the PHA’s payment standards. The establishment and revision of the PHA’s payment standard schedule are covered in Chapter 16.
Payment standard is defined as “the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family)” [24 CFR 982.4(b)].

The payment standard for a family is the lower of (1) the payment standard for the family unit size, which is defined as the appropriate number of bedrooms for the family under the PHA’s subsidy standards [24 CFR 982.4(b)], or (2) the payment standard for the size of the dwelling unit rented by the family.

If the PHA has established an exception payment standard for a designated part of a zip code area or FMR area and a family’s unit is located in the exception area, the PHA must use the appropriate payment standard for the exception area.

The PHA is required to pay a monthly housing assistance payment (HAP) for a family that is the lower of (1) the payment standard for the family minus the family’s TTP or (2) the gross rent for the family’s unit minus the TTP.

If during the term of the HAP contract for a family’s unit, the owner lowers the rent, the PHA will recalculate the HAP using the lower of the initial payment standard or the gross rent for the unit [HCV GB, p. 7-8].

Changes in Payment Standards

When the PHA revises its payment standards during the term of the HAP contract for a family’s unit, it will apply the new payment standards in accordance with HUD regulations.

Decreases

If a PHA changes its payment standard schedule, resulting in a lower payment standard amount, during the term of a HAP contract, the PHA is not required to reduce the payment standard used to calculate subsidy for families under HAP contract as long as the HAP contract remains in effect [FR Notice 11/16/16].

However, if the PHA does choose to reduce the payment standard for families currently under HAP contract, the initial reduction to the payment standard may not be applied any earlier than the effective date of the family’s second regular reexamination following the effective date of the decrease in the payment standard amount. At that point, the PHA may either reduce the payment standard to the current amount in effect on the PHA’s payment standard schedule, or may reduce the payment standard to another amount that is higher than the normally applicable amount on the schedule. The PHA may also establish different policies for designated areas within their jurisdiction (e.g., different zip code areas).

In any case, the PHA must provide the family with at least 12 months’ notice that the payment standard is being reduced before the effective date of the change. The PHA’s policy on decreases in the payment standard during the term of the HAP contract apply to all families under HAP contract at the time of the effective date of the decrease in the payment standard within the designated area.

IHFA Policy

If IHFA changes its payment standard schedule resulting in a lower payment standard amount, during the term of a HAP contract, IHFA will not reduce the payment standard
used to calculate subsidy for families under a HAP contract as long as the HAP contract remains in effect.

IHFA will not establish different policies for decreases in the payment standard for designated areas within their jurisdiction.

**Increases**

If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning on the effective date of the family’s first regular reexamination on or after the effective date of the increase in the payment standard.

Families requiring or requesting interim reexaminations will not have their HAP payments calculated using the higher payment standard until their next annual reexamination [HCV GB, p. 7-8].

**Changes in Family Unit Size (Voucher Size)**

Irrespective of any increase or decrease in the payment standard, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard for the family beginning at the family’s first regular reexamination following the change in family unit size.

**Reasonable Accommodation**

If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities, the PHA is allowed to establish a higher payment standard for the family of not more than 120 percent of the published FMR.

**6-III.D. APPLYING UTILITY ALLOWANCES [24 CFR 982.517]**

**Overview**

A PHA-established utility allowance schedule is used in determining family share and PHA subsidy. A family's utility allowance is determined by the size of dwelling unit leased by a family or the voucher unit size for which the family qualifies using PHA subsidy standards, whichever is the lowest of the two. See Chapter 5 for information on the PHA’s subsidy standards.

For policies on establishing and updating utility allowances, see Chapter 16.

**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.

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].
Utility Allowance Revisions
At reexamination, the PHA must use the current utility allowance schedule [HCV GB, p. 18-8].

IHFA Policy

Revised utility allowances will be applied to a family’s rent and subsidy calculations at the first annual reexamination that is effective after the allowance is adopted.

6-III.E. PRORATED ASSISTANCE FOR MIXED FAMILIES [24 CFR 5.520]
HUD regulations prohibit assistance to ineligible family members. A mixed family is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. The PHA must prorate the assistance provided to a mixed family. The PHA will first determine assistance as if all family members were eligible and then prorate the assistance based upon the percentage of family members that actually are eligible. For example, if the PHA subsidy for a family is calculated at $500 and two of four family members are ineligible, the PHA subsidy would be reduced to $250.
EXHIBIT 6-1: ANNUAL INCOME INCLUSIONS

24 CFR 5.609

(a) Annual income means all amounts, monetary or not, which:

1. Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

2. Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

3. Which are not specifically excluded in paragraph (c) of this section.

4. Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family; where the family has net family assets in excess of $5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family.

4. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section)

(9) For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, “financial assistance” does not include loan proceeds for the purpose of determining income.

---

**HHS DEFINITION OF "ASSISTANCE"**

45 CFR: GENERAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

260.31 What does the term “assistance" mean?

(a)(1) The term “assistance” includes cash, payments, vouchers, and other forms of benefits designed to meet a family’s ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

---

1 Text of 45 CFR 260.31 follows.
(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

(b) [The definition of “assistance”] excludes: (1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.
EXHIBIT 6-2: ANNUAL INCOME EXCLUSIONS

24 CFR 5.609

(c) Annual income does not include the following:

(1) Income from employment of children (including foster children) under the age of 18 years;

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide, as defined in Sec. 5.403;

(6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8) (i) Amounts received under training programs funded by HUD;

(ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
(11) Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of $480 per adopted child;

(13) [Reserved]

(14) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or prospective monthly amounts.

(15) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(16) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(17) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to PHAs and housing owners identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary. [See Section 6-I.M. for a list of benefits that qualify for this exclusion.]
### EXHIBIT 6-3: TREATMENT OF FAMILY ASSETS

**24 CFR 5.603(b) Net Family Assets**

1. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

2. In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under Sec. 5.609.

3. In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

4. For purposes of determining annual income under Sec. 5.609, the term "net family assets" does not include the value of a home currently being purchased with assistance under part 982, subpart M of this title. This exclusion is limited to the first 10 years after the purchase date of the home.
EXHIBIT 6-4: EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES

24 CFR 5.617 Self-sufficiency incentives for persons with disabilities—Disallowance of increase in annual income.

(a) Applicable programs. The disallowance of earned income provided by this section is applicable only to the following programs: HOME Investment Partnerships Program (24 CFR part 92); Housing Opportunities for Persons with AIDS (24 CFR part 574); Supportive Housing Program (24 CFR part 583); and the Housing Choice Voucher Program (24 CFR part 982).

(b) Definitions. The following definitions apply for purposes of this section.

Baseline income. The annual income immediately prior to implementation of the disallowance described in paragraph (c)(1) of this section of a person with disabilities (who is a member of a qualified family).

Disallowance. Exclusion from annual income.

Previously unemployed includes a person with disabilities who has earned, in the twelve months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Qualified family. A family residing in housing assisted under one of the programs listed in paragraph (a) of this section or receiving tenant-based rental assistance under one of the programs listed in paragraph (a) of this section.

(1) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(2) Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(3) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over a six-month period is at least $500.
(c) Disallowance of increase in annual income—

(1) Initial twelve month exclusion. During the 12-month period beginning on the date a member who is a person with disabilities of a qualified family is first employed or the family first experiences an increase in annual income attributable to employment, the responsible entity must exclude from annual income (as defined in the regulations governing the applicable program listed in paragraph (a) of this section) of a qualified family any increase in income of the family member who is a person with disabilities as a result of employment over prior income of that family member.

(2) Second twelve month exclusion and phase-in. Upon expiration of the 12-month period defined in paragraph (c)(1) of this section and for the subsequent 12-month period, the responsible entity must exclude from annual income of a qualified family at least 50 percent of any increase in income of such family member as a result of employment over the family member’s baseline income.

(3) Maximum 2-year disallowance. The disallowance of increased income of an individual family member who is a person with disabilities as provided in paragraph (c)(1) or (c)(2) of this section is limited to a lifetime 24-month period. The disallowance applies for a maximum of 12 months for disallowance under paragraph (c)(1) of this section and a maximum of 12 months for disallowance under paragraph (c)(2) of this section, during the 24-month period starting from the initial exclusion under paragraph (c)(1) of this section.

(4) Effect of changes on currently participating families. Families eligible for and participating in the disallowance of earned income under this section prior to May 9, 2016 will continue to be governed by this section in effect as it existed immediately prior to that date (see 24 CFR parts 0 to 199, revised as of April 1, 2016).

(d) Inapplicability to admission. The disallowance of increases in income as a result of employment of persons with disabilities under this section does not apply for purposes of admission to the program (including the determination of income eligibility or any income targeting that may be applicable).
EXHIBIT 6-5: THE EFFECT OF WELFARE BENEFIT REDUCTION

24 CFR 5.615

Public housing program and Section 8 tenant-based assistance program: How welfare benefit reduction affects family income.

(a) Applicability. This section applies to covered families who reside in public housing (part 960 of this title) or receive Section 8 tenant-based assistance (part 982 of this title).

(b) Definitions. The following definitions apply for purposes of this section:

Covered families. Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

Economic self-sufficiency program. See definition at Sec. 5.603.

Imputed welfare income. The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

Specified welfare benefit reduction.

(1) A reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

(2) "Specified welfare benefit reduction" does not include a reduction or termination of welfare benefits by the welfare agency:

(i) at expiration of a lifetime or other time limit on the payment of welfare benefits;

(ii) because a family member is not able to obtain employment, even though the family member has complied with welfare agency economic self-sufficiency or work activities requirements; or

(iii) because a family member has not complied with other welfare agency requirements.

(c) Imputed welfare income.

(1) A family's annual income includes the amount of imputed welfare income (because of a specified welfare benefits reduction, as specified in notice to the PHA by the welfare agency), plus the total amount of other annual income as determined in accordance with Sec. 5.609.

(2) At the request of the PHA, the welfare agency will inform the PHA in writing of the amount and term of any specified welfare benefit reduction for a family member, and the reason for such reduction, and will also inform the PHA of any subsequent changes in the term or amount of such specified welfare benefit reduction. The PHA will use this information to determine the amount of imputed welfare income for a family.

(3) A family's annual income includes imputed welfare income in family annual income, as determined at the PHA's interim or regular reexamination of family income and composition, during the term of the welfare benefits reduction (as specified in information provided to the PHA by the welfare agency).
(4) The amount of the imputed welfare income is offset by the amount of additional income a family receives that commences after the time the sanction was imposed. When such additional income from other sources is at least equal to the imputed income.

(5) The PHA may not include imputed welfare income in annual income if the family was not an assisted resident at the time of sanction.

(d) Review of PHA decision.

(1) Public housing. If a public housing tenant claims that the PHA has not correctly calculated the amount of imputed welfare income in accordance with HUD requirements, and if the PHA denies the family's request to modify such amount, the PHA shall give the tenant written notice of such denial, with a brief explanation of the basis for the PHA determination of the amount of imputed welfare income. The PHA notice shall also state that if the tenant does not agree with the PHA determination, the tenant may request a grievance hearing in accordance with part 966, subpart B of this title to review the PHA determination. The tenant is not required to pay an escrow deposit pursuant to Sec. 966.55(e) for the portion of tenant rent attributable to the imputed welfare income in order to obtain a grievance hearing on the PHA determination.

(2) Section 8 participant. A participant in the Section 8 tenant-based assistance program may request an Informal Hearing, in accordance with Sec. 982.555 of this title, to review the PHA determination of the amount of imputed welfare income that must be included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.

(e) PHA relation with welfare agency.

(1) The PHA must ask welfare agencies to inform the PHA of any specified welfare benefits reduction for a family member, the reason for such reduction, the term of any such reduction, and any subsequent welfare agency determination affecting the amount or term of a specified welfare benefits reduction. If the welfare agency determines a specified welfare benefits reduction for a family member, and gives the PHA written notice of such reduction, the family's annual incomes shall include the imputed welfare income because of the specified welfare benefits reduction.

(2) The PHA is responsible for determining the amount of imputed welfare income that is included in the family's annual income as a result of a specified welfare benefits reduction as determined by the welfare agency, and specified in the notice by the welfare agency to the PHA. However, the PHA is not responsible for determining whether a reduction of welfare benefits by the welfare agency was correctly determined by the welfare agency in accordance with welfare program requirements and procedures, nor for providing the opportunity for review or hearing on such welfare agency determinations.

(3) Such welfare agency determinations are the responsibility of the welfare agency, and the family may seek appeal of such determinations through the welfare agency's normal due process procedures. The PHA shall be entitled to rely on the welfare agency notice to the PHA of the welfare agency's determination of a specified welfare benefits reduction.
Chapter 7

VERIFICATION

INTRODUCTION

The PHA must verify all information that is used to establish the family’s eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The PHA must not pass on the cost of verification to the family.

The PHA will follow the verification guidance provided by HUD in Notice PIH 2018-18 and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary PHA policies.

Part I describes the general verification process. Part II provides more detailed requirements related to family information. Part III provides information on income and assets, and Part IV covers mandatory deductions.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies of the PHA.
PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516 AND 982.551, 24 CFR 5.230]

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].

Consent Forms

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.

IHFA Policy

All participant files will contain a current, signed Authorization for Release of Information and Privacy Act Notice (HUD-9886 Form).

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.

7-I.B. OVERVIEW OF VERIFICATION REQUIREMENTS

HUD’s Verification Hierarchy [Notice PIH 2018-18]

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.

In order of priority, the forms of verification that the PHA will use are:

- Up-front Income Verification (UIV) using HUD’s Enterprise Income Verification (EIV) system
- Up-front Income Verification (UIV) using a non-HUD system
- Written Third-Party Verification (may be provided by applicant or participant)
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification
Each of the verification methods is discussed in subsequent sections below.

**Requirements for Acceptable Documents**

IHFA Policy *(Updated 2022)* *(See Exhibit 7-2 Levels of Hierarchy)*

Any documents used for verification must be the original and generally must be dated within **sixty (60) days** of IHFA’s request. The documents must not be damaged, altered or in any way illegible. Print-outs from Web pages are considered original documents.

The IHFA staff member will view the original document and upload a copy or make a photocopy. For documents received by mail, email, or in person, IHFA staff will annotate the copy with the name of the person who provided the document, list the date the original was viewed, and initial the copy.

Any family self-certifications must be made in a format acceptable to IHFA and must be signed and dated.

IHFA will follow HUD’s Verification Hierarchy and IHFA’s preferred method of verification will be UIV, which is considered the highest level of verification. This type of verification includes EIV, State of Idaho, Health & Welfare Partner Data Access Portal (PDAP) system, Idaho Child Support Enforcement (CSE) system, and The Work Number (or other similar employment verification database).

In the event there are discrepancies or questions about the content of a completed verification, IHFA will contact the individual who filled out the form via telephone and/or email to clarify the information. The information will be documented in the file with date, name of person supplying the information, and the pertinent information.

IHFA will accept pictures and screen shots of original documents as Level 4 Hierarchy. Photos or screen shots must be legible and the verification must not show any indication of being altered. To clarify- a participant or tenant can take a picture of a paystub or other third party verification, a screen shot of their banking information or other on-line type verifications they are supplying, and email them directly to the housing specialist. This information is acceptable as long as the picture is in focus and all information on the document is visible and it does not appear to be altered (3/2020).

**File Documentation**

The PHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family’s file in sufficient detail to demonstrate that the PHA has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

IHFA Policy

IHFA will document, in the family file, the following:

- Reported family annual income
- Value of assets
- Expenses related to deductions from annual income
- Other factors influencing adjusted income

When the PHA is unable to obtain third-party verification, the PHA will document in the family file the reason that third-party verification was not available [24 CFR 982.516(a)(2); Notice PIH 2018-18].

7-I.C. UP-FRONT INCOME VERIFICATION (UIV)

Up-front income verification (UIV) refers to the PHA’s use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the PHA.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until the PHA has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the Informal Review/Hearing process of the PHA.

See Chapter 6 for the PHA’s policy on the use of UIV/EIV to project annual income.

See Chapter 16, section 16-VI.C for staff use and handling of EIV/UIV materials (2/2023).

Upfront Income Verification Using HUD’s Enterprise Income Verification (EIV) System (Mandatory)

PHAs must use HUD’s EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. The EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD’s EIV system.

**EIV Income and IVT Reports**

The data shown on income and income validation tool (IVT) reports is updated quarterly. Data may be between three (3) and six (6) months old at the time reports are generated.

**IHFA Policy**

IHFA will obtain income and IVT reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.

Income and IVT reports will be compared to family-provided information as part of the annual reexamination process. Income reports may be used in the calculation of annual income, as described in Chapter 6-I.C. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income reports and family-provided information will be resolved as described in Chapter 6-I.C. and in this chapter.

Income and IVT reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as
necessary to verify earned income, and to verify and calculate unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

IHFA will disclose the use of the EIV/UIV/IVT system to participants at initial lease up and each annual recertification. Income and IVT reports will be retained in participant files with the applicable annual or interim reexamination documents.

When IHFA 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.

When an interim reexamination is conducted, IHFA will verify and update only those elements reported to have changed, and discrepancy information contained in EIV or other documentation until otherwise directed.

**EIV Identity Verification**

The EIV system verifies tenant identities against SSA records. These records are compared to PIC data for a match on social security number, name, and date of birth.

PHAs are required to use EIV’s *Identity Verification Report* on a monthly basis to improve the availability of income information in EIV [Notice PIH 2018-18].

When identity verification for a participant fails, a message will be displayed within the EIV system and no income information will be displayed.

**IHFA Policy**

IHFA will identify participants whose identity verification has failed by reviewing EIV’s *Identity Verification Report* on a monthly basis.

IHFA will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the participant. When IHFA determines that discrepancies exist due to IHFA errors such as spelling errors or incorrect birth dates, the errors will be corrected promptly.

**Upfront Income Verification Using Non-HUD Systems (Optional)**

In addition to mandatory use of the EIV system, HUD encourages PHAs to utilize other upfront verification sources.

**IHFA Policy (Updated 2022)**

IHFA will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process:

HUD’s EIV system, Health & Welfare PDAP system, Work Number (or other similar employment database), Idaho Child Support Enforcement (CSE) system and other such databases.

IHFA’s chart at the end of this chapter outlines the factors that may be verified and gives common examples of the verification that will be sought. When IHFA’s next step in the verification process is to obtain a written third party verification form, IHFA will send a
request form to the source along with a release form signed by the applicant/participant via first class mail, email, or fax. Discrepancies or omissions in the information provided in third-party verifications will be clarified by telephone and/or email. See Exhibit 7-2: Acceptable Verification Hierarchy

7-I.D. THIRD-PARTY WRITTEN AND ORAL VERIFICATION

HUD’s current verification hierarchy defines two types of written third-party verification. The more preferable form, “written third-party verification,” consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to the PHA by the family. If written third-party verification is not available, the PHA must attempt to obtain a “written third-party verification form.” This is a standardized form used to collect information from a third party.

Written Third-Party Verification [Notice PIH 2018-18]

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

The PHA is required to obtain, at minimum, two current and consecutive pay stubs for determining annual income from wages.

The PHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

IHFA Policy (Updated 2022)

(Also Refer to Supervisors Memo 10/22/2019 & Section 7-III.A Wages)

Third-party documents provided by the family must be dated within sixty (60) days of IHFA’s request date. If IHFA determines that third-party documents provided by the family are not acceptable, IHFA will explain the reason to the family and request additional documentation.

As verification of earned income, IHFA will require the family to provide either the most recent two (2) months of paystubs or four (4) current consecutive paystubs, computer generated wage printout, or a letter from an employer detailing hours worked, wage amount, and frequency of pay for income from wages. If two (2) months or four (4) current consecutive paystubs cannot be obtained, the file will be documented with an explanation of why more documentation could not be acquired.

Written Third-Party Verification Form

When upfront verification is not available and the family is unable to provide written third-party documents, the PHA must request a written third-party verification form. HUD’s position is that this traditional third-party verification method presents administrative burdens and risks which may be reduced through the use of family-provided third-party documents.
PHAs may mail, fax, or email third-party written verification form requests to third-party sources.

**IHFA Policy**

IHFA will send third-party verification forms directly to the third party source when applicant/participant supplied (hand carried) verification documents are unavailable or are rejected by IHFA. Documents supplied by the applicant/participant may be rejected if they are not original, appear altered, mutilated, not legible, or appear to be forged.

When income information is not available in EIV, supporting documents cannot be obtained by the applicant/participant, or when income information contained in EIV is disputed, IHFA will use third party written verification. If there are questions regarding the third party written verification when it is received, IHFA will contact the individual who filled out the form via telephone and/or email to clarify the information.

If the appropriate documentation cannot be obtained, the file will be documented with an explanation of why more documentation could not be acquired. Verification forms and reports received will be maintained in the applicant/participant file.

**Oral Third-Party Verification [Notice PIH 2018-18]**

For third-party oral verification, PHAs contact sources, identified by UIV techniques or by the family, by telephone or in person.

Oral third-party verification is mandatory if neither form of written third-party verification is available.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., ten (10) business days.

PHAs should document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed.

**IHFA Policy (Updated 2022)**

In collecting third-party oral verification, IHFA staff will record in the family’s file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, the facts provided, and initialed by IHFA staff.

When any source responds verbally to the initial written request for verification IHFA will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

Oral third-party documentation will include the same information as if the documentation had been written, i.e., name, date of contact, and amount received. Documentation will be added to the verification form to explain why the highest level of verification was not used.

**When Third-Party Verification is Not Required [Notice PIH 2018-18]**

Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family’s total tenant payment.
IHFA Policy

If the family cannot provide original documents, IHFA will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family. The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost [VG, p. 18].

When third party verification cannot be obtained via EIV, mail, phone, fax or email, IHFA will accept applicant/participant declaration, but only as a last resort. Documentation will be maintained in the file as to why third-party verification was not possible.

Primary Documents

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

Imputed Assets

HUD permits PHAs to accept a self-certification from a family as verification of assets disposed of for less than fair market value [HCV GB, p. 5-28].

IHFA Policy (Updated 2022)

IHFA will accept a self-certification from a family as verification of assets disposed of for less than fair market value.

Value of Assets and Asset Income [24 CFR 982.516(a)]

For families with net assets totaling $5,000 or less, the PHA may accept the family’s declaration of asset value and anticipated asset income. However, the PHA is required to obtain third-party verification of all assets regardless of the amount during the intake process and at least every three (3) years thereafter.

IHFA Policy

For families with net assets totaling $5,000 or less, IHFA will accept the family’s self-certification of the value of family assets and anticipated asset income when applicable. 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.

IHFA will use third-party documentation for assets as part of the intake process, whenever a family member is added to verify the individual’s assets, and every three (3) years thereafter. When imputed income is not a factor in the income calculation, IHFA will not require additional information to calculate cash value.
7-I.E. SELF-CERTIFICATION

When HUD requires third-party verification, self-certification or “tenant declaration,” is used as a last resort when the PHA is unable to obtain third-party verification.

Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total $5,000 or less and the PHA has adopted a policy to accept self-certification at annual recertification, when applicable
- The PHA has adopted a policy to implement streamlined annual recertifications for fixed sources of income (See Chapter 11)

When the PHA was required to obtain third-party verification but instead relies on a tenant declaration for verification of income, assets, or expenses, the family’s file must be documented to explain why third-party verification was not available.

IHFA Policy (Updated 2022)

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 IHFA.

IHFA may require a family to certify that a family member does not receive a particular type of income or benefit.

The self-certification must be made in a format acceptable to IHFA and must be signed by the family member whose information or status is being verified.
PART II: VERIFYING FAMILY INFORMATION

7-II.A. VERIFICATION OF LEGAL IDENTITY

IHFA Policy

All applicants, 18 years and older will be required to furnish photo identification at the time of their formal application, or when being added to an existing household. Existing household members who are under the age of 18 will be required to furnish photo identification when they turn 18 years of age.

IHFA will require families to furnish verification of legal identity for each household member.

<table>
<thead>
<tr>
<th>Verification of Legal Identity for Adults</th>
<th>Verification of Legal Identity for Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veterans or military identification card</td>
<td>Certificate of birth</td>
</tr>
<tr>
<td>Passport</td>
<td>Adoption papers</td>
</tr>
<tr>
<td>Current, valid driver’s license</td>
<td>Custody agreement</td>
</tr>
<tr>
<td>State issued identification card</td>
<td>Health and Human Services ID</td>
</tr>
<tr>
<td>State issued concealed weapons permit</td>
<td>Certified school records</td>
</tr>
<tr>
<td>Valid INS card or documents</td>
<td></td>
</tr>
<tr>
<td>Current student identification card (other documentation required to verify date of birth)</td>
<td></td>
</tr>
<tr>
<td>Certificate of birth, naturalization papers</td>
<td></td>
</tr>
<tr>
<td>U.S. military discharge (DD 214)</td>
<td></td>
</tr>
<tr>
<td>Current U.S. passport</td>
<td></td>
</tr>
</tbody>
</table>

If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required.

If none of these documents can be provided and at IHFA’s discretion, a third party who knows the person may attest to the person’s identity. The certification must be provided in a format acceptable to IHFA.

Legal identity will be verified for all applicants at the time of eligibility determination and in cases where IHFA has reason to doubt the identity of a person representing him or herself to be a participant.


The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing program participants who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.
Note that an individual who previously declared to have eligible immigration status may not change his or her declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements. Nor may the head of household opt to remove a household member from the family composition for this purpose.

The PHA must accept the following documentation as acceptable evidence of the social security number:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

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.

**IHFA Policy**

IHFA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to IHFA within ninety (90) days.

If a family is otherwise eligible to participate in the program, but cannot provide SSN for all household members, they may request to maintain their place on the waiting list until the next waiting list pull that would include the household name, or longer, up to but no longer than six (6) months with Supervisor approval.

If an applicant family includes a child under 6 years of age who joined the household within the six (6) months prior to the date of voucher issuance, an otherwise eligible family may be admitted to the program and the family must provide documentation of the child’s SSN within ninety (90) days of the effective date of the initial HAP contract. A ninety (90) day extension will be granted if the PHA determines that the participant’s failure to comply was due to unforeseen circumstances and was outside of the participant’s control.

**IHFA Policy**

IHFA will grant one additional ninety (90) day extension if needed for reasons beyond the applicant’s control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

If a member of an applicant family indicates they have a SSN, but cannot readily verify it the family cannot be assisted until verification is provided. However, an applicant family that cannot provide documentation of a SSN for a child under the age of six (6) will be assisted, and given ninety (90) days to provide the necessary documentation. One extension of ninety (90) days will be granted if IHFA determines that failure to comply was due to circumstances that could not have been reasonably foreseen, or were beyond the control of the applicant.
When a participant requests to add a new household member who is at least 6 years of age, or who is under the age of 6 and has an SSN, the participant must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. The PHA may not add the new household member until such documentation is provided.

When a participant requests to add a new household member who is under the age of 6 and has not been assigned an SSN, the participant must provide the SSN assigned to each new child and the required documentation within ninety (90) calendar days of the child being added to the household. A ninety (90) day extension will be granted if the PHA determines that the participant’s failure to comply was due to unforeseen circumstances and was outside of the participant’s control. During the period the PHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

**IHFA Policy**

IHFA will grant one additional ninety (90) day extension if needed for reasons beyond the participant’s control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency. If the individual fails to provide the verification within the time allowed, the family will have their assistance terminated.

Social security numbers must be verified only once during continuously-assisted occupancy.

**IHFA Policy (Updated 2022)**

Prior to admission, each family member who has a Social Security Number (SSN) must disclose and provide documentation of his or her SSN.

IHFA will verify Social Security Numbers with the following documents:

1. An original SSN card issued by the Social Security Administration;
2. An original Social Security Administration (SSA) document, which contains the name of the individual and the SSN of the individual, or
3. An original document issued by a federal, state, or local government agency, which contains the name and the SSN of the individual.

Unacceptable documentation includes documents such as business cards, facsimiles of SSN cards, plastic or metal SSN cards, club membership cards or library cards. IHFA will make a copy of the original documentation submitted, return the original to the individual, and retain a copy in the file folder.

Once the individual’s verification status is classified as “verified,” the PHA may, at its discretion, remove and destroy copies of documentation accepted as evidence of social security numbers. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual’s SSN.

**IHFA Policy (See PIH Notice – 2018-24 and Supervisors Memo 3/10/2021)**

Once social security numbers are verified in EIV, IHFA will replace copies of social security cards with the EIV Individual Control Number (ICN) page, which does not contain the entire social security number. Copies of social security cards will be shredded.
after removal from the file. For digital files, once SS cards have been scanned and uploaded, IHFA staff will not be required to remove SS cards after ICN page is obtained.

7-II.C. DOCUMENTATION OF AGE

IHFA Policy
Age and relationship will only be verified in those instances where needed to make a determination of level of assistance. Age, relationship, U.S. citizenship, and Social Security numbers will generally be verified with documentation provided by the family.

Age must be verified only once during continuously-assisted occupancy.

7-II.D. FAMILY RELATIONSHIPS

Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

IHFA Policy (Updated 2022)
Family relationships are verified only to the extent necessary to determine a family’s eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

Marriage

IHFA Policy
Certification by the head of household is normally sufficient verification. Family relationships are verified only to the extent necessary to determine a family’s eligibility and level of assistance.

Separation or Divorce

IHFA Policy
Certification by the head of household is normally sufficient verification. Family relationships are verified only to the extent necessary to determine a family’s eligibility and level of assistance.

Absence of Adult Member

IHFA Policy
If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which the person resides such as a lease or utility bill).

The household must report household composition changes in writing to IHFA, stating the Head or Co-Head is permanently absent. If, at the time the absence is reported, it has been less than 120 days (the limit for being temporarily absent), but the absence is expected to be permanent, suitable documentation must be submitted for the absent
member to be removed from the household and any income changes made. Suitable documents include one of the following:

1. Documents reflecting the filing of a divorce action or legal separation.
2. Documents reflecting the filing of a restraining order.
3. Documents reflecting long-term incarceration.
4. Certification by the remaining Head or Co-Head that the absence is permanent.

If the household provides documentation that the reason for leaving was due to domestic violence, consideration will be given to the circumstances of the case, and the wishes regarding retention of the voucher.

If the Head of Household is deceased, a remaining adult household member may retain the voucher. If the deceased Head of Household is a single parent, another adult may be added to the household, as long as they meet IHFA’s screening criteria, and the household continues to meet the definition of a household.

Other household members, including children will be determined permanently absent if the household declares that they have been absent for 120 days or more and declares in writing that they are permanently absent. Persons who report that an adult member has left the household in this situation must provide adequate proof of absence if they are to be considered permanently absent during the first four (4) months.

If an adult member leaves the household and the period of time is less than 120 days, the household member will be determined temporarily absent unless one of these verification is provided. Proof of absence which would be acceptable would include proof of residence in another location such as utility bills, cancelled checks for rent, driver’s licenses showing name and the changed address, leases or rental agreements in their name at another location, or documents from a court or prison.

If any of the above proof cannot be provided, IHFA will consider statements from other agencies such as the Welfare Department or Legal Aid. If no other proof can be provided, IHFA may accept a statement from the household.

The 120 days specified in this section starts from the time the household reported the change in household composition. If the absence was reported timely by the household and documentation clearly indicates the absence began prior to the date reported, but within proper reporting timelines, an exception may be made and the 120 days may be counted from the beginning of the absence.

**Foster Children and Foster Adults**

IHFA Policy (Updated 2022)

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

**7-IIE. VERIFICATION OF STUDENT STATUS**

**General Requirements**
IHFA Policy (Updated 2022)

IHFA requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

- The family reports full-time student status for an adult other than the head, spouse, or cohead. *(Dependent Status)*
- The family reports child care expenses to enable a family member to further his or her education. *(Allowances)*
- The family includes a student enrolled in an *institution of higher education*. *(Student Rule)*

Section 327 of Public Law 109-115 established restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education. For the purposes of student eligibility, the definition of student is all students enrolled either full-time or part-time at an institution of higher education. The new law does not exempt part-time students.

**Restrictions on Assistance to Students Enrolled in Institutions of Higher Education**

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are seeking or receiving HCV assistance.

IHFA Policy (Updated 2022)

*(Also refer to HCV GB Eligibility Determination & Denial of Assistance, page 7)*

In accordance with the verification hierarchy described in section 7-1.B, IHFA will determine whether the student is exempt from the restrictions in 24 CFR 5.612 by verifying any one of the following exemption criteria:

- The student is enrolled at an educational institution that does not meet the definition of *institution of higher education* in the Higher Education Act of 1965 (see section Exhibit 3-2).
- The student is at least 24 years old.
- The student is a veteran, as defined in section 3-II.E.
- The student is married.
- The student has at least one dependent child, as defined in section 3-II.E.
- The student is a person with disabilities, as defined in section 3-II.E, and was receiving assistance prior to November 30, 2005.

If IHFA cannot verify at least one of these exemption criteria, IHFA will conclude that the student is subject to the restrictions on assistance at 24 CFR 5.612. In addition to verifying the student’s income eligibility, IHFA will then proceed to verify either the student’s parents’ income eligibility (see section 7-III.J) or the student’s independence from his/her parents (see below).
All qualifying factors will be verified. A two-part eligibility test will be given in the event that a student does not meet the qualifications listed above. Both parts of the test must be passed in order to receive assistance.

1. Determination must be made whether the student is income eligible; and
2. Determination must be made whether the parents (individually or jointly) are income eligible.

**Independent Student**

IHFA Policy  *(Policy Updated 2022)*  *(Also see section 3-II.E)*

IHFA will consider a student “independent” from his or her parents and the parents’ income will not be considered when determining the student’s eligibility if the following **four criteria are all met:**

1. The individual is of legal contract age under state law.
2. The individual has established a household separate from his/her parents for at least one (1) year prior to application for occupancy or the individual meets the U.S. Department of Education’s definition of independent student.
   
a. To be considered an *independent student* according to the Department of Education, a student must meet one or more of the following criteria:
   
   - The individual is at least 24 years old by December 31 of the award year for which aid is sought
   - The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was 13 years of age or older
   - The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual’s state of legal residence
   - The individual is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes
   - The individual is a graduate or professional student
   - The individual is married
   - The individual has one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent)
   - The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:
     
     - A local educational agency homeless liaison
- The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director
- A financial aid administrator
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

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

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

If IHFA determines that an individual meets the definition of a vulnerable youth such a determination is all that is necessary to determine that the person is an independent student for the purposes of using only the student’s income for determining eligibility for assistance.

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

7-II.F. DOCUMENTATION OF DISABILITY

The PHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The PHA is not permitted to inquire about the nature or extent of a person’s disability [24 CFR 100.202(c)]. The PHA may not inquire about a person’s diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA will either fully redact this information or not place this information in the tenant file. Under no circumstances will the PHA request a participant’s medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services’ website at http://www.hhs.gov/ocr/privacy/.

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [VG, p. 24]:

- Inquiry into an applicant’s ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance
Family Members Receiving SSA Disability Benefits

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions [VG, p. 23].

IHFA Policy (Updated 2022) (Also refer to Exhibit 7-2)

For family members claiming disability who receive disability benefits from the SSA, IHFA will attempt to obtain information about disability benefits through the HUD Enterprise Income Verification (EIV) system. If documentation from HUD’s EIV System is not available, IHFA will request a current (dated within the last sixty (60) days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), IHFA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant or participant receives the benefit verification letter they will be required to provide it to IHFA.

Family Members Not Receiving SSA Disability Benefits

Receipt of veteran’s disability benefits, worker’s compensation, or other non-SSA benefits based on the individual’s claimed disability are not sufficient verification that the individual meets HUD’s definition of disability in 24 CFR 5.403.

IHFA Policy (Updated 2022) (Also refer to Exhibit 7-2)

For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See the Eligibility chapter for the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

7-II.G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5.508]

Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. A detailed discussion of eligibility requirements is in the Eligibility chapter. This verifications chapter discusses HUD and PHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual, it need not be collected or verified again during continuously-assisted occupancy. [24 CFR 5.508(g)(5)]
U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The PHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

IHFA Policy

Prior to being admitted, all citizens and nationals will be required to sign a declaration of citizenship under penalty of perjury. Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless IHFA receives information indicating that an individual’s declaration may not be accurate.

If a family member is added to a participating household, that family member will be required to sign a declaration of citizenship under penalty of perjury and the process, as outlined, at the next interim or annual reexamination.

Eligible/Ineligible Non-Citizens

IHFA Policy

Prior to being admitted all eligible non-citizens must sign a declaration of their status and verification consent form and provide their original INS documentation. IHFA staff is required to view the original INS documentation and will make a copy and place it in the file. IHFA will also verify their status through the INS SAVE system. INS documentation will be faxed to the Rental Assistance Coordinator who will verify the information through the INS SAVE system. If the INS SAVE system cannot confirm eligibility, IHFA will institute a secondary check in the SAVE system.

Non-citizen student visas, though in the country legally, are not eligible to be admitted to the Housing Choice Voucher Program.

Any family member who does not choose to declare their status must be listed on the statement as non-eligible members.

If no family member is determined to be eligible under this section, the family’s admission will be denied.

A family’s assistance will not be denied, delayed, reduced or terminated because of a delay in the process of determining eligible status under this section, except to the extent that the delay is caused by the family.

If IHFA determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Housing Choice Voucher unit, the family’s assistance will be terminated. Such family will not be eligible to be readmitted to the HCV program for a period of twenty-four (24) months from the date of termination.
Eligible Immigrants

Documents Required

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-1 at the end of this chapter summarizes documents family members must provide.

PHA Verification [HCV GB, pp. 5-3 and 5-7]  See Revised HCV GB Exhibit 1

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this plan. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the PHA must verify immigration status with the United States Citizenship and Immigration Services (USCIS).

The PHA will follow all USCIS protocols for verification of eligible immigration status.

7-II.H. VERIFICATION OF PREFERENCE STATUS

The PHA must verify any preferences claimed by an applicant that determined placement on the waiting list.

IHFA Policy (Updated 2022)

Families will be selected from the waiting list based on the targeted funding or selection preference(s) for which they qualify and in accordance with IHFA’s hierarchy of preferences, if applicable. If a family qualifies under multiple preferences, they will be housed under whichever preference is available first. All preferences will be verified prior to voucher issuance. IHFA offers the following local preferences. See also Section 4-III.C. IHFA will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding.

A. Federal Disaster Victims
B. Households displaced due to Government Action or Loss of Funding as determined by IHFA, and which are comprised of families with children or families where the head or co-head are elderly or disabled.
C. Shelter Plus Care participants no longer in need of services.
D. Terminal Illness
E. Families/Disabled/Elderly Families with one (1) or more children (under the age of 18 or disabled) or elderly/disabled head or co-head of the household.
F. No Preference
G. Limited preferences and Referral Only Programs – The following programs are for targeted populations. If families who meet the qualification of this limited preference/referral come up on another program waiting list first, they will be housed on that program in the order of the date and time of their application.
- Mainstream – Regular Mainstream vouchers (177 vouchers)
- Mainstream – Rapid Rehousing/Permanent Supportive Housing (MRR) (38 vouchers)
- Mainstream – Institution/Homeless – Disabled Family Non-Elderly (DFN) (50 vouchers)
- Family’s First
- VASH
- EHV
PART III: VERIFYING INCOME AND ASSETS

Chapter 6, Part I of this plan describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides PHA policies that supplement the general verification procedures specified in Part I of this chapter.

7-III.A. EARNED INCOME

IHFA Policy

Earned Income includes the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, and bonuses, and other compensation for personal services.

Wages

IHFA Policy  (Updated 2022)  (Also Refer to Supervisors Memo 10/22/2019)

IHFA’s policy is to collect either the most recent two (2) months of paystubs or four (4) current, consecutive paystubs, whichever is less. Documentation can be original paystubs, computer generated wage printout, or a letter from an employer detailing hours, wage amount, and frequency of pay for income from wages. If the documentation cannot be obtained, explanation as to why more could not be obtained will be included.

Use the table below to determine the number of paystubs needed to verify income per varying pay schedules.

<table>
<thead>
<tr>
<th>Pay Frequency</th>
<th># of Paystubs Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekly</td>
<td>4</td>
</tr>
<tr>
<td>Bi-weekly</td>
<td>4</td>
</tr>
<tr>
<td>Semi-monthly</td>
<td>4</td>
</tr>
<tr>
<td>Monthly</td>
<td>2</td>
</tr>
</tbody>
</table>

7-III.B. BUSINESS AND SELF EMPLOYMENT INCOME

IHFA Policy

The net income from the operation of a business or profession is used to calculate annual household income. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in the business or profession maybe deducted, based on the straight-line depreciation, as provided in the Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

Self-employed individuals will be required to prepare monthly profit and loss statements and submit them at the time of their annual reexamination. Tenant rent increases will not be made between annual reexaminations except as provided in the interim policy unless
the participant requests a special adjustment prior to the annual reexamination or in the case of a decrease in income, as required. The participant will be required to submit the most recently filed tax return, and any schedules deemed necessary by the branch office, with their annual reexamination paperwork. IHFA may request to view the supporting documentation of any profit and loss statement, if deemed necessary or to review questionable expenses.

7-III.C. PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS
For policies governing streamlined income determinations for fixed sources of income, please see Chapter 11.

Social Security/SSI Benefits

IHFA Policy (Updated 2022)
To verify the SS/SSI benefits of applicants, IHFA will request a current (dated within the last sixty (60) days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), IHFA will help the applicant request a benefit verification letter from SSA’s Web site at www.ssa.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the applicant has received the benefit verification letter they will be required to provide it to IHFA.

To verify the SS/SSI benefits of participants, IHFA will obtain information about social security/SSI benefits through the HUD EIV System, and confirm with the participant(s) that the current listed benefit amount is correct. If the participant disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, IHFA will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) IHFA will help the participant request a benefit verification letter from SSA’s Web site at www.ssa.gov or ask the family to request one by calling SSA at 1-800-772-1213. Once the participant has received the benefit verification letter they will be required to provide it to IHFA.

7-III.D. ALIMONY OR CHILD SUPPORT

IHFA Policy (Updated 2022)
The methods IHFA will use to verify alimony and child support payments differ depending on whether the family declares that it receives regular payments.

Verification will be obtained in the following order of priority:

- UIV through Health & Welfare Child Support Enforcement system (Idaho Child Support Services for Partners)
- Third-party verification form from the state or local child support enforcement agency
- Third-party verification form from the person paying the support
• Copies of the receipts and/or payment stubs for the sixty (60) days prior to IHFA request
• Family's self-certification of amount received

If the family declares that it receives no payments, in addition to the verification process listed above, the family will be required to complete a zero child support verification.

7-III.E. ASSETS AND INCOME FROM ASSETS

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 (2) years. The PHA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

IHFA Policy (Updated 2022)

IHFA will verify the value of assets disposed of only if:

• IHFA 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.

Example 1: An elderly participant reported a $10,000 certificate of deposit at the last annual reexamination and the PHA verified this amount. Now the person reports that she has given this $10,000 to her son. The PHA has a reasonable estimate of the value of the asset; therefore, reverification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately $5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, the PHA will verify the value of this asset.

7-III.F. NET INCOME FROM RENTAL PROPERTY

IHFA Policy (Updated 2022)

The family must provide:

• A current executed lease for the property that shows the rental amount or certification from the current tenant
• A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income).
• If schedule E was not prepared, IHFA will require the family members involved in the rental of property to provide a self-certification of income and expenses for the previous year and may request documentation to support the statement including: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.

7-III.G. RETIREMENT ACCOUNTS

IHFA Policy  (Updated 2022)

IHFA will accept written third-party documents supplied by the family as evidence of the status of retirement accounts. The type of original document that will be accepted depends upon the family member’s retirement status.

• Before retirement, IHFA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than six (6) months from the effective date of the examination.

• Upon retirement, IHFA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

• After retirement, IHFA will accept an original document from the entity holding the account dated no earlier than twelve (12) months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

If original documents are unavailable, IHFA will mail, fax, or email a verification directly to the pension provider to obtain the information. IHFA may call the pension provider to obtain current benefit amount. If no other documentation is available, IHFA may accept a statement from the applicant or participant that declares monthly pension amounts.

7-III.H. INCOME FROM EXCLUDED SOURCES

A detailed discussion of excluded income is provided in Chapter 6, Part I.

HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded.

For fully excluded income, the PHA is not required to follow the verification hierarchy, document why third-party verification is not available, or report the income on the 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) [Notice PIH 2013-04].

PHAs may accept a family’s signed application or reexamination form as self-certification of fully excluded income. They do not have to require additional documentation. However, if there
is any doubt that a source of income qualifies for full exclusion, PHAs have the option of requiring additional verification.

For partially excluded income, the PHA is required to follow the verification hierarchy and all applicable regulations, 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, or income excluded under the earned income disallowance).

**IHFA Policy (Updated 2022)**

IHFA will accept the family’s self-certification as verification of fully excluded income. IHFA may request additional documentation if necessary to document the income source. IHFA will verify the source and amount of partially excluded income as described in Part 1 of this chapter.

### 7-III.I. ZERO ANNUAL INCOME STATUS

**IHFA Policy (Updated 2022)**

IHFA will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, and earnings are not being received by families claiming to have zero annual income.

Those families at zero income are to complete a Statement of Survival for each month and submit them along with a Zero Income Statement every six (6) months. These statements will be carefully reviewed by the Housing Specialist. Questionable ratios of expenses to income will be discussed with the participant and investigated.

### 7-III.J. STUDENT FINANCIAL ASSISTANCE [Notice PIH 2015-21]

Any financial assistance, in excess of amounts received for tuition, fees, and other required charges that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education must be considered income unless the student is over the age of 23 with dependent children or is residing with parents who are seeking or receiving HCV assistance [24 CFR 5.609(b)(9) and FR 4/10/06].

For students over the age of 23 with dependent children or students residing with parents who are seeking or receiving HCV assistance, the full amount of student financial assistance is excluded from annual income [24 CFR 5.609(c)(6)]. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education (as defined in Exhibit 3-2). Excluded amounts are verified only if, without verification, the PHA would not be able to determine whether or to what extent the income is to be excluded (see section 7-III.H).

**IHFA Policy (Updated 2022)**

For a student subject to having a portion of his/her student financial assistance included in annual income in accordance with 24 CFR 5.609(b)(9), IHFA will request written third-party verification of both the source and the amount. Family-provided documents from the educational institution attended by the student will be requested, as well as
documents generated by any other person or entity providing such assistance, as reported by the student.

In addition, IHFA will request written verification of the student’s tuition, fees, and other required charges.

If IHFA is unable to obtain third-party written verification of the requested information, IHFA will pursue other forms of verification following the verification hierarchy in section 7-I.B.

7-III.K. PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the income of the student’s parents must be considered when determining income eligibility, unless the student is determined independent from his or her parents or a vulnerable youth in accordance with PHA policy [24 CFR 5.612, FR Notice 4/10/06, p. 18146, and FR Notice 9/21/16].

This provision does not apply to students residing with parents who are seeking or receiving HCV assistance. It is limited to students who are seeking or receiving assistance on their own, separately from their parents.

IHFA Policy

For the purposes of student eligibility restrictions, IHFA’s definition of parents includes biological or adoptive parents, stepparents (as long as currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc.) IHFA will determine the income eligibility of the parents as follows:

- If the student’s parents are married and living together, IHFA will obtain a joint income declaration and certification of joint income from both parents.
- If the student’s parent is widowed or single, IHFA will obtain an income declaration and certification of income from that parent.
- If the student’s parents are divorced or separated, IHFA will obtain an income declaration and certification from each parent.
- If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, IHFA will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. IHFA will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.
- In determining the income eligibility of the student’s parents, IHFA will use the income limits for the jurisdiction in which the parents live. As verification of the parent’s income, IHFA will accept from the parent(s) a declaration and certification which includes a statement regarding penalty of perjury. IHFA retains the right to request and review supporting documentation at any time if it
is determined that the declaration, certification, and eligibility of the parent(s) is in question. Supporting documentation includes, but is not limited to: Internal Revenue Service (IRS) tax returns, consecutive and original pay stubs, bank statements, pension benefits statements, Temporary Assistance to Needy Families (TANF) award letter, Social Security Administration (SSA) award letter, other official and authentic documents from a Federal, State or local agency.

- If it is determined that the student or their parents are not income eligible for the program, the student is ineligible to receive assistance under the HCV program.

To review the definition of student, please see Chapter 3, Section 3-11.E.
PART IV: VERIFYING MANDATORY DEDUCTIONS

7-IV.A. DEPENDENT AND ELDERLY/DISABLED HOUSEHOLD DEDUCTIONS

The dependent and elderly/disabled family deductions require only that the PHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

Dependent Deduction

See Chapter 6 (6-II.B.) for a full discussion of this deduction. The PHA must verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or cohead of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student

Elderly/Disabled Family Deduction

See Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The PHA must verify that the head, spouse, or cohead is 62 years of age or older or a person with disabilities.

7-IV.B. MEDICAL EXPENSE DEDUCTION

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

Amount of Expense

IHFA Policy  (Updated 2022)  (See Chapter 6, Section 6-II.D)

Medical expenses will be verified through:

- Written third-party documents provided by the family, such as pharmacy printouts or receipts.
- IHFA will make a best effort to determine what expenses from the past are likely to continue to occur in the future. IHFA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming twelve (12) months.
- Written third-party verification forms, including a signed IHFA HIPPA form, if the family is unable to provide acceptable documentation.
- If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming twelve (12) months.

In addition, the PHA must verify that:

- The household is eligible for the deduction.
- The costs to be deducted are qualified medical expenses.
• The expenses are not paid for or reimbursed by any other source.
• Costs incurred in past years are counted only once.

**Eligible Household**

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62, or a person with disabilities. The PHA must verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter and as described in Chapter 7 (7-IV.A.) of this plan.

**Qualified Expenses**

To be eligible for the medical expenses deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for the PHA’s policy on what counts as a medical expense.

**Unreimbursed Expenses**

To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

**IHFA Policy (Updated 2022)**

The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

**Expenses Incurred in Past Years**

**IHFA Policy (Updated 2022)**

When anticipated costs are related to on-going payment of medical bills incurred in past years, IHFA will verify:

• The anticipated repayment schedule
• The amounts paid in the past, and
• Whether the amounts to be repaid have been deducted from the family’s annual income in past years

**7-IV.C. DISABILITY ASSISTANCE EXPENSES**

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

**Amount of Expense**

**Attendant Care**

**IHFA Policy (Updated 2022)**

IHFA will accept written third-party documents provided by the family.
If family-provided documents are not available, IHFA will provide a third-party verification form, including a signed IHFA HIPPA form, directly to the care provider requesting the needed information.

Expenses for attendant care will be verified through:

- Written third-party documents provided by the family, such as receipts or cancelled checks.
- Third-party verification form signed by the provider, if family-provided documents are not available.
- If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming **twelve (12) months**.

**Auxiliary Apparatus**

IHFA Policy *(Updated 2022)*

Expenses for auxiliary apparatus will be verified through:

- Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming **twelve (12) months**.
- Third-party verification form signed by the provider, including signed IHFA HIPPA form, if family-provided documents are not available.
- If third-party verification is not possible, written family certification of estimated apparatus costs for the upcoming **twelve (12) months**.

In addition, the PHA must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

**Family Member is a Person with Disabilities**

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The PHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

**Family Member(s) Permitted to Work**

The PHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

IHFA Policy *(Updated 2022)*

IHFA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or
an auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

IHFA Policy (Updated 2022)

The most current IRS Publication 502, *Medical and Dental Expenses*, will be used as a reference to determine the costs that qualify as medical expenses.

<table>
<thead>
<tr>
<th>Summary of Allowable Medical Expenses from IRS Publication 502</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services of medical professionals</td>
</tr>
<tr>
<td>Surgery and medical procedures that are necessary, legal, non-cosmetic</td>
</tr>
<tr>
<td>Services of medical facilities</td>
</tr>
<tr>
<td>Hospitalization, long-term care, and in-home nursing services</td>
</tr>
<tr>
<td>Prescription medicines and insulin, <strong>but not nonprescription medicines even if recommended by a doctor</strong></td>
</tr>
<tr>
<td>Improvements to housing directly related to medical needs (e.g., ramps for a wheelchair, handrails)</td>
</tr>
<tr>
<td>Substance abuse treatment programs</td>
</tr>
<tr>
<td>Psychiatric treatment</td>
</tr>
<tr>
<td>Ambulance services and some costs of transportation related to medical expenses</td>
</tr>
<tr>
<td>The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth)</td>
</tr>
<tr>
<td>Cost and continuing care of necessary service animals</td>
</tr>
<tr>
<td>Medical insurance premiums or the cost of a health maintenance organization (HMO)</td>
</tr>
</tbody>
</table>

**Note:** This chart provides a summary of eligible medical expenses only. Detailed information is provided in IRS Publication 502. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.

**Unreimbursed Expenses**

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

IHFA Policy (Updated 2022)

The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

**7-IV.D. CHILD CARE EXPENSES**

Policies related to child care expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I of this chapter. In addition, the PHA must verify that:

- The child is eligible for care (12 or younger).
• The costs claimed are not reimbursed.
• The costs enable a family member to work, actively seek work, or further their education.
• The costs are for an allowable type of child care.
• The costs are reasonable.

**IHFA Policy** *(Updated 1/2023)*

IHFA will accept original documents such as bills, records of payment, and statements from the provider and which include the name, address, and phone number of the provider as the highest level of verification. If a participant/applicant is unable to provide documentation, IHFA will send a verification form directly to the independent source, via mail, fax, or email, to obtain expense information. In the event the independent source does not respond to IHFA’s written request for information, IHFA may contact the independent source by phone or in person. (See also Exhibit 7-2)

**Eligible Child**

To be eligible for the child care deduction, the costs must be incurred for the care of a child under the age of 13. The PHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

**Unreimbursed Expense**

To be eligible for the child care deduction, the costs must not be reimbursed by another source.

**IHFA Policy** *(Updated 2022)*

The family (and the care provider) will be required to certify that the child care expenses are not paid or reimbursed to the family from any source.

**Pursuing an Eligible Activity**

The PHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

**IHFA Policy** *(Updated 2022)*

*Information to be Gathered*

IHFA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

*Seeking Work*

Whenever possible IHFA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases, IHFA will request family-provided verification from the agency of the member’s job seeking efforts to date, and require the family to submit to IHFA any reports provided to the other agency.
In the event third-party verification is not available, IHFA will provide the family with a form on which the family member must record job search efforts. IHFA will review this information at each subsequent reexamination for which this deduction is claimed. IHFA will provide a tracking form.

**Furthering Education**
IHFA will request third-party documentation to verify that the person permitted to further his or her education by the child care is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

**Gainful Employment**
IHFA will seek third-party verification of the work schedule of the person who is permitted to work by the child care. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

**Allowable Type of Child Care**
The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

**IHFA Policy (Updated 2022)**
IHFA will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

IHFA will verify that the fees paid to the child care provider cover only child care costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

IHFA will verify that the child care provider is not an assisted family member. Verification will be made through the head of household’s declaration of family members who are expected to reside in the unit.

**Reasonableness of Expenses**
Only reasonable child care costs can be deducted.

**IHFA Policy (Updated 2022)**
The actual costs the family incurs will be compared with IHFA’s established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

If the family presents a justification for costs that exceed typical costs in the area, IHFA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

To establish reasonableness of child care costs, each branch office will annually obtain the schedule of child care costs from local welfare agencies as well as make contact with five (5) child care establishments to determine a reasonable spread for costs and flat fees.
EXHIBIT 7-1: SUMMARY OF DOCUMENTATION REQUIREMENTS FOR NONCITIZENS [HCV GB, pp. 5-9 and 5-10]

- **All** noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the PHA.
- Except for persons 62 or older, all noncitizens must sign a verification consent form.
- Additional documents are required based upon the person's status.

### Elderly Noncitizens

- A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.

### All other Noncitizens

- Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Form I-551 Alien Registration Receipt Card</strong> (for permanent resident aliens)</td>
<td></td>
</tr>
<tr>
<td><strong>Form I-94 Arrival-Departure Record</strong> annotated with one of the following:</td>
<td><strong>Form I-94 Arrival-Departure Record</strong> with no annotation accompanied by:</td>
</tr>
<tr>
<td>- “Admitted as a Refugee Pursuant to Section 207”</td>
<td>- A final court decision granting asylum (but only if no appeal is taken);</td>
</tr>
<tr>
<td>- “Section 208” or “Asylum”</td>
<td>- A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90);</td>
</tr>
<tr>
<td>- “Section 243(h)” or “Deportation stayed by Attorney General”</td>
<td>- A court decision granting withholding of deportation; or</td>
</tr>
<tr>
<td>- “Paroled Pursuant to Section 221 (d)(5) of the USCIS”</td>
<td>- A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).</td>
</tr>
<tr>
<td><strong>Form I-688 Temporary Resident Card</strong> annotated “Section 245A” or Section 210”</td>
<td><strong>Form I-688B Employment Authorization Card</strong> annotated “Provision of Law 274a. 12(11)” or “Provision of Law 274a.12”</td>
</tr>
<tr>
<td><strong>A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant’s entitlement to the document has been verified; or</strong></td>
<td><strong>Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.</strong></td>
</tr>
</tbody>
</table>

© Copyright 2021 Nan McKay & Associates, Inc. Unlimited copies may be made for internal use.
## Exhibit 7-2: Verification Hierarchy Chart

<table>
<thead>
<tr>
<th>Verification Type</th>
<th>Highest (Mandatory, highest level of third-party verification.)</th>
<th>High (Mandatory to support EIV and when EIV has no data.)</th>
<th>Medium-Low (Traditional 3rd party verification)</th>
<th>Low</th>
<th>Very Low (Use as a last resort.)**NOTE: IHFA must document in the tenant file, the reason third-party verification was not available. **</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upfront (UIV) using HUD’s EIV system.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>UIV – Non HUD System</td>
<td>High-optinal</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Written 3rd Party Verification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Written 3rd Party Verification Form</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oral 3rd Party Verification</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenant Declaration</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## ELIGIBILITY

<table>
<thead>
<tr>
<th>Eligibility Type</th>
<th>Upfront LEVEL 6</th>
<th>Written Third-party LEVEL 4</th>
<th>Written Third-party form LEVEL 3</th>
<th>Oral Third Party LEVEL 2</th>
<th>Tenant Declaration LEVEL 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Status</td>
<td>Not Available</td>
<td>IHFA may accept original documents such as class schedules and financial aid award letters from the applicant or participant.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the independent sources to obtain student verification and financial aid information.</td>
<td>In the event that no response is given to IHFA’s written request for information, IHFA may request the information via phone or in person.</td>
<td>Not Available</td>
</tr>
</tbody>
</table>

| Independent Student | Not Available   | IHFA may accept original documents such as birth certificates, court documents showing the applicant was an orphan or a | IHFA mails, faxes, or emails a verification form directly to the sources to obtain verification. | Not Available | Not Available |

© Copyright 2021 Nan McKay & Associates, Inc. 
Unlimited copies may be made for internal use. 
Page 7-37
<table>
<thead>
<tr>
<th>Eligibility Type</th>
<th>Upfront LEVEL 6</th>
<th>Written Third-party LEVEL 4</th>
<th>Written Third-party form LEVEL 3</th>
<th>Oral Third Party LEVEL 2</th>
<th>Tenant Declaration LEVEL 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward of the state, marriage certificates, veteran forms, or a lease in effect for 1 year that is separate from the parent or legal guardian.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veteran Status</td>
<td>Not Available</td>
<td>IHFA may accept original documents such as a letter from the Veterans Administration (VA), or a DD2-14.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the VA.</td>
<td>In the event the VA does not respond to IHFA’s written request, IHFA may request the information via phone or in person.</td>
<td>Not Available</td>
</tr>
<tr>
<td>Terminal Illness Preference</td>
<td>Not Available</td>
<td>IHFA may accept a letter from a medical professional stating the applicant has a terminal illness and is in the final stages.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the medical professional to obtain terminal illness information.</td>
<td>In the event the medical professional does not respond to IHFA’s written request, IHFA may request the information via phone or in person.</td>
<td>Not Available</td>
</tr>
<tr>
<td>Disability Status</td>
<td>Use of HUD’s EIV system when available.</td>
<td>IHFA may accept a letter from the Social Security Administration stating the reason for benefits, an award letter for SSI or SSDI, or a letter from a professional</td>
<td>IHFA mails, faxes, or emails a verification form directly to the medical professional to obtain the requested information.</td>
<td>In the event the medical professional does not respond to IHFA’s written request, IHFA may request the information via phone of in person.</td>
<td>Not Available</td>
</tr>
<tr>
<td>Eligibility Type</td>
<td>Upfront LEVEL 6</td>
<td>Written Third-party LEVEL 4</td>
<td>Written Third-party form LEVEL 3</td>
<td>Oral Third Party LEVEL 2</td>
<td>Tenant Declaration LEVEL 1</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------------------------</td>
<td>---------------------------------</td>
<td>--------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Need for a Live-in Aide</td>
<td>Not Available</td>
<td>IHFA may accept a letter from a medical professional stating the individual is disabled and requires live in care.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the doctor or other professional to obtain the requested information.</td>
<td>In the event the doctor or other professional does not respond to IHFA’s written request for information, IHFA may request the information via phone or in person.</td>
<td>Not Available</td>
</tr>
</tbody>
</table>

**INCOME**

<table>
<thead>
<tr>
<th>Income Type</th>
<th>Upfront LEVEL 6</th>
<th>Written Third-party LEVEL 4</th>
<th>Written Third-party form LEVEL 3</th>
<th>Oral Third-party LEVEL 2</th>
<th>Tenant Declaration LEVEL 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages or Salary</td>
<td>Use of HUD’s EIV system plus hand-carried documents when available. Use of computer matching to obtain wage information electronically, or by mail or fax or in person.</td>
<td>IHFA may accept original documents such as consecutive pay stubs from the most recent 2 months of paystubs or 4 current, consecutive paystubs, computer generated wage printout, W-2 forms, etc. from the applicant or participant.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the independent sources to obtain wage information.</td>
<td>In the event the independent source does not respond to IHFA’s written request for information, IHFA may request the information via phone or in person.</td>
<td>IHFA may accept a statement from the applicant or participant that declares the family’s total annual income from earnings.</td>
</tr>
</tbody>
</table>

Verification of Employment Income: When sending third-party written form verification, IHFA will always obtain as much information as possible about the employment such as start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, and overtime.
<table>
<thead>
<tr>
<th>Income Type</th>
<th>Upfront LEVEL 6</th>
<th>Written Third-party LEVEL 4</th>
<th>Written Third-party form LEVEL 3</th>
<th>Oral Third-party LEVEL 2</th>
<th>Tenant Declaration LEVEL 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-Employment</td>
<td>Not Available</td>
<td>IHFA may accept any documents (i.e. tax returns, invoices and letters from customers) provided by the applicant or participant.</td>
<td>IHFA mails or faxes a verification form directly to sources identified by the family to obtain income information.</td>
<td>IHFA may call the source to obtain income information.</td>
<td>IHFA may accept a statement from the applicant or participant that declares the family’s total annual income.</td>
</tr>
<tr>
<td>Social Security Benefits</td>
<td>Use of HUD’s EIV system when available.</td>
<td>IHFA may accept an original SSA Notice from the applicant or participant (e.g. Benefit Award Letter).</td>
<td>Not Available</td>
<td>Not Available</td>
<td>IHFA may accept a statement from the applicant or participant declaring monthly benefits.</td>
</tr>
<tr>
<td>Welfare Benefits</td>
<td>Use of the Department of H&amp;W PDAD computer system to obtain current benefit information</td>
<td>IHFA may review an original award notice or printout from H&amp;W provided by the applicant or participant.</td>
<td>IHFA mails, faxes, or emails a verification form directly to H&amp;W to obtain welfare benefit information.</td>
<td>IHFA may call H&amp;W to obtain current benefit amount.</td>
<td>IHFA may accept a statement from the applicant or participant that declares monthly welfare benefit.</td>
</tr>
<tr>
<td>Child Support and Alimony</td>
<td>Use of CSE web system</td>
<td>IHFA may accept an original court order, notice or printout from the local Child Support Enforcement (CSE) agency, or a letter from the child support payer provided by the applicant or</td>
<td>IHFA mails, faxes, or emails a verification form directly to the local CSE agency, or the child support payer to obtain current child support amounts and payment status.</td>
<td>IHFA may call the local CSE agency or child support payer to obtain current child support amount and payment status.</td>
<td>IHFA may accept a statement from the applicant or participant that declares current child support amount and payment status.</td>
</tr>
<tr>
<td>Income Type</td>
<td>Upfront LEVEL 6</td>
<td>Written Third-party LEVEL 4</td>
<td>Written Third-party form LEVEL 3</td>
<td>Oral Third-party LEVEL 2</td>
<td>Tenant Declaration LEVEL 1</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------</td>
<td>-----------------------------</td>
<td>----------------------------------</td>
<td>--------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td><strong>Unemployment Benefits</strong></td>
<td>Use of HUD EIV system plus hand-carried documents when available.</td>
<td>IHFA may accept an original benefit notice, unemployment check stubs, or printout from the local State Wage Information Collection Agency (SWICA) provided by the applicant or participant.</td>
<td>Not Available</td>
<td>Not Available</td>
<td>IHFA may accept a statement from the applicant or participant that declares unemployment benefits.</td>
</tr>
<tr>
<td><strong>Pensions</strong></td>
<td>Not Available</td>
<td>IHFA may review an original benefit notice from the pension provider provided by the applicant or participant.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the pension provider to obtain pension information.</td>
<td>IHFA may call the pension provider to obtain current benefit amount.</td>
<td>IHFA may accept a statement from the applicant or participant that declares monthly pension amounts.</td>
</tr>
<tr>
<td><strong>Regular Gifts and Contributions</strong></td>
<td>Not Available</td>
<td>IHFA may review Bank Statements showing deposits or other similar evidence provided by the applicant or participant, or a letter from the individual source which includes the name, address,</td>
<td>IHFA mails, faxes, or emails a verification form directly to the source to obtain regular gift or contribution amount.</td>
<td>IHFA may call the source of the regular gift or contribution to obtain current monthly amounts gift or contribution amount.</td>
<td>IHFA may accept a statement from the applicant or participant that declares regular gifts and contributions.</td>
</tr>
<tr>
<td>Income Type</td>
<td>Upfront LEVEL 6</td>
<td>Written Third-party LEVEL 4</td>
<td>Written Third-party form LEVEL 3</td>
<td>Oral Third- party LEVEL 2</td>
<td>Tenant Declaration LEVEL 1</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-----------------</td>
<td>-----------------------------</td>
<td>---------------------------------</td>
<td>---------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Assets</td>
<td>Not Available</td>
<td>IHFA may review original document provided by the applicant or participant. When applicable, IHFA may accept applicant or participant self-certification for combined assets that do not exceed $5,000.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the source to obtain asset and asset income information.</td>
<td>IHFA may call the source to obtain asset and asset income information.</td>
<td>IHFA may accept a statement from the applicant or participant that declares assets and asset income.</td>
</tr>
<tr>
<td>Income from Parents for Student Status</td>
<td>Not Available</td>
<td>IHFA may review copies of the most recent IRS tax return provided by the applicant or participant for his/her parents. IHFA may accept a statement from the parent that declares his/her income.</td>
<td>Not Available</td>
<td>Not Available</td>
<td>Not Available</td>
</tr>
</tbody>
</table>

NOTE: IHFA will use Tenant Declaration as a last resort, when all other verification methods are not possible or have been unsuccessful, except when combined assets total $5,000 or less (except at admission to the program and every three (3) years thereafter), or in the case of income from a minor.

NOTE: IHFA will not pass verification cost along to the applicant or participant.
## EXPENSES

<table>
<thead>
<tr>
<th>Expense Type</th>
<th>Upfront LEVEL 6</th>
<th>Written Third-party LEVEL 4</th>
<th>Written Third-party form LEVEL 3</th>
<th>Oral Third-party LEVEL 2</th>
<th>Tenant Declaration LEVEL 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability Assistance Expense</td>
<td>Not Available</td>
<td>IHFA may accept original documents such as bills and records or payment from the applicant or participant.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the independent sources to obtain expense information.</td>
<td>In the event the independent source does not respond to IHFA’s written third-party request, IHFA may contact the independent source by phone or in person.</td>
<td>Not Available</td>
</tr>
<tr>
<td>Medical Expenses</td>
<td>Not Available</td>
<td>IHFA may accept original documents such as bills and records of payment, dates of trips, mileage logs, and receipts for fares and tolls from the applicant or participant.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the independent sources (pharmacies and medical professionals) to obtain expense information.</td>
<td>In the event the independent source does not respond to IHFA’s written request for information, IHFA may contact the independent source by phone or in person.</td>
<td>Not Available</td>
</tr>
<tr>
<td>Child Care Expenses</td>
<td>Not Available</td>
<td>IHFA will accept original documents such as bills, records of payment, and statements from the provider generated on letterhead and which include the name, address, and phone number of the provider.</td>
<td>IHFA mails, faxes, or emails a verification form directly to the independent source to obtain expense information.</td>
<td>In the event the independent source does not respond to IHFA’s written request for information, IHFA may contact the independent source by phone or in person.</td>
<td>Not Available</td>
</tr>
</tbody>
</table>

(Updated 1/2023)
<table>
<thead>
<tr>
<th>Expense Type</th>
<th>Upfront</th>
<th>Written Third-party</th>
<th>Written Third-party form</th>
<th>Oral Third-party</th>
<th>Tenant Declaration</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LEVEL 6</td>
<td>LEVEL 4</td>
<td>LEVEL 3</td>
<td>LEVEL 2</td>
<td>LEVEL 1</td>
</tr>
</tbody>
</table>

**NOTE:** When not specifically mentioned, IHFA will reference IRS Publication 502 for medical expenses.

**NOTE:** IHFA will redact any inappropriate information from documents before being placed in the file. If a medical provider’s documentation includes information that exceeds our needs and that is inappropriate, it will be returned to the provider with a statement that it is unnecessary and documents of this nature are not kept in the participant’s file.
Chapter 8

HOUSING QUALITY STANDARDS AND RENT REASONABLENESS DETERMINATIONS
[24 CFR 982 Subpart I and 24 CFR 982.507]

INTRODUCTION

HUD requires that all units occupied by families receiving Housing Choice Voucher (HCV) assistance meet HUD's Housing Quality Standards (HQS) and permits the PHA to establish additional requirements. The use of the term "HQS" in this plan refers to the combination of both HUD and PHA-established requirements.

All units must pass an HQS inspection prior to the approval of a lease and at least once every twenty-four (24) months during the term of the contract, and at other times as needed, to determine that the unit meets HQS. HUD also requires PHAs to determine that rents for units under the program are reasonable when compared to comparable unassisted units in the market area.

This chapter explains HUD and PHA requirements related to housing quality and rent reasonableness as follows:

Part I. Physical Standards. This part discusses the physical standards required of units occupied by HCV-assisted families and identifies decisions about the acceptability of the unit that may be made by the family based upon the family's preference. It also identifies life-threatening conditions that must be addressed on an expedited basis.

Part II. The Inspection Process. This part describes the types of inspections the PHA will make and the steps that will be taken when units do not meet HQS.

Part III. Rent Reasonableness Determinations. This part discusses the policies the PHA will use to make rent reasonableness determinations.

Special HQS requirements for homeownership, manufactured homes, and other special housing types are discussed in Chapter 15 to the extent that they apply in this jurisdiction.
PART I: PHYSICAL STANDARDS

8-I.A. GENERAL HUD REQUIREMENTS

HUD Performance and Acceptability Standards

HUD’s performance and acceptability standards for HCV-assisted housing are provided in 24 CFR 982.401. These standards cover the following areas:

- Sanitary facilities
- Food preparation and refuse disposal
- Space and Security
- Thermal Environment
- Illumination and electricity
- Structure and materials
- Interior Air Quality
- Water Supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary condition
- Smoke Detectors

A summary of HUD performance criteria is provided in Exhibit 8-1. Additional guidance on these requirements is found in the following HUD resources:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Tenant Preference Items

HUD requires the PHA to enforce minimum HQS but also recognizes that certain judgments about the acceptability of the unit are left to the family. For example, the PHA must ensure that the unit contains the required sanitary facilities, but the family decides whether the cosmetic appearance of the facilities is acceptable. Exhibit 8-2 summarizes those items that are considered tenant preferences.

Modifications to Provide Accessibility

Under the Fair Housing Act of 1988 an owner must not refuse the request of a family that contains a person with a disability to make necessary and reasonable modifications to the unit. Such modifications are at the family's expense. The owner may require restoration of the unit to
its original condition if the modification would interfere with the owner or next occupant's full enjoyment of the premises. The owner may not increase a customarily required security deposit. However, the landlord may negotiate a restoration agreement that requires the family to restore the unit and, if necessary to ensure the likelihood of restoration, may require the tenant to pay a reasonable amount into an interest bearing escrow account over a reasonable period of time. The interest in any such account accrues to the benefit of the tenant. The owner may also require reasonable assurances that the quality of the work will be acceptable and that any required building permits will be obtained. [24 CFR 100.203; Notice 2003-31].

Modifications to units to provide access for a person with a disability must meet all applicable HQS requirements and conform to the design, construction, or alteration of facilities contained in the UFAS and the ADA Accessibility Guidelines (ADAAG) [28 CFR 35.151(c) and Notice 2003-31] See Chapter 2 of this plan for additional information on reasonable accommodations for persons with disabilities.

**IHFA Policy (Updated 2021)**

Any owner that intends to negotiate a restoration agreement or require an escrow account must submit the agreement(s) to IHFA for review.

If the participant requests, as a reasonable accommodation, that he or she be permitted to make physical modifications to their dwelling unit, at their own expense, the request should be made to the property owner/manager. IHFA does not have responsibility for the owner’s unit and does not have responsibility to make the unit accessible.

8-LB. ADDITIONAL LOCAL REQUIREMENTS

The PHA may impose variations to the HQS as long as the additional criteria are not likely to adversely affect the health or safety of participant families or severely restrict housing choices for families. HUD approval is required for variations to the HQS. HUD approval is not required if the variations are clarifications of HUD's acceptability criteria or performance standards [24 CFR 982.401(a)(4)].

**Thermal Environment [HCV GB p.10-7]**

The PHA must define a “healthy living environment” for the local climate. This may be done by establishing a temperature that the heating system must be capable of maintaining, that is appropriate for the local climate.

**IHFA Policy (Updated 2021)**

The dwelling unit must have and be capable of maintaining a thermal environment healthy for the human body and acceptable to the participant within reason.

**Clarifications of HUD Requirements**

**IHFA Policy (Updated 2021)**

As permitted by HUD, IHFA has adopted the following specific requirements that elaborate on HUD standards. IHFA will utilize the acceptability criteria as outline in this chapter with applicable State and local codes.
**Walls**
In areas where plaster or drywall is sagging, severely cracked, or otherwise damaged, it must be repaired or replaced.

**Windows**
Window sashes must be in good condition, solid and intact, and properly fitted to the window frame. Damaged or deteriorated sashes must be replaced.

Windows must be weather-stripped as needed to ensure a weather-tight seal.

**Doors**
All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold.

**Floors**
All floors must be in a finished state. Raw wood or unsealed concrete is not permitted.

**Sinks**
All sinks and commode water lines must have shut off valves, unless faucets are wall mounted.

**Security**
If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

**Weather Stripping**
Weather stripping will be required around doors (and windows, if necessary) to prevent the loss of heat and prevent cold air from coming into the unit.

*IHFA has received HUD approval to require weather stripping criteria.

---

**8-I.C. LIFE-THREATENING CONDITIONS [24 CFR 982.404(a); FR Notice 1/18/17]**
HUD requires the PHA to define life-threatening conditions and to notify the owner or the family (whichever is responsible) of the corrections required. The responsible party must correct life-threatening conditions within 24 hours of PHA notification.

**IHFA Policy** *(Updated 2021)*

HUD considers the following conditions to be life threatening and prohibits a Public Housing Authority (PHA) from entering into a Housing Assistance Payment (HAP) Contract or making assistance payments on a unit where such conditions exist.

**a. Gas (natural or liquid petroleum) leak or fumes**
A life-threatening condition under this standard is one of the following:

- A fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking; or
- A strong gas odor detected with potential for explosion or fire, or that results in health risk if inhaled.
b. Electrical hazards that could result in shock or fire

A life-threatening condition under this standard is one of the following:

- a light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed;
- a light fixture is hanging by its wires;
- a light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day to day use of the unit;
- a receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed;
- a receptacle (outlet) or switch has a missing or damaged cover plate and electrical connections or wires are exposed;
- an open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses;
- a cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections;
- any nicks, abrasions, or fraying of the insulation that expose conducting wire;
- exposed bare wires or electrical connections;
- any condition that results in openings in electrical panels or electrical control device enclosures;
- water leaking or ponding near any electrical device; or
- any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition.

c. Inoperable or missing smoke detector  [FR/Vol 82, 1/18/2017 pg. 5459 (3)]

A life-threatening condition under this standard is one of the following:

- a smoke detector is missing; or
- the smoke detector does not function as it should.

d. Interior air quality  [FR Notice 2017]

A life-threatening condition under this standard is one of the following:

- the carbon monoxide detector is missing; or
- the carbon monoxide detector does not function as it should.

e. Gas/oil fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney or venting

A life-threatening condition under this standard is one of the following:

- The chimney or venting system on a fuel fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gases;
• a gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside;
• a fuel fired space heater is not properly vented or lacks available combustion air;
• a non-vented space heater is present;
• safety devices on a fuel fired space heater are missing or damaged; or
• the chimney or venting system on a fuel fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged which may cause improper or dangerous venting of gases.

f. Lack of alternative means of exit in case of fire or blocked egress
A life-threatening condition under this standard is one of the following:
• Any of the components that affect the function of the fire escape are missing or damaged;
• stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency; or
• the building’s emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency.

g. Other interior hazards
A life-threatening condition under this standard is a fire extinguisher (where required) that is missing, damaged, discharged, overcharged, or expired.

h. Deteriorated Paint [FR/Vol. 82, No. 11, 1/18/2017, #8]
Deteriorated paint, as defined by 24CFR 35.110, in a unit built before 1978 that is to be occupied by a family with a child under 6 years of age. This is a life-threatening condition only for the purposes of a condition that would prevent a family from moving into the unit. All lead hazard reduction requirements in 24 CFR part 35, including the timeline for lead hazard reduction procedures, still apply.

i. Other Conditions [FR/Vol 82, No. 11, 1/18/2017, #9 & #10]
Any other condition identified by IHFA as life threatening in the PHA’s administrative plan prior to FR/Vol 82 taking effect. Any other condition subsequently identified by HUD as life threatening in a notice published in the Federal Register.

The following items are serious conditions that must be repaired before a contract can be executed or assistance can be paid on a unit:
• Other conditions which pose an immediate threat to health or safety

Serious HQS Findings
While not considered Life Threatening, the following items are considered serious HQS findings that need to be abated within seventy-two (72) hours.
• Major plumbing leak
• Inability to maintain adequate heat or absence or working heating system
• Utilities not in service, including electricity and/or water
• Broken locks on first floor doors or windows or on doors or windows on other floors that would allow intrusion
• Broken windows that pose a cutting hazard
• Non-working refrigerators, range with no working burners (regardless of whether or not the oven works), or a major plumbing fixture supplied by the owner
• Unusable toilet when only one toilet is present in the unit – on initial inspections, IHFA utilizes a certification that the landlord can sign if the utility services are off

8-I.D. OWNER AND FAMILY RESPONSIBILITIES [24 CFR 982.404]

Family Responsibilities
The family is responsible for correcting the following HQS deficiencies:

• Tenant-paid utilities not in service
• Failure to provide or maintain appliances owned by the family
• Damage to the unit or premises caused by a household member or guest beyond normal wear and tear that results in a breach of the HQS. "Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

IHFA Definition (New 2022)
Normal ‘wear and tear’ means that deterioration which occurs based upon the use for which the rental unit is intended and without negligence, carelessness, accident, misuse or abuse of the premises or contents by the tenant, members of the household, or their invitees or guests. Normal wear and tear expenses do not include capital improvements or ongoing maintenance costs incurred by the Owner/Landlord such as carpet cleaning or painting after each renter moves out as a matter of policy. A repair issue warranting a deduction from the security deposit or charge to the tenant is typically damage that was avoidable and negligent, and not due to simply living in or using the property.

Owner Responsibilities
The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (e.g., vermin infestation). However, if the family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

8-I.E. SPECIAL REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL [24 CFR 35.1225; FR Notice 1/13/17; Notice PIH 2017-13]

If a PHA is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than six years of age, living in an HCV-assisted unit has been identified as having an elevated blood lead level, the PHA must complete an environmental
investigation of the dwelling unit within **fifteen (15) calendar days** after being notified by a public health department or other medical health care provider. The environmental investigation must be completed in accordance with program requirements, and the result of the environmental investigation must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

Within **thirty (30) days** after receiving the environmental investigation report from the PHA, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations [24 CFR 35.1325 and 35.1330; 40 CFR 745.227]. If the owner does not complete the “hazard reduction” as required, the dwelling unit is in violation of HQS and the PHA will take action in accordance with Section 8-II.G.

PHA reporting requirements, and data collection and record keeping responsibilities related to children with an elevated blood lead level are discussed in Chapter 16.

**8-I.F. VIOLATION OF HQS SPACE STANDARDS [24 CFR 982.401, 24 CFR 982.403]**

A dwelling unit must:

- Provide adequate space and security for the family
- Have at least one bedroom or living/sleeping room for each two persons

A unit that does not meet these HQS space standards is defined as **overcrowded**.

A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space [HCV GB p. 10-6]. A bedroom or living/sleeping room must have at least:

- One window
- Two electrical outlets in proper operating condition (permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets)

If the PHA determines that a unit is overcrowded because of an increase in family size or a change in family composition, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the PHA must terminate the HAP contract in accordance with its terms.
PART II: THE INSPECTION PROCESS

8-II.A. OVERVIEW [24 CFR 982.405]

Types of Inspections

The PHA conducts the following types of inspections as needed. Each type of inspection is discussed in the paragraphs that follow.

- **Initial Inspections.** The PHA conducts initial inspections in response to a request from the family to approve a unit for participation in the HCV program.

- **Annual/Biennial Inspections.** HUD requires the PHA to inspect each unit under lease at least annually or biennially, depending on PHA policy, to confirm that the unit still meets HQS. The inspection may be conducted in conjunction with the family's annual reexamination but also may be conducted separately.

  **IHFA Policy (Updated 2021)**

  IHFA conducts Biennial Inspections. If any inspection fails, IHFA will inspect the unit the following year. IHFA reserves the right to require annual inspections of any unit at any time (see Section 8.II-C).

- **Special Inspections.** A special inspection may be requested by the owner, the family, or a third party as a result of problems identified with a unit between annual inspections.

- **Quality Control Inspections.** HUD requires that a sample of units be inspected by a supervisor or other qualified individual to evaluate the work of the inspector(s) and to ensure that inspections are performed in compliance with the HQS.

Inspection of PHA-Owned Units [24 CFR 982.352(b)]

The PHA must obtain the services of an independent entity to perform all HQS inspections in cases where an HCV family is receiving assistance in a PHA-owned unit. A PHA-owned unit is defined as a unit that is owned by the PHA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the PHA). The independent agency must communicate the results of each inspection to the family and the PHA. The independent agency must be approved by HUD and may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government).

Inspection Costs [Notice PIH 2016-05]

The PHA may not charge the family for unit inspections or reinspections [24 CFR 982.405(e)]. In the case of inspections of PHA-owned units, the PHA may compensate the independent agency from ongoing administrative fee for inspections performed. The PHA and the independent agency may not charge the family any fee or charge for the inspection [24 CFR.982.352(b)].

The PHA may not charge the owner for the inspection of the unit prior to the initial term of the lease or for a first inspection during assisted occupancy of the unit. However, the PHA may charge a reasonable fee to owners for reinspections in two situations: when the owner notifies the PHA that a repair has been made but the deficiency has not been corrected, and when the time
for repairs has elapsed and the deficiency has not been corrected. Fees may not be imposed for tenant-caused damages, for cases in which the inspector could not gain access to the unit, or for new deficiencies discovered during a reinspection.

The owner may not pass the cost of a reinspection fee to the family. Reinspection fees must be added to the PHA’s administrative fee reserves and may only be used for activities related to the provision of tenant-based assistance.

IHFA Policy  
(Updated 2021)
IHFA will not charge a fee for failed re-inspections.

Remote Video Inspections (RVIs) [Notice PIH 2020-31]  
(Updated 2021)
As an alternative to some or all on-site inspections, the PHA may, but is not required to, perform HQS inspections from a remote location using video streaming technology and a proxy at the inspection site. Since there may be some circumstances in which the application of technology provides insufficient information or evidence to allow the PHA to make appropriate determinations about whether a condition violates HQS, Notice PIH 2020-31 requires that if a PHA chooses to implement RVIs, the PHA should have policies and procedures in place to address such limitations.

IHFA Policy  
(Updated 2021)
IHFA will not conduct any HQS inspection using RVI.

Notice and Scheduling
The family must allow the PHA to inspect the unit at reasonable times with reasonable notice [24 CFR 982.551(d)].

IHFA Policy
IHFA must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by first class mail prior to the inspection. IHFA will provide ten (10) days’ notice of a scheduled annual/biennial inspection. IHFA will consider twenty-four (24) hours to ten (10) days reasonable notice for Emergency, Complaint or Special Inspections, depending on the reason for the inspection.

Owner and Family Inspection Attendance
HUD permits the PHA to set policy regarding family and owner presence at the time of inspection [HCV GB p. 10-27].

IHFA Policy  
(Updated 2021)
When a family occupies the unit at the time of inspection an authorized adult must be present for the inspection. The presence of the owner or the owner’s representative is encouraged but is not required.

At initial inspection of a vacant unit, IHFA will inspect the unit in the presence of the owner or owner’s representative. The presence of a family representative is permitted but is not required.
8-II.B. INITIAL HQS INSPECTION [24 CFR 982.401(a)]

Initial Inspections [FR Notice 1/18/17]

The PHA may, but is not required to, approve assisted tenancy and start HAP if the unit fails HQS inspection, but only if the deficiencies identified are non-life-threatening. Further, the PHA may, but is not required to, authorize occupancy if a unit passed an alternative inspection in the last **twenty-four (24) months**.

**IHFA Policy (Updated 2021)**

The unit must pass the HQS inspection on or before the effective date of the HAP contract.

IHFA will not rely on alternative inspections and will conduct an HQS inspection for each unit prior to executing a HAP contract with the owner.

Timing of Initial Inspections

HUD requires PHAs with fewer than 1,250 budgeted units to complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within **fifteen (15) days** of submission of the Request for Tenancy Approval (RTA). For PHAs with 1,250 or more budgeted units, to the extent practicable such inspection and determination must be completed within **fifteen (15) days**. The **fifteen (15) day** period is suspended for any period during which the unit is not available for inspection [982.305(b)(2)].

**IHFA Policy**

IHFA will schedule a timely initial inspection of the unit on the date the owner indicates that the unit will be ready for inspection, or as soon as possible thereafter. Upon receipt of a Request for Tenancy Approval (RTA or RFTA), units that are within **two (2) hours**, one-way will be inspected **within seven (7) business days**; units that are over **two (2) hours**, one-way, will be inspected **within fourteen (14) business days**.

Inspection Results and Reinspections

**IHFA Policy (Updated 2021)**

If any HQS violations are identified, the owner will be notified of the deficiencies and the owner will be given up to **thirty (30) days** to correct the items noted as failed, depending on the extent of the repairs that are required to be made. No unit will be placed in the program until the unit meets the HQS requirements. IHFA will reinspect the unit within **five (5) business days** of the date the owner notifies IHFA that the required corrections have been made.

If the time period for correcting the deficiencies (or any IHFA-approved extension) has elapsed, or the unit fails HQS at the time of the reinspection, IHFA will notify the owner and the family that the unit has been rejected and that the family must search for another unit. IHFA may agree to conduct a second reinspection, for good cause, at the request of the family and owner.

Following a failed reinspection, the family may submit a new Request for Tenancy Approval (RTA) for the same unit after the owner has made repairs, if they are unable to locate another suitable unit.
Initial/Move HQS Inspections

Certifications will be accepted for units sixty (60) miles or more from the branch office where the repair will be done quickly, so that HAP payments can begin.

a. Providing that all other HQS repairs have been made, IHFA will pass the unit upon receipt of a landlord’s certification and receipts. In the event the fail item does not pass, IHFA will recoup any HAP amounts paid, and may terminate the HAP contract.

b. For cracked windows only (with no cutting hazard) – in lieu of a receipt, and providing that all other HQS repairs have been made, a work order or other documentation that the item has been ordered will be accepted so that HAP payments can begin.

c. All repairs must be re-inspected within **thirty (30) to sixty (60) days** of the effective date of the HAP Contract.

Utilities

Generally, at initial lease-up the owner is responsible for demonstrating that all utilities are in working order including those utilities that the family will be responsible for paying.

**IHFA Policy (Updated 2022)**

If utility service is not available for testing at the time of the initial inspection, IHFA will allow the utilities to be placed in service after the unit has met all other HQS requirements. At the time of inspection, IHFA will mark the electric service as inconclusive but will accept a certification from the Landlord that the utilities are in proper working order, this includes the requirement that all three-prong outlets be grounded including any outlets that have been changed from two-prong to three-prong. IHFA will not reinspect the unit. IHFA will execute the HAP contract based upon a certification from the landlord that the utilities are on and in proper working condition.

**Appliances [Form HUD-52580]**

**IHFA Policy (Updated 2022)**

If the family is responsible for supplying the stove and/or refrigerator, IHFA will allow the stove and refrigerator to be placed in the unit after the unit has met all other HQS requirements. At the time of inspection, IHFA will mark inconclusive for appliances if the participant has to furnish the appliances but has not yet moved in. IHFA will accept a certification from the participant that the appliances have been installed and are in proper working order and will not reinspect the unit. IHFA will execute the HAP contract based upon a certification from the family that the appliances have been installed and are working.

8-II.C. ANNUAL/BIENNIAL HQS INSPECTIONS [24 CFR 982.405 and 982.406; Notice PIH 2016-05]

**IHFA Policy**

Each unit under HAP contract must be inspected biennially within **twenty-four (24) months** of the last full HQS inspection. IHFA reserves the right to require annual inspections of any unit at any time.
If any inspection fails, IHFA will inspect the unit the following year. If the unit passes on initial inspection, IHFA will inspect the unit on a biennial (within twenty-four (24) months) basis.

IHFA will not rely on alternative inspection standards.

Scheduling the Inspection

IHFA Policy

If the family cannot be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or make arrangements to enable IHFA to enter the unit and complete the inspection. In order for the IHFA inspector to enter an occupied unit, the family must ensure that an adult family member or an adult designated by the family is present. Inspections may be rescheduled with good cause, but must be completed within forty-five (45) days of the scheduled inspection date.

If the family misses the scheduled inspection and fails to reschedule the inspection, IHFA will only schedule one more inspection. If the family misses two scheduled inspections, IHFA will consider the family to have violated a Family Obligation, and their assistance may be terminated, unless there are extreme extenuating circumstances.

8-II.D. SPECIAL INSPECTIONS [24 CFR 982.405(g)]

If a participant or government official reports a life-threatening condition which the owner would be required to repair within twenty-four (24) hours, the PHA must inspect the unit within twenty-four (24) hours of notification. If the reported condition is not life-threatening, the PHA must inspect the unit within fifteen (15) days of notification.

IHFA Policy (Updated 2021)

During a special inspection, IHFA generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

If the annual/biennial inspection has been scheduled or is due within ninety (90) days of the date the special inspection is scheduled IHFA may elect to conduct a full annual/biennial inspection.

8-II.E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b); 24 CFR 985.3(e); HCV GB, p. 10-32]

HUD requires a PHA supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

The unit sample must include only units that have been inspected within the preceding three (3) months. The selected sample should be drawn to represent a cross section of neighborhoods and the work of a cross section of inspectors.
IHFA Policy
Supervisory inspections should be conducted on at least five (5) percent of the total number of units that were under lease during IHFA’s previous fiscal year.

8-II.F. INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT

Notification of Corrective Actions
The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, the PHA will determine (1) whether or not the failure is a life-threatening condition and (2) whether the family or owner is responsible.

IHFA Policy (Updated 2021)
When life-threatening conditions are identified, IHFA will immediately notify both parties by telephone or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within twenty-four (24) hours of IHFA’s notice.

When failures that are not life-threatening are identified, IHFA will send the owner and the family a written notification of the inspection results within five (5) business days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected. Generally, not more than thirty (30) days will be allowed for the correction.

The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within twenty-four (24) hours, and non-life threatening conditions are not corrected within the specified time frame (or any IHFA-approved extension), the owner’s HAP will be abated in accordance with IHFA policy (see 8-II.G.).

Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any IHFA-approved extension, if applicable) the family’s assistance will be terminated in accordance with IHFA policy (see Chapter 12).

Annual/Biennial HQS Inspections:
At the failed annual/biennial inspection, the landlord will be required to sign a statement acknowledging the abatement and recoupment of HAP if the repairs are not completed within the required timeframes. In the event the landlord is not present at the inspection, the abatement letter to the landlord is sent certified mail.

a. Certifications will be accepted at an annual/biennial HQS inspection if the unit is more than sixty (60) miles from the branch office.

b. For twenty-four (24) hour fail items on units under contract, a certification must also be signed by the participant acknowledging that the item has been completed, and must be received within twenty-four (24) hours of the inspection by fax, email or mail. If the certification is not received within twenty-four (24) hours, the rent will be abated.
c. For **seventy-two (72) hour** fail items on units under contract, a certification must also be signed by the participant acknowledging the item has been completed, and must be received within **three (3) days** of the inspection.

**Extensions**

For conditions that are life-threatening, the PHA cannot grant an extension to the 24 hour corrective action period. For conditions that are not life-threatening, the PHA may grant an exception to the required time frames for correcting the violation, if the PHA determines that an extension is appropriate [24 CFR 982.404].

**IHFA Policy** *(Updated 2021)*

Extensions will be granted in cases where IHFA has determined that the owner has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner’s control. Reasons may include, but are not limited to:

- A repair cannot be completed because required parts or services are not available.
- A repair cannot be completed because of weather conditions.
- A reasonable accommodation is needed because the family includes a person with disabilities.

The length of the extension will be determined on a case-by-case basis, but will not exceed **sixty (60) days**, except in the case of delays caused by weather conditions (e.g. exterior painting, outside concrete work for porches, steps and sidewalks), or if repair materials were ordered in a timely manner and are delayed beyond the landlord’s control. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within **fifteen (15) calendar days**, once the weather conditions have subsided.

**Reinspections**

**IHFA Policy**

If the unit is within the branch office city limits, or under sixty (60) miles one-way from the branch office, a reinspection will be required and a certification will not be accepted.

If the unit is over sixty (60) miles one-way or extreme hazardous weather conditions prevail, a certification may be accepted for **72-hour** fail items at annual/biennial, complaint, special, or emergency HQS inspections, or for initial lease ups where the repair will be done quickly so that HAP payments may begin. In the event the fail item does not pass at reinspection, IHFA will recoup any HAP amounts paid from the time the fail item would have been required to pass, until the fail item actually passes.

Minor fail items will not be required to be reinspected until the time of the next regularly scheduled inspection for any applicant or participant in that area, but no later than **sixty (60) days** after receiving the certification. If the inspector is not scheduled to be in that area for other inspections during the specified timeframe, an inspection will be scheduled. Minor fail items include:

- Missing or cracked switch plates/outlet covers
b. Missing knob/burner/element on a range/oven

c. Missing outdoor bulb light covers

d. Missing or deteriorated weather-stripping around doors and windows

e. Unvented dryers that pose no hazard

8-IL.G. ENFORCING OWNER COMPLIANCE

If the owner fails to maintain the dwelling unit in accordance with HQS, the PHA must take prompt and vigorous action to enforce the owner obligations.

HAP Abatement

If an owner fails to correct HQS deficiencies by the time specified by the PHA, HUD requires the PHA to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension) [24 CFR 985.3(f)]. No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.

IHFA Policy

IHFA will pro-rate all HAP abatements effective **thirty (30) days** from the date of the failed inspection if repairs are not completed.

IHFA will inspect abated units within **five (5) business days** of the owner's notification that the work has been completed. Payment will resume effective the day the unit passes inspection. If IHFA is unable to perform this reinspection before the date that the abatement will begin, but the failed item(s) are completed when inspected, IHFA will consider the unit to have passed and HAP will not be abated (see also reinspection pg. 8-15).

During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

HAP Contract Termination

The PHA must decide how long any abatement period will continue before the HAP contract will be terminated. The PHA should not terminate the contract until the family finds another unit, provided the family does so in a reasonable time [HCV GB p. 10-29] and must give the owner reasonable notice of the termination. The PHA will issue a voucher to permit the family to move to another unit as described in Chapter 10.

IHFA Policy  *(Updated 2021)*

The maximum length of time that HAP may be abated is **ninety (90) days**. However, if the owner completes corrections and notifies IHFA before the termination date of the HAP contract, IHFA may rescind the termination notice if

(1) the family still resides in the unit and wishes to remain in the unit; and

(2) the unit passes inspection.

Reasonable notice of HAP contract termination by IHFA is **thirty (30) days**.
8-II.H. ENFORCING FAMILY COMPLIANCE WITH HQS [24 CFR 982.404(b)]

Families are responsible for correcting any HQS violations listed in paragraph 8.I.D. If the family fails to correct a violation within the period allowed by the PHA (and any extensions), the PHA will terminate the family’s assistance, according to the policies described in Chapter 12.

If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.
PART III: RENT REASONABLENESS [24 CFR 982.507]

8-III.A. OVERVIEW

Except in the case of certain LIHTC- and HOME-assisted units, no HAP contract can be approved until the PHA has determined that the rent for the unit is reasonable. The purpose of the rent reasonableness test is to ensure that a fair rent is paid for each unit rented under the HCV program.

HUD regulations define a reasonable rent as one that does not exceed the rent charged for comparable, unassisted units in the same market area. HUD also requires that owners not charge more for assisted units than for comparable units on the premises. This part explains the method used to determine whether a unit’s rent is reasonable.

PHA-Owned Units [24 CFR 982.352(b)]          Not Applicable

In cases where an HCV family is receiving assistance in a PHA-owned unit, the PHA must obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements, and to assist the family in negotiating the contract rent when the family requests assistance. A PHA-owned unit is defined as a unit that is owned by the PHA that administers the assistance under the consolidated ACC (including a unit owned by an entity substantially controlled by the PHA). The independent agency must communicate the results of the rent reasonableness determination to the family and the PHA. The independent agency must be approved by HUD, and may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government).

8-III.B. WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED

Owner-Initiated Rent Determinations

The PHA must make a rent reasonableness determination at initial occupancy and whenever the owner requests a rent adjustment.

The owner and family first negotiate the rent for a unit. The PHA (or independent agency in the case of PHA-owned units) will assist the family with the negotiations upon request. At initial occupancy the PHA must determine whether the proposed rent is reasonable before a HAP Contract is signed. The owner must not change the rent during the initial lease term. Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family. Rent increases will not be approved unless any failed items identified by the most recent HQS inspection have been corrected.

    IHFA Policy          (Updated 2021)

After the initial occupancy period, the owner may request a rent adjustment in accordance with the owner’s lease. For rent increase requests after initial lease-up, IHFA may request owners to provide information about the rents charged for other units on the premises, if the premises include more than 4 units. In evaluating the proposed rents in comparison to other units on the premises, IHFA will consider unit size and length of tenancy in the other units.
IHFA will determine whether the requested increase is reasonable within ten (10) business days of receiving the request from the owner. The owner will be notified of the determination in writing.

Rents adjustments will be effective the first of the month following sixty (60) days after IHFA’s receipt of the owner’s request or on the date specified by the owner, whichever is later.

Owners must notify IHFA of a decrease in the amount of the rent. The decrease will be effective either on the date specified on the owner’s notice to IHFA, or the first of the following month. A determination by IHFA that the rent is reasonable may be performed, particularly when changes are happening throughout the community, and not related to an owner or complex.

**PHA and HUD-Initiated Rent Reasonableness Determinations**

HUD requires the PHA to make a determination of rent reasonableness (even if the owner has not requested a change) if there is a ten (10) percent decrease in the fair market rent that goes into effect at least sixty (60) days before the contract anniversary date. HUD also may direct the PHA to make a determination at any other time. The PHA may decide that a new determination of rent reasonableness is needed at any time.

IHFA Policy  
*(Updated 2021)*

In addition to the instances described above, IHFA will make a determination of rent reasonableness at any time after the initial occupancy period if: (1) IHFA determines that the initial rent reasonableness determination was in error or (2) IHFA determines that the information provided by the owner about the unit or other units on the same premises was incorrect.

**LIHTC and HOME-Assisted Units [24 CFR 982.507(c)]**

For units receiving low-income housing tax credits (LIHTCs) or units assisted under HUD’s HOME Investment Partnerships (HOME) Program, a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC- or HOME-assisted units in the project that are not occupied by families with tenant-based assistance.

For LIHTCs, if the rent requested by the owner does exceed the LIHTC rents for non-voucher families, the PHA must perform a rent comparability study in accordance with program regulations. In such cases, the rent shall not exceed the lesser of: (1) the reasonable rent as determined from the rent comparability study; or (2) the payment standard established by the PHA for the unit size involved.

IHFA Policy  
*(Updated 2022)*

IHFA requires LIHTC owners to certify that rents charged for HCV households are the same or less than rents charged for non-voucher households. IHFA reserves the right to inspect rent rolls to ensure rents are not in excess of non-voucher households.
8-III.C. HOW COMPARABILITY IS ESTABLISHED

Factors to Consider

HUD requires PHAs to take into consideration the factors listed below when determining rent comparability. The PHA may use these factors to make upward or downward adjustments to the rents of comparison units when the units are not identical to the HCV-assisted unit.

- Location and age
- Unit size including the number of rooms and square footage of rooms
- The type of unit including construction type (e.g., single family, duplex, garden, low-rise, high-rise)
- The quality of the units including the quality of the original construction, maintenance and improvements made
- Amenities, services, and utilities included in the rent

Units that Must Not Be Used as Comparables

Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions cannot be considered comparable units. These include units assisted by HUD through any of the following programs: Section 8 project-based assistance, Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program-assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance [Notice PIH 2002-22, Notice PIH 2005-20, and Notice PIH 2020-19].

Note: Notice PIH 2020-19, issued August 21, 2020, provides further guidance on the issue of what constitutes an assisted unit.

Rents Charged for Other Units on the Premises

The Request for Tenancy Approval (HUD-52517) requires owners to provide information, on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than 4 units.

By accepting the PHA payment each month the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give the PHA information regarding rents charged for other units on the premises.

8-III.D. PHA RENT REASONABLENESS METHODOLOGY

How Market Data Is Collected

IHFA Policy (Updated 2022)

IHFA will collect and maintain data on market rents in IHFA’s jurisdiction. Information sources include newspapers, realtors, market surveys, inquiries of owners and other available sources. The data will be maintained by bedroom size and market areas.
Each branch office will maintain binders and/or online rent comp libraries containing rent reasonableness information for the area served by that branch office. The library will contain rent reasonableness and comparability information on each county served as well as for each bedroom size. The library will contain information on comparable units with varying levels of amenities. Rent Comparable libraries will be updated at least annually.

**How Rents Are Determined**

**IHFA Policy (Updated 2022)**

In making a rent reasonableness determination, IHFA will compare the rent for the unit to the rent of comparable units in the same or comparable neighborhoods. IHFA will consider the location, quality, size, number of bedrooms, age, amenities, housing services, maintenance and utilities of the unit and the comparable units.

Because units may be similar, but not exactly like the unit proposed for HCV assistance, IHFA may make adjustments to the range of prices to account for these differences. The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

Owners are invited to submit information to the survey at any time. Owners may review the determination made on their unit and may submit additional information or make improvements to the unit that will enable IHFA to establish a higher value.

The owner must certify the rents charged for other units. By accepting the housing assistance payment each month the owner is certifying that the rent to owner is not more than the rent charged by the owner for comparable unassisted units in the premises.
EXHIBIT 8-1: OVERVIEW OF HUD HOUSING QUALITY STANDARDS

Note: This document provides an overview of HQS. For more detailed information see the following documents:

- 24 CFR 982.401, Housing Quality Standards (HQS)
- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Sanitary Facilities
The dwelling unit must include sanitary facilities within the unit. The sanitary facilities must be usable in privacy and must be in proper operating condition and adequate for personal cleanliness and disposal of human waste.

Food Preparation and Refuse Disposal
The dwelling unit must have space and equipment suitable for the family to store, prepare, and serve food in a sanitary manner.

Space and Security
The dwelling unit must provide adequate space and security for the family. This includes having at least one bedroom or living/sleeping room for each two persons.

Thermal Environment
The unit must have a safe system for heating the dwelling unit. Air conditioning is not required but if provided must be in proper operating condition. The dwelling unit must not contain unvented room heaters that burn gas, oil, or kerosene. Portable electric room heaters or kitchen stoves with built-in heating units are not acceptable as a primary source of heat for units located in climatic areas where permanent heat systems are required.

Illumination and Electricity
Each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. The dwelling unit must have sufficient electrical sources so occupants can use essential electrical appliances. Minimum standards are set for different types of rooms. Once the minimum standards are met, the number, type and location of electrical sources are a matter of tenant preference.

Structure and Materials
The dwelling unit must be structurally sound. Handrails are required when four or more steps (risers) are present, and protective railings are required when porches, balconies, and stoops are thirty inches or more off the ground. The elevator servicing the unit must be working [if there is one]. Manufactured homes must have proper tie-down devices capable of surviving wind loads common to the area.
Interior Air Quality
The dwelling unit must be free of air pollutant levels that threaten the occupants’ health. There must be adequate air circulation in the dwelling unit. Bathroom areas must have one openable window or other adequate ventilation. Any sleeping room must have at least one window. If a window was designed to be opened, it must be in proper working order.

Water Supply
The dwelling unit must be served by an approved public or private water supply that is sanitary and free from contamination. Plumbing fixtures and pipes must be free of leaks and threats to health and safety.

Lead-Based Paint
Lead-based paint requirements apply to dwelling units built prior to 1978 that are occupied or can be occupied by families with children under six years of age, excluding zero bedroom dwellings. Owners must:
- Disclose known lead-based paint hazards to prospective tenants before the lease is signed,
- provide all prospective families with "Protect Your Family from Lead in Your Home",
- Stabilize deteriorated painted surfaces and conduct hazard reduction activities within thirty (30) days when identified by the PHA
- Notify tenants each time such an activity is performed
- Conduct all work in accordance with HUD safe practices
- As part of ongoing maintenance ask each family to report deteriorated paint
- Maintain covered housing without deteriorated paint if there is child under six in the family
For units occupied by elevated blood lead level (lead poisoned) children under six years of age, an environmental investigation must be conducted (paid for by the PHA). If lead hazards are identified during the environmental investigation, the owner must complete hazard reduction activities within thirty (30) days.

See HCV GB p. 10-15 for a detailed description of these requirements. For additional information on lead-based paint requirements see 24 CFR 35, Subparts A, B, M, and R.

Access
Use and maintenance of the unit must be possible without unauthorized use of other private properties. The building must provide an alternate means of exit in case of fire.

Site and Neighborhood
The site and neighborhood must be reasonably free from disturbing noises and reverberations, excessive trash or vermin, or other dangers to the health, safety, and general welfare of the occupants.

Sanitary Condition
The dwelling unit and its equipment must be in sanitary condition and free of vermin and rodent infestation. The unit must have adequate barriers to prevent infestation.
Smoke Detectors

Smoke detectors must be installed in accordance with and meet the requirements of the National Fire Protection Association Standard (NFPA) 74 (or its successor standards). If the dwelling unit is occupied by any person with a hearing impairment, smoke detectors must have an appropriate alarm system as specified in NFPA 74 (or successor standards).

Hazards and Health/Safety

The unit, interior and exterior common areas accessible to the family, the site, and the surrounding neighborhood must be free of hazards to the family's health and safety.
EXHIBIT 8-2: SUMMARY OF TENANT PREFERENCE AREAS RELATED TO HOUSING QUALITY

Note: This document provides an overview of unit and site characteristics and conditions for which the family determines acceptability. For more detailed information see the following documents:

- Housing Choice Voucher Guidebook, Chapter 10.
- HUD Housing Inspection Manual for Section 8 Housing
- HUD Inspection Form, form HUD-52580 (3/01) and Inspection Checklist, form HUD-52580-A (9/00)

Provided the minimum housing quality standards have been met, HUD permits the family to determine whether the unit is acceptable with regard to the following characteristics.

- **Sanitary Facilities.** The family may determine the adequacy of the cosmetic condition and quality of the sanitary facilities, including the size of the lavatory, tub, or shower; the location of the sanitary facilities within the unit; and the adequacy of the water heater.

- **Food Preparation and Refuse Disposal.** The family selects size and type of equipment it finds acceptable. When the family is responsible for supplying cooking appliances, the family may choose to use a microwave oven in place of a conventional oven, stove, or range. When the owner is responsible for providing cooking appliances, the owner may offer a microwave oven in place of an oven, stove, or range only if other subsidized and unsubsidized units on the premises are furnished with microwave ovens only. The adequacy of the amount and type of storage space, the cosmetic conditions of all equipment, and the size and location of the kitchen are all determined by the family.

- **Space and Security.** The family may determine the adequacy of room sizes and room locations. The family is also responsible for deciding the acceptability of the type of door and window locks.

- **Energy conservation items.** The family may determine whether the amount of insulation, presence of absence of storm doors and windows and other energy conservation items are acceptable.

- **Illumination and Electricity.** The family may determine whether the location and the number of outlets and fixtures (over and above those required to meet HQS standards) are acceptable or if the amount of electrical service is adequate for the use of appliances, computers, or stereo equipment.

- **Structure and Materials.** Families may determine whether minor defects, such as lack of paint, or worn flooring or carpeting will affect the livability of the unit.

- **Indoor Air.** Families may determine whether window and door screens, filters, fans, or other devices for proper ventilation are adequate to meet the family’s needs. However, if screens are present they must be in good condition.

- **Sanitary Conditions.** The family determines whether the sanitary conditions in the unit, including minor infestations, are acceptable.
• *Neighborhood conditions.* Families may determine whether neighborhood conditions such as the presence of drug activity, commercial enterprises, and convenience to shopping will affect the livability of the unit.

Families have no discretion with respect to lead-based paint standards and smoke detectors.
Chapter 9

GENERAL LEASING POLICIES

INTRODUCTION [24 CFR 982.305(a) and 982.306]

Chapter 9 covers the lease-up process from the family's submission of a Request for Tenancy Approval (RTA or RFTA) to execution of the HAP contract.

In order for the PHA to assist a family in a particular dwelling unit, or execute a Housing Assistance Payments (HAP) contract with the owner of a dwelling unit, the PHA must determine that all the following program requirements are met: The unit itself must qualify as an eligible unit.

- The unit must be inspected by the PHA and meet the Housing Quality Standards (HQS). The lease offered by the owner must be approvable and must include the required Tenancy Addendum.
- The rent to be charged by the owner for the unit must be reasonable.
- The owner must be an eligible owner, approvable by the PHA, with no conflicts of interest for families initially leasing a unit only: Where the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family cannot exceed forty (40) percent of the family’s monthly adjusted income.

The PHA has no liability or responsibility to the owner or other persons for the family’s behavior or suitability for tenancy.

The PHA may elect to screen applicants for family behavior or suitability for tenancy. See Chapter 3 for a discussion of the PHA’s policies with regard to screening applicant families for program eligibility.

The owner is responsible for screening and selection of the family to occupy the owner’s unit. At or before PHA approval of the tenancy, the PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner. The PHA must also inform the owner or manager or his/her rights and obligations under the Violence against Women Act of 2013 (VAWA).

The PHA must provide the owner with the family’s current and prior address (as shown in the PHA records) and the name and address (if known to the PHA) of the landlord at the family’s current and prior address.

The PHA is permitted, but not required, to offer the owner other information in the PHA’s possession about the tenancy history or drug trafficking of family members.

The PHA’s policy on providing information to the owner must be included in the family’s briefing packet.

The PHA may not disclose to the owner any confidential information provided by the family in response to a PHA request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation.

IHFA Policy (Updated 2022)

IHFA will not screen applicants for family behavior or suitability for tenancy.

IHFA will not provide additional screening information to the owner. IHFA, upon request, will provide the owner with the family’s current and prior address as shown in IHFA records along with the name and address (if known) of the landlords for those addresses.

9-I.B. REQUESTING TENANCY APPROVAL [Form HUD-52517]

After the family is issued a voucher, the family must locate an eligible unit, with an owner or landlord willing to participate in the voucher program. Once a family finds a suitable unit and the owner is willing to lease the unit under the program, the owner and the family must request the PHA to approve the assisted tenancy in the selected unit.

The owner and the family must submit two documents to the PHA:

- Completed Request for Tenancy Approval (RTA) – Form HUD-52517
- Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A
The RTA contains important information about the rental unit selected by the family, including the unit address, number of bedrooms, structure type, year constructed, utilities included in the rent, and the requested beginning date of the lease, necessary for the PHA to determine whether to approve the assisted tenancy in this unit.

Owners must certify to the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.

Owners must certify that they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household.

For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead-based paint disclosure statement.

Both the RTA and the proposed lease must be submitted no later than the expiration date stated on the voucher. [HCV GB p.8-15].

IHFA Policy (Updated 2022)
When the family finds a unit that the owner is willing to lease under the program, the family and the owner will complete and sign a Request for Tenancy Approval (RTA or RFTA) form (HUD-52517), and submit it along with a copy of the owner’s lease (if the owner intends to use a lease other than the IHFA model lease). If the owner intends to use his own lease, the HUD required Tenancy Addendum must be attached and will become a part of the owner lease and shall prevail over any other provisions of the lease. The family will submit the proposed lease and the request form to IHFA during the term of the voucher. IHFA will review the request, the lease (if an owner lease), ensure that the HUD required tenancy addendum is attached and make an initial determination of approval of tenancy. IHFA may assist the family in negotiating changes that may be required for the tenancy to be approvable. Once it appears the tenancy may be approvable, IHFA will schedule an appointment to inspect the unit within seven (7) business days (14 days for units over 2 hours from branch office) after the receipt of inspection request from the family and owner. The seven-day (or fourteen day) period is suspended during any period the unit is unavailable for inspection. IHFA will promptly notify the owner and the family whether the unit and tenancy are approvable. Only one (1) RTA will be processed at a time.

All information contained in the RTA will be reviewed for completeness by the Housing Specialist. If the RTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RTA, IHFA will notify the family and the owner of the deficiencies.

Missing information and/or missing documents will be accepted in-person, by mail, by email, or by fax. Property ownership will be verified through the assessor’s office or website. Missing, changed, or incorrect, information will be corrected in red ink and initialed by the Housing Specialist (see 9-I.F.).
9-I.C. OWNER PARTICIPATION [24 CFR 982.306(e)]

The PHA does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where the PHA may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. There are also criteria for which the PHA must disapprove an owner. No owner has a right to participate in the HCV program. See Chapter 13 for a full discussion of owner qualification to participate in the HCV program.

9-I.D. ELIGIBLE UNITS

There are a number of criteria that a dwelling unit must meet in order to be eligible for assistance under the voucher program. Generally, a voucher-holder family may choose any available rental dwelling unit on the market in the PHA’s jurisdiction. This includes the dwelling unit they are currently occupying.

Ineligible Units [24 CFR 982.352(a)]

The PHA may not assist a unit under the voucher program if the unit is a public housing or Indian housing unit; a unit receiving project-based assistance under section 8 of the 1937 Act (42 U.S.C. 1437f); nursing homes, board and care homes, or facilities providing continual psychiatric, medical, or nursing services; college or other school dormitories; units on the grounds of penal, reformatory, medical, mental, and similar public or private institutions; a unit occupied by its owner or by a person with any interest in the unit.

PHA-Owned Units [24 CFR 982.352(b)]

Otherwise eligible units that are owned or substantially controlled by the PHA issuing the voucher may also be leased in the voucher program. In order for a PHA-owned unit to be leased under the voucher program, the unit must not be ineligible housing and the PHA must inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease and that the family is free to select a PHA-owned unit without any pressure or steering by the PHA.

IHFA Policy (New 2021)

IHFA does not have any eligible IHFA-owned units available for leasing under the voucher program.

Special Housing Types [24 CFR 982 Subpart M]

HUD regulations permit, but do not generally require, the PHA to permit families to use voucher assistance in a number of special housing types in accordance with the specific requirements applicable to those programs. These special housing types include single room occupancy (SRO) housing, congregate housing, group home, shared housing, manufactured home space (where the family owns the manufactured home and leases only the space), cooperative housing and homeownership option. See Chapter 15 for specific information and policies on any of these housing types that the PHA has chosen to allow.

The regulations do require the PHA to permit use of any special housing type if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.
Duplicative Assistance [24 CFR 982.352(c)]
A family may not receive the benefit of HCV tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:

- Public or Indian housing assistance;
- Other Section 8 assistance (including other tenant-based assistance);
- Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);
- Section 101 rent supplements;
- Section 236 rental assistance payments;
- Tenant-based assistance under the HOME Program;
- Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);
- Any local or State rent subsidy;
- Section 202 supportive housing for the elderly;
- Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or
- Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

Housing Quality Standards (HQS) [24 CFR 982.305 and 24 CFR 982.401] [24 CFR 982.402(d)]
In order to be eligible, the dwelling unit must be in decent, safe and sanitary condition. This determination is made using HUD’s Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD. See Chapter 8 for a full discussion of the HQS standards, as well as the process for HQS inspection at initial lease-up.

Unit Size
In order to be eligible, the dwelling unit must be appropriate for the number of persons in the household. A family must be allowed to lease an otherwise acceptable dwelling unit with fewer bedrooms than the number of bedrooms stated on the voucher issued to the family, provided the unit meets the applicable HQS space requirements. The family must be allowed to lease an otherwise acceptable dwelling unit with more bedrooms than the number of bedrooms stated on the voucher issued to the family. See Chapter 5 for a full discussion of subsidy standards.

Rent Reasonableness [24 CFR 982.305 and 24 CFR 982.507]
In order to be eligible, the dwelling unit must have a reasonable rent. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises. See Chapter 8 for a full discussion of rent reasonableness and the rent reasonableness determination process.
Rent Burden [24 CFR 982.508]

Where a family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the family share cannot exceed forty (40) percent of the family’s adjusted monthly income. The term “family share” refers to the amount the family pays toward rent and utilities. The gross rent for the unit minus the total housing assistance payment (HAP) for the unit equals the family share. See Chapter 6 for a discussion of calculation of gross rent, the use of payment standards, and calculation of family income, family share of rent and HAP.

9-I.E. LEASE AND TENANCY ADDENDUM [24 CFR 982.308(a)]

The family and the owner must execute a written dwelling lease agreement for the assisted unit. This written lease is a contract between the tenant family and the owner; the PHA is not a party to this contract.

The tenant must have legal capacity to enter a lease under State and local law. 'Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

Lease Form and Tenancy Addendum [24 CFR 982.308]

If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease for the assisted tenants is in such standard form.

All provisions in the HUD-required Tenancy Addendum must be added word-for-word to the owner's standard lease form. The Tenancy Addendum includes the HUD requirements for the tenancy. Because it is a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner. If there is a conflict between the owner’s lease and the Tenancy Addendum, the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

IHFA Policy

IHFA has a model lease but does not require that owners use the model lease.

Lease Information [24 CFR 982.308(d)]

The assisted dwelling lease must contain all of the required information as listed below:

- The names of the owner and the tenant:
- The unit rented (address, apartment number, and any other information needed to identify the contract unit)
- The term of the lease (initial term and any provisions for renewal)
- The amount of the monthly rent to owner
- A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family
Term of Assisted Tenancy [24 CFR 982.309] [24 CFR 982.309(b)]
The initial term of the assisted dwelling lease must be for at least one (1) year. The initial lease term is also stated in the HAP contract.
The HUD program regulations permit the PHA to approve a shorter initial lease term if certain conditions are met.

IHFA Policy (Updated 2022)
IHFA will generally not approve an initial lease term of less than one (1) year.

During the initial term of the lease, the owner may not raise the rent to owner [24 CFR 982.309]. Any provisions for renewal of the dwelling lease will be stated in the dwelling lease [HCV Guidebook, pg. 8-22]. There are no HUD requirements regarding any renewal extension terms, except that they must be stated in the dwelling lease if they exist.
The PHA may execute the HAP contract even if there is less than one (1) year remaining from the beginning of the initial lease term to the end of the last expiring funding increment under the consolidated ACC.

Security Deposit [24 CFR 982.313 (a) and (b)] [Form HUD-52641]
The owner may collect a security deposit from the tenant. The PHA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. However, if the PHA chooses to do so, language to this effect must be added to Part A of the HAP contract (See HUD-52641).

IHFA Policy (Updated 2022)
The owner may collect a security deposit from the participant in an amount not in excess of amounts charged in private market practice and not in excess of amounts charged by the owner to unassisted tenants.

Separate Non-Lease Agreements between Owner and Tenant [24 CFR 982.451(b)(4)] [24 CFR 982.510(c)]
Owners may not demand or accept any rent payment from the family in excess of the rent to the owner as approved by the PHA minus the PHA’s housing assistance payments to the owner.
The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

IHFA Policy (Updated 2022)
IHFA permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

Any items, appliances, or other services that are customarily provided to unassisted families as part of the dwelling lease with those families, or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement.
between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property. These agreements must be offered to everyone and not required as part of the lease.

**PHA Review of Lease [24 CFR 982.308(c)]**

The PHA will review the dwelling lease for compliance with all applicable requirements. The PHA is permitted, but is not required, to review the lease to determine if the lease complies with State and local law and is permitted to decline to approve the tenancy if the PHA determines that the lease does not comply with State or local law.

**IHFA Policy**

IHFA will review the lease (if an owner lease) to ensure the HUD required tenancy addendum is attached and make an initial determination of the tenancy to be approvable.


After receiving the family's Request for Tenancy Approval, with proposed dwelling lease, the PHA must promptly notify the family and owner whether the assisted tenancy is approved.

Prior to approving the assisted tenancy and execution of a HAP contract, the PHA must ensure that all required actions and determinations, discussed in Part I of this chapter have been completed.

These actions include ensuring that the unit is eligible; the unit has been inspected by the PHA and meets the Housing Quality Standards (HQS); the lease offered by the owner is approvable and includes the required Tenancy Addendum; the rent to be charged by the owner for the unit must be reasonable; where the family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the share of rent to be paid by the family does not exceed forty (40) percent of the family’s monthly adjusted income; the owner is an eligible owner, not disapproved by the PHA, with no conflicts of interest; the family and the owner have executed the lease, including the Tenancy Addendum, and the lead-based paint disclosure information.
IHFA Policy   (Updated 2022)

IHFA will notify the owner and the family whether the unit and tenancy are approvable. IHFA will complete its determination within ten (10) business days of receiving all required information. If the terms of the RTA are changed for any reason, including but not limited to negotiating contract rent with the Owner, IHFA staff will contact the owner by phone and notate any changes to the RTA in red ink and initial the changes. Any changes to the utilities must also be made in the lease and HAP contract.

IHFA will notify the family, in writing, whether the tenancy is approved or denied. If tenancy is denied, IHFA will advise the owner and the family of any actions they could take that would enable IHFA to approve the tenancy, such as changes in an owner lease, lowering of contract rent, or repairing HQS items.

9-I.G. HAP CONTRACT EXECUTION [24 CFR 982.305] [24 CFR 982.451(a)(2)]

The HAP contract is a written agreement between the PHA and the owner of the dwelling unit. Under the HAP contract, the PHA agrees to make housing assistance payments to the owner on behalf of the family, and the owner agrees to comply with all program requirements as stated in the HAP contract.

The HAP contract form is prescribed by HUD.

If the PHA has given approval for the family of the assisted tenancy, the owner and the PHA must execute the HAP contract.

The term of the HAP contract must be the same as the term of the lease.

The PHA is permitted to execute a HAP contract even if the funding currently available does not extend for the full term of the HAP contract.

The PHA must make a best effort to ensure that the HAP contract is executed before the beginning of the lease term. Regardless, the HAP contract must be executed no later than sixty (60) calendar days from the beginning of the lease term.

The PHA may not pay any housing assistance payment to the owner until the HAP contract has been executed. If the HAP contract is executed during the period of sixty (60) calendar days from the beginning of the lease term, the PHA will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of sixty (60) days).

Any HAP contract executed after the sixty (60) day period is void, and the PHA may not pay any housing assistance payment to the owner.

IHFA Policy   (Updated 2022)

During the initial stage of qualifying the unit, IHFA will provide the prospective owner with information regarding the program. Information will include IHFA and owner responsibilities for screening and other essential program elements.

IHFA will prepare the HAP contract when the unit is approved for tenancy. Generally the landlord, simultaneously with the signing of the lease and the HUD required tenancy addendum, will execute the HAP contract. Upon receipt of the executed lease and the
HAP contract signed by the landlord, IHFA will execute the contract. IHFA will not pay any housing assistance to the owner until the HAP contract is executed.

IHFA will not execute the HAP contract until the owner has submitted IRS form W-9. IHFA will ensure that the owner receives a copy of the executed HAP contract.

As required under VAWA 2013, IHFA will notify families of their rights under VAWA by providing a copy of the Domestic Violence Certification (form HUD-5382) as well as the VAWA Notice of Occupancy Rights (form HUD-5380). VAWA rights notification will be provided as follows:

- For applicants, notice will be provided at the formal application process prior to voucher issuance, or at the time admission is denied.
- For program participants, notice will be provided when a notice of termination is issued.

See Chapter 13 for a discussion of the HAP contract and contract provisions.

9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308] [24 CFR 982.308(g)(4)] [24 CFR 982.309(a)(3)]

If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give the PHA a copy of such changes. The lease, including any changes, must remain in accordance with the requirements of this chapter.

Generally, PHA approval of tenancy and execution of a new HAP contract are not required for changes in the lease. However, under certain circumstances, the execution of a new lease and HAP contract are required. These circumstances include:

- Changes in lease requirements governing tenant or owner responsibilities for utilities or appliances
- Changes in lease provisions governing the term of the lease
- The family moves to a new unit, even if the unit is in the same building or complex

In these cases, if the HCV assistance is to continue, the family must submit a new Request for Tenancy Approval (RTA) along with a new dwelling lease containing the proposed changes. A new tenancy must then be approved in accordance with this chapter.

Where the owner is changing the amount of the rent to owner, the owner must notify the PHA at least sixty (60) days before any such changes go into effect. The PHA will agree to such an increase only if the amount of the rent to owner is considered reasonable according to the rent reasonableness standards discussed in Chapter 8. If the requested rent is not found to be reasonable, the owner must either reduce the requested rent increase, or terminate the tenancy in accordance with the terms of the lease.

No rent increase is permitted during the initial term of the lease.

IHFA Policy (Updated 2022)

Where the owner is requesting a rent increase, IHFA will determine whether the requested increase is reasonable within ten (10) business days of receiving the request from the owner. The owner will be notified of the determination in writing.
Rent increases will go into effect on the first of the month following the **sixty (60) day** period after the owner notifies IHFA of the rent change or on the date specified by the owner, whichever is later.

Owners must notify IHFA of a decrease in the amount of the rent. The decrease will be effective either on the date specified on the owner’s notice to IHFA, or the first of the following month. A determination by IHFA that the rent is reasonable may be performed, particularly when changes are happening throughout the community, and not related to an owner or complex.
Chapter 10

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

INTRODUCTION

Freedom of housing choice is a hallmark of the housing choice voucher (HCV) program. In general, HUD regulations impose few restrictions on where families may live or move with HCV assistance. This chapter sets forth HUD regulations and PHA policies governing moves within or outside the PHA’s jurisdiction in two parts:

Part I: Moving with Continued Assistance. This part covers the general rules that apply to all moves by a family assisted under the PHA’s HCV program, whether the family moves to another unit within the PHA’s jurisdiction or to a unit outside the PHA’s jurisdiction under portability.

Part II: Portability. This part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into the PHA’s jurisdiction. This part also covers the special responsibilities that the PHA has under portability regulations and procedures.
PART I: MOVING WITH CONTINUED ASSISTANCE

10-I.A. ALLOWABLE MOVES

HUD lists six regulatory conditions under which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-I.B.

- The family has a right to terminate the lease on notice to the owner (for the owner’s breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.354(b)(3)]. If the family terminates the lease on notice to the owner, the family must give the PHA a copy of the notice at the same time [24 CFR 982.354(d)(1)].

- The lease for the family’s unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.354(b)(1)(ii)].

  **IHFA Policy**

  The family and the owner may at any time mutually agree to terminate the lease after the first term of the lease. If the mutual termination occurs within the first year, the participant must obtain prior approval from IHFA. The family is required to give IHFA a copy of the notice to terminate the lease at the same time as it gives the notice to the landlord. The landlord and participant must execute the mutual rescission form.

- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.354(b)(2)]. The family must give the PHA a copy of any owner eviction notice [24 CFR 982.551(g)].

- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.354(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the PHA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4), 24 CFR 982.353(b)]. The PHA must adopt an emergency transfer plan as required by regulations at 24 CFR 5.2007(e).

  **IHFA Policy (Updated 2022)**

  If a family requests permission to move with continued assistance or for an external transfer to another covered housing program operated by IHFA based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, IHFA will request that the resident request the emergency transfer using form HUD-5383, and IHFA will request documentation in accordance with section 16-IX.D of this plan. (Refer to IHFA’s VAWA plan)

  IHFA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases IHFA will document the waiver in the family’s file.
IHFA may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator.

Before granting an emergency transfer, IHFA will ensure the victim is eligible to receive continued assistance based on the citizenship or immigration status of the victim.

IHFA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan and discusses external transfers to other covered housing programs.

- The PHA has terminated the HAP contract for the family’s unit for the owner’s breach [24 CFR 982.354(b)(1)(i)].

- The PHA determines that the family’s current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, the PHA must terminate the HAP contract for the family’s old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which the PHA gives notice to the owner. [24 CFR 982.403(a) and (c)]

10-I.B. RESTRICTIONS ON MOVES

A family’s right to move is generally contingent upon the family’s compliance with program requirements [24 CFR 982.1(b)(2)]. HUD specifies two conditions under which a PHA may deny a family permission to move and two ways in which a PHA may restrict moves by a family.

Denial of Moves

HUD regulations permit the PHA to deny a family permission to move under the following conditions:

**Insufficient Funding**

The PHA may deny a family permission to move either within or outside the PHA’s jurisdiction if the PHA does not have sufficient funding for continued assistance [24 CFR 982.354(e)(1)]. However, Notice PIH 2016-09 significantly restricts the ability of PHAs to deny permission to move due to insufficient funding and places further requirements on PHAs regarding moves denied due to lack of funding. The requirements found in this notice are mandatory.

IHFA Policy (Updated 2022)

IHFA will deny a family permission to move on grounds that IHFA does not have sufficient funding for continued assistance if:

(a) the move is initiated by the family, not the owner or IHFA;

(b) IHFA can demonstrate that the move will, in fact, result in higher subsidy costs

(c) IHFA can demonstrate, in accordance with the policies in Part VIII of Chapter 16, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs; and

(d) for portability moves, the receiving PHA is not absorbing the voucher.
If IHFA does not have sufficient funding for continued assistance, but the family must move from their unit (e.g., the unit failed HQS), the family may move to a higher cost unit if the move is within IHFA’s jurisdiction. IHFA, however, will not allow the family to move under portability in this situation if the family wishes to move to a higher cost area.

For both moves within IHFA’s jurisdiction and outside under portability, IHFA will not deny a move due to insufficient funding if IHFA previously approved the move and subsequently experienced a funding shortfall if the family cannot remain in their current unit. IHFA will rescind the voucher in this situation if the family will be allowed to remain in their current unit.

IHFA will create a list of families whose moves have been denied due to insufficient funding. IHFA will keep the family’s request open indefinitely, and when funds become available, the families on this list will take precedence over families on the waiting list. IHFA will use the same procedures for notifying families with open requests to move when funds become available as it uses for notifying families on the waiting list (see section 4-III.D).

IHFA will inform the family of its policy regarding moves denied due to insufficient funding in a letter to the family at the time the move is denied.

**Grounds for Denial or Termination of Assistance**

The PHA may deny a family permission to move if it has grounds for denying or terminating the family’s assistance [24 CFR 982.354(e)(2)].

IHFA Policy  
(Updated 2022)

If IHFA has grounds for denying or terminating a family’s assistance, IHFA will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12.

If a family has moved out of their assisted unit in violation of the lease, IHFA will not issue a voucher and will pursue termination of assistance in compliance with Chapter 3, Termination of the Lease and Contract. IHFA will allow a participant to break a lease and move with assistance under extenuating circumstances such as, but not limited to, a reasonable accommodation.

IHFA will not issue a voucher to a family until repayment agreements are paid in full. In the event that extreme extenuating circumstances exist, an exception may be made after review and approval from the Branch Office Supervisor. If an exception is made due to extenuating circumstances, the Branch Office Supervisor should notify the receiving PHA of the exception and the reason for it.

**Restrictions on Elective Moves [24 CFR 982.354(c)]**

HUD regulations permit the PHA to prohibit any elective move by a participant family during the family’s initial lease term. They also permit the PHA to prohibit more than one elective move by a participant family during any twelve (12) month period. However, such prohibitions, if adopted, do not apply when the family or a member of the family is or has been the victim of
domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. (For the policy on documentation of abuse, see section 10-I.A.) In addition, the PHA may not establish a policy permitting moves only at reexamination [Notice PIH 2016-09].

**IHFA Policy** *(Updated 2022)*

IHFA will deny a family permission to move during the initial term of the lease unless they and the owner mutually agree to end the lease and IHFA has given approval.

Families participating in the Voucher Program will not be allowed to move more than once in any **twelve (12) month** period. Under extraordinary circumstances, IHFA may consider allowing more than one move in a **twelve (12) month** period.

If IHFA has terminated the HAP contract, IHFA will issue the family a new voucher if the family does not owe IHFA or any other Housing Authority money, has not violated a Family Obligation, has not moved or been issued a voucher within the last **twelve (12) months**, and if IHFA has sufficient funding for continued assistance. If the move is necessitated for a reason other than family choice, the **twelve (12) month** requirement may be waived. Some reasons for a waiver are medical necessity, employment, or because of imminent danger to the participant due to domestic abuse or threatened violence from other parties. Such waivers will be considered on a case-by-case basis and the participant will be required to document the need for such a move. Determinations to waive these policies are subject to Branch Office Supervisor approval.

In addition, IHFA will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

**10-I.C. MOVING PROCESS**

**IHFA Policy**

For families already participating in the HCV program, IHFA will allow the family to move to a new unit if:

a. The HAP Contract for the old unit has been terminated by IHFA. If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit is not considered to constitute a duplicative housing subsidy, however, such overlap may not exceed **thirty (30) days**;

b. The owner has given the participant a notice to vacate, has commenced an action to evict the participant, or has obtained a court judgment or other process allowing the owner to evict the participant, if IHFA review determines it is an unfounded eviction and beyond the participant’s control;

c. The participant has given notice of lease termination properly exercising their right not to renew the lease at the end of the lease term.
d. The participant does not currently owe money to IHFA for overpaid HAP, and/or repayment agreements are paid in full. In the event that extreme extenuating circumstances exist, an exception may be made after review and approval from the Branch Office Supervisor.

Notification

If a family wishes to move to a new unit, the family must notify the PHA and the owner before moving out of the old unit or terminating the lease on notice to the owner [24 CFR 982.354(d)(2)]. If the family wishes to move to a unit outside the PHA’s jurisdiction under portability, the notice to the PHA must specify the area where the family wishes to move [24 CFR 982.354(d)(2)]. The notices must be in writing [24 CFR 982.5].

Approval

IHFA Policy (Updated 2022)

Upon receipt of a family’s notification that it wishes to move, IHFA will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. IHFA will notify the family in writing of its determination within ten (10) business days following receipt of the family’s notification.

Reexamination of Family Income and Composition

IHFA Policy (Updated 2022)

Families considering moving to a new unit will be required to recertify household income and composition.

A family must be income eligible in the area where the family first leases a unit with assistance in the HCV program.

If a portable family is already a participant in the Initial Housing Authority’s HCV program, income eligibility is not re-determined.

For families moving into or families approved to move out of IHFA’s jurisdiction under portability, IHFA will follow the policies set forth in Part II of this chapter.

Voucher Issuance and Briefing

IHFA Policy (Updated 2022)

For families approved to move to a new unit within IHFA’s jurisdiction, IHFA will issue a new voucher with IHFA’s written approval to move. No briefing is required for these families. IHFA will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees and IHFA approves. Otherwise, the family will lose its assistance.

For families moving into or families approved to move out of IHFA’s jurisdiction under portability, IHFA will follow the policies set forth in Part II of this chapter.


**Housing Assistance Payments [24 CFR 982.311(d)]**

When a family moves out of an assisted unit, the PHA may not make any housing assistance payment to the owner for any month after the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy. Generally, such overlap may not exceed thirty (30) days.

**Zero HAP Families Who Wish to Move [24 CFR 982.455]**

A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. The PHA must issue a voucher to move unless it has grounds to deny assistance under the program regulations. However, if the PHA determines no subsidy would be paid at the new unit, the PHA may refuse to enter into a HAP contract on behalf of the family.

**IHFA Policy (Updated 2022)**

If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, IHFA will not enter into a HAP contract on behalf of the family for the new unit.
PART II: PORTABILITY

10-II.A. OVERVIEW

Within the limitations of the regulations and this plan, a participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program [24 CFR 982.353(b)]. The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another PHA is known as portability. The PHA that issues the voucher is called the initial PHA. The PHA that has jurisdiction in the area to which the family wants to move is called the receiving PHA.

The receiving PHA has the option of administering the family’s voucher for the initial PHA or absorbing the family into its own program. Under the first option, the receiving PHA provides all housing services for the family and bills the initial PHA for the family’s housing assistance payments and the fees for administering the family’s voucher. Under the second option, the receiving PHA pays for the family’s assistance with its own program funds, and the initial PHA has no further relationship with the family. The initial PHA must contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the initial PHA’s voucher. Based on the receiving PHA’s response, the initial PHA must determine whether they will approve or deny the portability request [Notice PIH 2016-09].

PHAs commonly act as both the initial and receiving PHA because families may move into or out of their jurisdiction under portability. Each role involves different responsibilities. The PHA will follow the rules and policies in section 10-II.B when it is acting as the initial PHA for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving PHA for a family.

In administering portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required forms [24 CFR 982.355(e)(5)]. PHAs must also comply with billing and payment deadlines. HUD may reduce an administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements [24 CFR 982.355(e)(7)].

10-II.B. INITIAL PHA ROLE

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected. If the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family [24 CFR 982.255(b)].

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the PHA’s jurisdiction under portability. HUD regulations and PHA policy determine whether a family qualifies.
**Applicant Families**

Under HUD regulations, most applicant families qualify to lease a unit outside the PHA’s jurisdiction under portability. However, HUD gives the PHA discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance. If a PHA intends to deny a family permission to move under portability due to insufficient funding, the PHA must notify HUD within **ten (10) business days** of the determination to deny the move [24 CFR 982.355(e)].

**IHFA Policy** *(Updated 2022)*

In determining whether or not to deny an applicant family permission to move under portability because IHFA lacks sufficient funding or has grounds for denying assistance to the family, IHFA will follow the policies established in section 10-I.B of this chapter. If IHFA does deny the move due to insufficient funding, IHFA will notify HUD in writing within **ten (10) business days** of IHFA’s determination to deny the move.

In addition, the PHA may establish a policy denying the right to portability to nonresident applicants during the first **twelve (12) months** after they are admitted to the program [24 CFR 982.353(c)].

**IHFA Policy** *(Updated 2022)*

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

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

**Participant Families**

The initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. The Violence against Women Act of 2013 (VAWA) creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminent threat by harm from further violence if he or she remained in the unit [24 CFR 982.353(b)].

**IHFA Policy** *(Updated 2022)*

IHFA will determine whether a participant family may move out of IHFA’s jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. IHFA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.
Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [24 CFR 982.353(d)(1)]. The family must specify the area to which the family wishes to move [24 CFR 982.355(c)(1)].

The initial PHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.353(d)(1), 24 CFR 982.355(9)]. If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2016-09].

Participant Families

The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d)(2)].

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family.

IHFA Policy (Updated 2022)

For a participant family approved to move out of its jurisdiction under portability, IHFA generally will conduct a reexamination of family income and composition only if the family’s annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

IHFA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

Briefing

The regulations and policies on briefings set forth in Chapter 5 of this plan require the PHA to provide information on portability to all applicant families that qualify to lease a unit outside the PHA’s jurisdiction under the portability procedures. Therefore, no special briefing is required for these families.

IHFA Policy (Updated 2022)

No formal briefing will be required for a participant family wishing to move outside IHFA’s jurisdiction under portability. However, IHFA will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program (see Chapter 5).

IHFA will provide the name, address, and phone of the contact for the PHAs in the jurisdiction to which they wish to move. If there is more than one PHA with jurisdiction over the area to which the family wishes to move, IHFA will advise the family that the family selects the receiving PHA and the family will notify IHFA of which receiving PHA was selected. IHFA will provide the family with contact information for all of the receiving PHAs that serve the area. IHFA will further inform the family that if the family prefers not to select the receiving PHA, IHFA will select the receiving PHA on behalf of the family.
IHFA will advise the family that they will be under the Receiving Housing Authority’s (RHA) policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

Voucher Issuance and Term

An applicant family has no right to portability until after the family has been issued a voucher [24 CFR 982.353(b)]. In issuing vouchers to applicant families, the PHA will follow the regulations and procedures set forth in Chapter 5.

For participating families approved to move under portability, the PHA will issue a new voucher within ten (10) business days of the PHA’s written approval to move.

- The initial term of the voucher will be 60 to 120 days for both applicants and participants.

Voucher Extensions and Expiration

IHFA Policy (Updated 2022)

IHFA will approve no extensions to a voucher issued to an applicant or participant family porting out of IHFA’s jurisdiction except under the following circumstances:

(a) the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA,

(b) the family decides to return to the initial PHA’s jurisdiction and search for a unit there, or

(c) the family decides to search for a unit in a third PHA’s jurisdiction. In such cases, the policies on voucher extensions set forth in Chapter 5, section 5-II.E, of this plan will apply, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term.

To receive or continue receiving assistance under IHFA’s voucher program, a family that moves to another PHA’s jurisdiction under portability must be under HAP contract in the receiving PHA’s jurisdiction within ninety (90) days following the expiration date of IHFA’s voucher term (including any extensions). (See below under “Initial Billing Deadline” for one exception to this policy.)

Preapproval Contact with the Receiving PHA

Prior to approving a family’s request to move under portability, the initial PHA must contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the family’s voucher. Based on the receiving PHA’s response, the initial PHA must determine whether it will approve or deny the move [24 CFR 982.355(c)(3)].

IHFA Policy

IHFA will contact the RHA by a confirmed delivery method, such as email, to determine if the participant will be absorbed by the Receiving Housing Authority, or if they will bill IHFA, prior to approval of the family’s request to move under portability.
Initial Notification to the Receiving PHA

After approving a family’s request to move under portability, the initial PHA must promptly notify the receiving PHA via email or other confirmed delivery method to expect the family [24 CFR 982.355(c)(3); 24 CFR 982.355(c)(7)]. The initial PHA must also advise the family how to contact and request assistance from the receiving PHA [24 CFR 982.355(c)(6)].

IHFA Policy (Updated 2022)

Because the portability process is time-sensitive, IHFA will notify the receiving PHA by phone, fax, or email to expect the family. IHFA will also ask the receiving PHA to provide any information the family may need upon arrival, including the name, fax, email address, and telephone number of the staff person responsible for business with incoming portable families and procedures related to appointments for voucher issuance. IHFA will pass this information along to the family. IHFA will also ask for the name, address, telephone number, fax and email of the person responsible for processing the billing information.

Sending Documentation to the Receiving PHA [24 CFR 982.355(c) (7), Notice PIH 2016-09]

The initial PHA is required to send the receiving PHA the following documents:

- Form HUD-52665, Family Portability Information, with Part I filled out
- A copy of the family’s voucher
- A copy of the family’s most recent form HUD-50058, Family Report, or, if necessary in the case of an applicant family, family and income information in a format similar to that of form HUD-50058
- Copies of the income verifications backing up the form HUD-50058, including a copy of the family’s current EIV data

IHFA Policy (Updated 2022)

In addition to these documents, IHFA will provide the following information, if available, to the receiving PHA:

- Social security numbers (SSNs)
- Documentation of SSNs for all nonexempt household members whose SSNs have not been verified through the EIV system
- Documentation of legal identity (photo ID)
- Documentation of citizenship or eligible immigration status
- Documentation of participation in the earned income disallowance (EID) benefit
- Documentation of participation in a family self-sufficiency (FSS) program

When faxing Enterprise Income Verification (EIV) information, IHFA will:

a. Mark the fax “Confidential”;
b. Identify a contact person at the receiving PHA who is standing by and ready to receive the fax;
c. Confirm that the fax was received by the contact person;
d. Document the file that the proper protocol was followed in faxing EIV information.

Initial Billing Deadline [Notice PIH 2016-09]

The deadline for submission of initial billing is **ninety (90) days** following the expiration date of the voucher issued to the family by the initial PHA. In cases where suspension of the voucher delays the initial billing submission, the receiving PHA must notify the initial PHA of delayed billing before the billing deadline and document the delay is due to the suspension. In this case, the initial PHA must extend the billing deadline by **thirty (30) days**.

If the initial PHA does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must notify the receiving PHA in writing. The initial PHA may report to HUD the receiving PHA’s failure to comply with the deadline.

If the initial PHA will honor the late billing, no action is required.

IHFA Policy (Updated 2022)

If IHFA has not received an initial billing notice from the receiving PHA within the billing deadline, it will contact the receiving PHA to inquire about the status of portable family and to ascertain what is causing the delay.

IHFA may allow an exception based upon information obtained from the receiving PHA. IHFA will allow an exception to this policy if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving PHA.

Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2016-09]

If the receiving PHA is administering the family’s voucher, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. When reimbursing for administrative fees, the initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA ongoing administrative fee or 100 percent of the receiving PHA’s ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill [24 CFR 982.355(e)(2)].

The initial PHA is responsible for making billing payments in a timely manner. The first billing amount is due within **thirty (30) calendar days** after the initial PHA receives Part II of form HUD-52665 from the receiving PHA. Subsequent payments must be **received** by the receiving PHA no later than the **fifth (5th) business day of each month**. The payments must be provided in a form and manner that the receiving PHA is able and willing to accept.

The initial PHA may not terminate or delay making payments under existing portability billing arrangements as a result of overleasing or funding shortfalls. The PHA must manage its tenant-based program in a manner that ensures that it has the financial ability to provide assistance for families that move out of its jurisdiction under portability and are not absorbed by receiving PHAs as well as for families that remain within its jurisdiction.
IHFA Policy (Updated 2022)

IHFA will utilize direct deposit to ensure that the payment is received by the deadline unless the receiving PHA notifies IHFA that direct deposit is not acceptable to them. If IHFA extends the term of the voucher, the receiving PHA’s voucher will expire thirty (30) calendar days from the new expiration date of the initial PHA’s voucher.

Annual Updates of Form HUD-50058

If the initial PHA is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving PHA. If the initial PHA fails to receive an updated 50058 by the family’s annual reexamination date, the initial PHA should contact the receiving PHA to verify the status of the family. The initial PHA must continue paying the receiving PHA based on the last form HUD-50058 received, unless instructed otherwise by HUD. The initial PHA may seek absorption of the vouchers by following steps outlined in Notice PIH 2016-09.

Denial or Termination of Assistance [24 CFR 982.355(c)(17)]

At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance with the family in accordance with 24 CFR 982.552 and 24 CFR 982.553. (For PHA policies on denial and termination, see Chapters 3 and 12, respectively.)

10-II.C. RECEIVING PHA ROLE

If a family has a right to lease a unit in the receiving PHA’s jurisdiction under portability, the receiving PHA must provide assistance for the family [24 CFR 982.355(10)]. HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families [24 CFR 982.355(b)].

Administration of the voucher must be in accordance with the receiving PHA’s policies. This requirement also applies to policies of Moving to Work agencies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving PHA waiting list is not used [24 CFR 982.355(c)(10)]. The family’s unit, or voucher, size is determined in accordance with the subsidy standards of the receiving PHA [24 CFR 982.355(c)(12)], and the receiving PHA’s policies on extensions of the voucher term apply [24 CFR 982.355(c)(14)].

Responding to Initial PHA’s Request [24 CFR 982.355(c)]

The receiving PHA must respond via email or other confirmed delivery method to the initial PHA’s inquiry to determine whether the family’s voucher will be billed or absorbed [24 CFR 982.355(c)(3)]. If the receiving PHA informs the initial PHA that it will be absorbing the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA (24 CFR 982.355(c)(4)).

IHFA Policy

When IHFA is contacted by an Initial Housing Authority about a portable family, IHFA will determine whether it will absorb the portable family or bill the Initial Housing Authority for assistance paid on behalf of the portable family, and respond by confirmed delivery method, such as email. When IHFA receives the portable family, the family will
either be absorbed or administered (billing the Initial PHA), based on whether funds are available. Generally, IHFA will absorb all ports. The choice to administer rather than absorb will be made by the Director of Rental Assistance.

**Initial Contact with Family**

When a family moves into the PHA’s jurisdiction under portability, the family is responsible for promptly contacting the PHA and complying with the PHA’s procedures for incoming portable families. The family’s failure to comply may result in denial or termination of the receiving PHA’s voucher [24 CFR 982.355(c)(8)].

If the voucher issued to the family by the initial PHA has expired, the receiving PHA must contact the initial PHA to determine if it will extend the voucher [24 CFR 982.355(c)(13)]. An Informal Hearing is not required when a voucher has expired without the family leasing a unit.

If for any reason the receiving PHA refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an Informal Review or Hearing [Notice PIH 2016-09]. (For more on this topic, see later under “Denial or Termination of Assistance.”)

**Briefing**

HUD allows the receiving PHA to require a briefing for an incoming portable family as long as the requirement does not unduly delay the family’s search [Notice PIH 2016-09].

**IHFA Policy**

All families who are moving, including any families moving into IHFA’s jurisdiction, will be required to attend a move briefing prior to IHFA issuance of a voucher and entering a new HAP contract on their behalf.

**Income Eligibility and Reexamination**

The receiving PHA does not redetermine eligibility for a portable family that was already receiving assistance in the initial PHA’s voucher program [24 CFR 982.355(c)(9)]. If the receiving PHA opts to conduct a new reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit [24 CFR 982.355(c)(11)].

**IHFA Policy (Updated 2022)**

For any family moving into its jurisdiction under portability, IHFA will conduct a new reexamination of family income and composition. However, IHFA will not delay issuing the family a voucher for this reason. Nor will IHFA delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and IHFA cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

In conducting its own reexamination, IHFA will rely upon any verifications provided by the initial PHA to the extent that they (a) accurately reflect the family’s current circumstances and (b) were obtained within the last 120 days. Any new information may be verified by documents provided by the family and adjusted, if necessary, when third party verification is received. Unearned recurring income of a participant will not be re-
verified. Participant income from wages will be verified, but will be expedited to ensure there is no undue delay.

Voucher Issuance

When a family moves into its jurisdiction under portability, the receiving PHA is required to issue the family a voucher [24 CFR 982.355(c)(13)]. The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA’s voucher [24 CFR 982.355(c)(15)].

Timing of Voucher Issuance

HUD expects the receiving PHA to issue the voucher within two weeks after receiving the family’s paperwork from the initial PHA if the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA’s procedures [Notice PIH 2016-09].

IHFA Policy (Updated 2022)

When a family ports into its jurisdiction, IHFA will issue the family a voucher based on the paperwork provided by the initial PHA unless the family’s paperwork from the initial PHA is incomplete, the family’s voucher from the initial PHA has expired or the family does not comply with the PHA’s procedures. IHFA will update the family’s information when verification has been completed.

Voucher Term

The term of the receiving PHA’s voucher may not expire before thirty (30) calendar days from the expiration of the initial PHA’s voucher [24 CFR 982.355(c)(13)]. If the initial PHA extends the term of the voucher, the receiving PHA’s voucher may not expire before thirty (30) days from the new expiration date of the initial PHA’s voucher [Notice PIH 2016-09].

Voucher Extensions [24 CFR 982.355(c)(14), Notice 2016-09]

Once the receiving PHA issues the portable family a voucher, the receiving PHA’s policies on extensions of the voucher term apply. The receiving PHA must inform the initial PHA of any extension granted to the term of the voucher. It must also bear in mind the billing deadline provided by the initial PHA. Unless willing and able to absorb the family, the receiving PHA should ensure that any voucher expiration date would leave sufficient time to process a request for tenancy approval, execute a HAP contract, and deliver the initial billing to the initial PHA.

IHFA Policy (Updated 2022)

IHFA generally will not extend the term of the voucher that it issues to an incoming portable family unless IHFA plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in section 5-II.E.

IHFA will consider an exception to this policy as a reasonable accommodation to a person with disabilities (see Chapter 2).
**Voucher Suspensions [24 CFR 982.303, 24 CFR 982.355(c)(15)]**

If the family submits a request for tenancy approval during the term of the receiving PHA’s voucher, the PHA must suspend the term of that voucher. The term of the voucher stops from the date that the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied [24 CFR 982.4(b)] (see Section 5-II.E).

**Notifying the Initial PHA**

The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the receiving PHA’s voucher [24 CFR 982.355(c)(16)]. The receiving PHA is required to use Part II of form HUD-52665, Family Portability Information, for this purpose [Notice PIH 2016-09]. (For more on this topic and the deadline for notification, see below under “Administering a Portable Family’s Voucher.”)

If an incoming portable family ultimately decides not to lease in the jurisdiction of the receiving PHA but instead wishes to return to the initial PHA’s jurisdiction or to search in another jurisdiction, the receiving PHA must refer the family back to the initial PHA. In such a case the voucher of record for the family is once again the voucher originally issued by the initial PHA. Any extension of search time provided by the receiving PHA’s voucher is only valid for the family’s search in the receiving PHA’s jurisdiction [Notice PIH 2016-09].

**Administering a Portable Family’s Voucher**

*Portability Billing [24 CFR 982.355(e)]*

To cover assistance for a portable family that was not absorbed, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. The amount of the housing assistance payment for a portable family in the receiving PHA’s program is determined in the same manner as for other families in the receiving PHA’s program.

The receiving PHA may bill the initial PHA for the lesser of 80 percent of the initial PHA’s ongoing administrative fee or 100 percent of the receiving PHA’s ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill (i.e., the receiving PHA may bill for the lesser of 80 percent of the initial PHA’s prorated ongoing administrative fee or 100 percent of the receiving PHA’s ongoing administrative fee).

If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

**IHFA Policy (Updated 2022)**

Unless IHFA negotiates a different amount of reimbursement with the initial PHA, IHFA will bill the initial PHA the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.
**Initial Billing Deadline**

If a portable family’s search for a unit is successful and the receiving PHA intends to administer the family’s voucher, the receiving PHA must submit its initial billing notice (Part II of form HUD-52665) in time that the notice will be received no later than ninety (90) days following the expiration date of the family’s voucher issued by the initial PHA [Notice PIH 2016-09]. This deadline may be extended for thirty (30) additional days if the delay is due to suspension of the voucher’s term (see Initial Billing Section). A copy of the family’s form HUD-50058, Family Report, completed by the receiving PHA must be attached to the initial billing notice. The receiving PHA may send these documents by mail, fax, or email.

**IHFA Policy (Updated 2022)**

IHFA will send its initial billing notice by fax or email, if necessary, to meet the billing deadline but will also send the notice by regular mail.

If the receiving PHA fails to send the initial billing by the deadline, it is required to absorb the family into its own program unless (a) the initial PHA is willing to accept the late submission or (b) HUD requires the initial PHA to honor the late submission (e.g., because the receiving PHA is overleased) [Notice PIH 2016-09].

**Ongoing Notification Responsibilities [Notice PIH 2016-09, HUD-52665]**

**Annual Reexamination**

The receiving PHA must send the initial PHA a copy of a portable family’s updated form HUD-50058 after each annual reexamination for the duration of time the receiving PHA is billing the initial PHA on behalf of the family, regardless of whether there is a change in the billing amount.

**IHFA Policy (Updated 2022)**

IHFA will send a copy of the updated HUD-50058 by regular mail no later than ten (10) business days after the effective date of the reexamination.

**Change in Billing Amount**

The receiving PHA is required to notify the initial PHA, using form HUD-52665, of any change in the billing amount for the family as a result of:

- A change in the HAP amount (because of a reexamination, a change in the applicable payment standard, a move to another unit, etc.)
- An abatement or subsequent resumption of the HAP payments
- Termination of the HAP contract
- Payment of a damage/vacancy loss claim for the family (MTW only)
- Termination of the family from the program

The timing of the notice of the change in the billing amount should correspond with the notification to the owner and the family in order to provide the initial PHA with advance notice of the change. Under no circumstances should the notification be later than ten (10) business days following the effective date of the change in the billing amount. If the receiving PHA fails to send Form HUD-52665 within ten (10) business days of effective date of billing changes, the
initial PHA is not responsible for any increase prior to notification. If the change resulted in a decrease in the monthly billing amount, the initial PHA will offset future monthly payments until the difference is reconciled.

**Late Payments [Notice PIH 2016-09]**

If the initial PHA fails to make a monthly payment for a portable family by the fifth (5th) **business day of the month**, the receiving PHA must promptly notify the initial PHA in writing of the deficiency. The notice must identify the family, the amount of the billing payment, the date the billing payment was due, and the date the billing payment was received (if it arrived late). The receiving PHA must send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over the receiving PHA. If the initial PHA fails to correct the problem by the second month following the notification, the receiving PHA may request by memorandum to the director of the OPH with jurisdiction over the receiving PHA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between the PHAs on the matter must be attached. The receiving PHA must send a copy of the memorandum to the initial PHA. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial PHA is still responsible for any outstanding payments due to the receiving PHA.

**Overpayments [Notice PIH 2016-09]**

In all cases where the receiving PHA has received billing payments for billing arrangements no longer in effect, the receiving PHA is responsible for returning the full amount of the overpayment (including the portion provided for administrative fees) to the initial PHA. In the event that HUD determines billing payments have continued for at least **three (3) months** because the receiving PHA failed to notify the initial PHA that the billing arrangement was terminated, the receiving PHA must take the following steps:

- Return the full amount of the overpayment, including the portion provided for administrative fees, to the initial PHA.
- Once full payment has been returned, notify the Office of Public Housing in the HUD area office with jurisdiction over the receiving PHA of the date and the amount of reimbursement to the initial PHA.

At HUD’s discretion, the receiving PHA will be subject to the sanctions spelled out in Notice PIH 2016-09.

**Denial or Termination of Assistance**

At any time, the receiving PHA may make a determination to deny or terminate assistance to a portable family for family action or inaction [24 CFR 982.355(c)(17)].

In the case of a termination, the PHA should provide adequate notice of the effective date to the initial PHA to avoid having to return a payment. In no event should the receiving PHA fail to notify the initial PHA later than **ten (10) business days** following the effective date of the termination of the billing arrangement [HUD-52665; Notice PIH 2016-09].
IHFA Policy  (Updated 2022)

If IHFA is administering the voucher and if IHFA elects to deny or terminate assistance for a portable family, IHFA will notify the initial PHA within ten (10) business days after the Informal Review or Hearing if the denial or termination is upheld. IHFA will base its denial or termination decision on the policies set forth in Chapter 3 or Chapter 12, respectively. The Informal Review or Hearing will be held in accordance with the policies in Chapter 16. IHFA will furnish the initial PHA with a copy of the review or hearing decision.

Absorbing a Portable Family

The receiving PHA may absorb an incoming portable family into its own program when the PHA executes a HAP contract on behalf of the family or at any time thereafter providing that the PHA has funding available under its annual contributions contract (ACC) [24 CFR 982.355(d)(1), Notice PIH 2016-09].

If the receiving PHA absorbs a family from the point of admission, the admission will be counted against the income targeting obligation of the receiving PHA [24 CFR 982.201(b)(2)(vii)].

If the receiving PHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, the receiving PHA must send an updated form HUD-52665 to the initial PHA no later than ten (10) business days following the effective date of the termination of the billing arrangement [Notice PIH 2016-09].

IHFA Policy  (Updated 2022)

If IHFA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, IHFA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If IHFA decides to absorb a family after that, it will provide the initial PHA with thirty (30) days’ advance notice, but no later than ten (10) business days following the effective date of the termination of the billing arrangement.

Following the absorption of an incoming portable family, the family is assisted with funds available under the consolidated ACC for the receiving PHA’s voucher program [24 CFR 982.355(d)], and the receiving PHA becomes the initial PHA in any subsequent moves by the family under portability [24 CFR 982.355(e)(4)].
Chapter 11

REEXAMINATIONS

INTRODUCTION

The PHA is required to reexamine each family’s income and composition at least annually, and to adjust the family’s level of assistance accordingly. Interim reexaminations are also needed in certain situations. This chapter discusses both annual and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. HUD regulations and PHA policies concerning reexaminations are presented in three parts:

- Part I: Annual Reexaminations. This part discusses the process for conducting annual reexaminations.
- Part II: Interim Reexaminations. This part details the requirements for families to report changes in family income and composition between annual reexaminations.
- Part III: Recalculating Family Share and Subsidy Amount. This part discusses the recalculation of family share and subsidy amounts based on the results of annual and interim reexaminations.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this plan, apply to both annual and interim reexaminations.
PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516]

11-I.A. OVERVIEW

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.

11-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 982.516(b)]

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 (3) years thereafter, in the intervening years the PHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. 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. If at least 90 percent of the family’s income is from fixed sources, the PHA may streamline the verification of fixed income but is not required to verify non-fixed income amounts. If the family receives less than 90 percent of its income from fixed sources, the PHA may streamline the verification of fixed income and must verify non-fixed income annually.

IHFA Policy (Updated 2022)
IHFA has chosen not to adopt the streamline annual reexamination process at this time.

11-I.C. SCHEDULING ANNUAL REEXAMINATIONS

The PHA must establish a policy to ensure that the annual reexamination for each family is completed within a twelve (12) month period, and may require reexaminations more frequently [HCV GB p. 12-1].

IHFA Policy (Updated 2022)

At least annually, IHFA will conduct a reexamination of family income and circumstances. The results of the reexamination determine (1) the rent the family will pay, and (2) whether the family subsidy is correct based on the family unit size. IHFA will begin the annual reexamination process 90 – 120 days in advance of its scheduled effective date. Generally, IHFA will schedule annual reexamination effective dates to coincide with the family’s anniversary date.

The effective date of the lease will establish the annual reexamination date. The annual reexamination date will be the first day of the month in which the lease becomes effective.
for each subsequent year. This annual reexamination date will remain in place until the participant moves. For example: if the lease and contract are effective April 12, 2022, the annual reexamination date will be April 1, 2023.

This is not to be confused with the dates of the lease, which should initially run for one (1) complete year from the effective date, for example: April 12, 2022 to April 11, 2023. However, while the lease term may be for a period longer than one (1) year, it may only end earlier by up to thirty-one (31) days (e.g. April 12, 2022 to March 31, 2023) if both the landlord and resident agree to that lease end date.

Notification of and Participation in the Annual Reexamination Process

The PHA is required to obtain the information needed to conduct annual reexaminations. How that information will be collected is left to the discretion of the PHA. However, PHAs should give tenants who were not provided the opportunity the option to complete Form HUD-92006 at this time [Notice PIH 2009-36].

IHFA Policy (Updated 2022)

IHFA will send a notification letter to the family ninety (90) to 120 days prior to the annual date, letting them know that it is time for their annual reexamination and scheduling an appointment. The letter includes forms for the family to complete in preparation for the interview, and instructions for permitting the family to reschedule the interview, if necessary. Notification will be sent by mail and/or email.

Annual reexamination appointments will be conducted via Zoom (or other online platform), telephone or in person, if requested. Home visits may be conducted at an elderly, disabled, or homebound participant’s request. Home visits may also apply to persons who are not elderly, disabled, or homebound under extenuating circumstances.

If the family fails to respond to the letter and fails to attend the interview, a second letter will be mailed. The second letter will advise of a new time and date for the interview, allowing for the same considerations for rescheduling and accommodation as above. The letter will also advise that failure by the family to attend the second scheduled interview will result in IHFA taking action to terminate the family’s assistance.

An advocate, interpreter, or other assistant may assist the family in the interview process.

11-I.D. CONDUCTING ANNUAL REEXAMINATIONS

As part of the annual reexamination process, families are required to provide updated information to the PHA regarding the family’s income, expenses, and composition [24 CFR 982.551(b)].

IHFA Policy (Updated 2022)

Families will be asked to submit all required information (as described in the reexamination notice) before the reexamination appointment. The required information will include an IHFA-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documents or forms related to the family’s income, expenses, and family composition.
Any required documents or information that the family is unable to provide at the time of the interview must be provided within ten (10) business days of the interview. If documentation has not been received by IHFA within the required time, a second notice will be sent. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time period (plus any IHFA approved extensions), the family will be sent a notice of termination (See Chapter 12).

Additionally, HUD recommends that at annual reexaminations PHAs ask whether the tenant, or any member of the tenant’s household, is subject to a lifetime sex offender registration requirement in any state [Notice PIH 2012-28].

**IHFA Policy (Updated 2022)**

At the annual reexamination, IHFA will ask whether the tenant, or any member of the tenant’s household, is subject to a lifetime sex offender registration requirement in any state if the answer is yes.

If after admission to the HCV program, any member of a household becomes subject to a lifetime sex offender registration requirement, IHFA will offer the family the opportunity to remove the ineligible family member from the household or IHFA will terminate assistance. The termination will based on the applicable criminal offense, not solely on the fact of the participant being a registered sex offender. Failure to disclose being a registered sex offender will also result in termination.

If the PHA proposes to terminate assistance based on lifetime sex offender registration information, the PHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)]. (See Chapter 12.)

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the PHA has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social security numbers
- A person’s disability status
- Citizenship or immigration status

If adding a new family member to the unit causes overcrowding according to the housing quality standards (HQS) (see Chapter 8), the PHA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available
for rental by the family, the PHA must terminate the HAP contract in accordance with its terms [24 CFR 982.403].

**11-I.E. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS**

[24 CFR 982.552(b)(5)]

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

If a student enrolled in an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student’s eligibility must be reexamined along with the income eligibility of the student’s parents on an annual basis. In these cases, both the student and the student’s parents must be income eligible for the student to continue to receive HCV assistance. If, however, a student in these circumstances is determined independent from his or her parents or is considered a vulnerable youth in accordance with PHA policy, the income of the student’s parents will not be considered in determining the student’s ongoing eligibility.

Students who reside with parents in an HCV assisted unit are not subject to this provision. It is limited to students who are receiving assistance on their own, separately from their parents.

**IHFA Policy** *(Updated 2022)*

During the annual reexamination process, IHFA will determine the ongoing eligibility of each student who is subject to the eligibility restrictions in 24 CFR 5.612 by reviewing the student’s individual income as well as the income of the student’s parents, if applicable. If the student has been determined “independent” from his/her parents or is considered a vulnerable youth based on the policies in Sections 3-II.E and 7-II.E, the parents’ income will not be reviewed.

If the student is no longer income eligible based on his/her own income or the income of his/her parents, the student’s assistance will be terminated in accordance with the policies in Section 12-I.D.

If the student continues to be income eligible based on his/her own income and the income of his/her parents (if applicable), IHFA will process a reexamination in accordance with the policies in this chapter.

**11-I.F. EFFECTIVE DATES**

The PHA must establish policies concerning the effective date of changes that result from an annual reexamination [24 CFR 982.516].

**IHFA Policy** *(Updated 2022)*

*Increases* – In general, an increase in the family share of the rent that results from an annual reexamination will take effect on the family’s anniversary date, and the family will be notified at least fifteen (15) days in advance.

If less than fifteen (15) days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the fifteen (15) day notice period.
If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no **fifteen (15) day notice** is required.

If IHFA chooses to schedule an annual reexamination for completion prior to the family’s anniversary date for administrative purposes, the effective date will be determined by IHFA, but will always allow for the **fifteen (15) day** notice period.

If the family causes a delay in processing the annual reexamination, *increases* in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 16.

**Decreases** – In general, a *decrease* in the family share of the rent that results from an annual reexamination will take effect on the family’s anniversary date.

If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.

If IHFA chooses to schedule an annual reexamination for completion prior to the family’s anniversary date for administrative purposes, the effective date will be determined by IHFA.

If the family causes a delay in processing the annual reexamination, *decreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination process.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by IHFA by the date specified, and this delay prevents IHFA from completing the reexamination as scheduled.
PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

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. HUD regulations also permit the PHA to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family’s income or composition changes. The PHA must complete the interim reexamination within a reasonable time after the family’s request.

This part includes HUD and PHA policies describing what changes families are required to report, what changes families may choose to report, and how the PHA will process both PHA- and family-initiated interim reexaminations.

IHFA Policy (New/Updated 3/2023)

IHFA requires that participants report all household changes within ten (10) business days. Effective October 1, 2021 an increase in income will not result in an increase interim, except in the specific cases listed below. Changes in income that take place between annual recertifications will be documented in the file. A decrease in income will result in a decrease interim being processed and changes made in accordance with this chapter. IHFA will process an increase interim for the following changes:

- a) A change in household composition,
- b) FSS participants who wish to have an increase interim performed for escrow purposes,
- c) Earned Income Disregard (EID),
- d) Errors discovered through an audit process,
- e) Failure to disclose all household income at pre-program, annual or move, and
- f) Income changes between voucher issuance and lease up that do not result in disqualification for the program. See Section 11-II.C.

11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The family is required to report all changes in family composition. The PHA must adopt policies prescribing when and under what conditions the family must report changes in income and family composition. However, due to family obligations under the program, the PHA has limited discretion in this area.

IHFA Policy (Updated 2/2023)

IHFA will conduct interim reexaminations to account for all changes in household composition that occur between annual reexaminations. A change in family composition must be reported within ten (10) business days and an interim recertification will be conducted to capture income etc. In this case, an increase interim would be performed, if warranted.
A. A change in family composition may result in an adjustment in the participant’s portion of rent. The following will be considered a change in family composition:

1. Adding an adult member.
   (a) Adding a household member other than through birth or adoption. In order to add a household member other than through birth or adoption (including a live-in aide) the family must request permission, in writing, from the landlord that the new member be added to the lease and a copy must be provided to IHFA. A live-in aide must be identified, but is not to be added to the lease. The family must also request, in writing, and receive approval from IHFA to add the new member to the household.
   (b) Before adding the new member to the lease, the individual must complete all eligibility documents stating their income, assets, and all other information required of an applicant. The individual must provide their Social Security Number, and must verify their citizenship/eligible immigrant status (their housing will not be delayed due to delays in verifying eligible immigrant status other than delays caused by the family). The new family member will go through the screening process similar to the process for applicants (e.g. criminal history check, etc.).

   **IHFA will determine the eligibility of the individual before allowing them to be added to the household.** If the individual is found to be ineligible or does not pass the screening criteria, the Head of Household of the participant family will be advised in writing and given the opportunity for an Informal Hearing. If they are found to be eligible and do pass the screening criteria, IHFA will grant approval to add their name to the household. **At the same time, the family’s annual income will be recalculated taking into account the income and circumstances of the new family member. Only the income and circumstances of the new household member will be verified, unless other income, allowance, or household composition changes have occurred.** The effective date of the new rent will be in accordance with the paragraph below in section 12.9.

2. The changes/additions (a) through (c) below, must be reported. However, if the change results in an increase in the family’s share of rent, it will be captured at the following annual review.
   (a) A member has been added to the family through birth or adoption or court-awarded custody.
   (b) A household member dies.
   (c) A household member is leaving or has left the family unit. (See absence of a Household Member)

3. Households with a member who turns 18 years old between annual reexaminations may, but are not required to, report it to IHFA until the next scheduled annual reexamination.
The addition of a family member as a result of birth, adoption, or court-awarded custody does not require PHA approval. However, the family is required to promptly notify the PHA of the addition [24 CFR 982.551(h)(2)].

**IHFA Policy (Updated 2022)**

The family must inform IHFA of the birth, adoption, or court-awarded custody of a child within **ten (10) business days**.

**New Family and Household Members Requiring Approval**

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

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

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

**IHFA Policy (Updated 2022)**

Families must request IHFA approval to add a new family member, live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than **thirty (30) consecutive days or ninety (90) cumulative days within a twelve (12) month period** and therefore no longer qualifies as a “guest.” Requests must be made in writing and approved by IHFA prior to the individual moving into the unit.

In order to add a household member other than through birth or adoption (including a live-in aide), the family must request permission, in writing, from the landlord that the new member be added to the lease and a copy must be provided to IHFA. A live-in aide must be identified, but may not be added to the lease.

IHFA will not approve the addition of a new family or household member unless the individual meets IHFA’s eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II).

IHFA will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards.

If IHFA determines an individual meets IHFA’s eligibility criteria and documentation requirements, IHFA will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued a voucher and will be required to move.
If IHFA determines that an individual does not meet IHFA’s eligibility criteria or documentation requirements, IHFA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

IHFA will make its determination within **ten (10) business days** of receiving all information required to verify the individual’s eligibility.

**Departure of a Family or Household Member**
Families must promptly notify the PHA if any family member no longer lives in the unit [24 CFR 982.551(h)(3)]. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], the PHA also needs to know when any live-in aide, foster child, or foster adult ceases to reside in the unit.

**IHFA Policy (Updated 2022)**
If a household member ceases to reside in the unit, the family must inform IHFA within **ten (10) business days**. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent.

**11-II.C. CHANGES AFFECTING INCOME OR EXPENSES**
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.

**PHA-Initiated Interim Reexaminations**
PHA-initiated interim reexaminations are those that are scheduled based on circumstances or criteria defined by the PHA. They are not scheduled because of changes reported by the family.

**IHFA Policy (Updated 3/2023)**
If the family’s income is too unstable to project for **twelve (12) months**, including families that temporarily have no income or have a temporary decrease in income, IHFA may schedule special reexaminations every **three (3) months** until the income stabilizes and an annual income can be determined.

Those families claiming zero income will be scheduled for a reexamination every **three (3) months** but an increase interim will not be processed. During that reexamination the adult family members of the household must sign Zero Income Statements and the Head of Household must complete a Survival Statement (see Zero Income below).

**Zero Income Families.** Those families at zero income are to complete a Statement of Survival for each month and submit them along with a Zero Income Statement every **three (3) months**. These statements will be carefully reviewed by the housing specialist. Questionable ratios of expenses to income should be discussed with the participant and investigated.
For families receiving the Earned Income Disallowance (EID), IHFA will conduct an interim reexamination at the start and conclusion of the twenty-four (24) month eligibility period (see EID below).

**Earned Income Disregard (EID).** An interim action will be processed to start the time for an EID qualifying event. All reported changes during the participant’s eligibility time-frame for EID will result in an interim being processed, regardless if it is an increase or decrease. When a family, who has qualified for the EID, begins their phase-in period, a reexamination will be completed. Another interim will be completed at the expiration of the EID exclusion. Increases resulting from the expiration of EID will result in an increase interim being done. Upon verification of the income, rent increases will be effective on the first day of the month following the date the verified action began. (Also see 9.3Q) EID timeframes are tracked manually in the participant file, as well as electronically in our client database.

**Audit Findings or Staff Errors.** These errors will be corrected with an interim regardless of whether or not it is an increase in the participant’s portion of rent. In an effort to clarify the error found, and to expedite the process, telephone calls may be made to obtain the required information. Error corrections resulting in a decrease will be processed by the first of the month following the month in which the error was found and brought to the attention of the caseworker. The effective dates may be calculated retroactively and the family reimbursed as applicable. If the error results in an increase to the participant’s portion, an increase interim will be processed and the change will be effective the first of the month if there is time to give the participant **fifteen (15) days** notice of the change. Otherwise, the change will be effective the first of the second month.

**Income Changes between Voucher Issuance and Lease up** that do not result in disqualification from the program will not be made until they are leased up. Once leased, an interim will be conducted to capture the change the first of the month after they lease up and after a **fifteen (15) day** notice is given. These increases are being processed because they occurred prior to lease up (see Memo dated 2/11/2022).

**Family-Initiated Interim Reexaminations**

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

**Required Reporting**

HUD regulations give the PHA the freedom to determine the circumstances under which families will be required to report changes affecting income.

**IHFA Policy**

All changes in income, assets, allowances, or family composition should be reported within **ten (10) business days.**
Changes in income that take place between annual recertifications will be documented in the file. An increase in income will not result in an increase interim, except in the case of FSS participants who wish to have an increase interim performed for escrow purposes or other specific cases (See Sections 11-II.A., 11-II.B., and 11-II.C.). A decrease in income will result in a decrease interim being processed and changes made in accordance with this Chapter and HUD regulations.

A temporary loss of income that is not expected to last longer than **thirty (30) days** will not generate an interim recertification. The change in income must still be reported to IHFA in writing, and the participant’s file will be documented. Should the participant subsequently report that the change lasted longer than **thirty (30) days**, IHFA will obtain verification of the change and conduct an interim recertification to reduce the participant portion of rent. The effective date of the interim will be retro-active to the date the change would have originally been effective.

**Optional Reporting**

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)]. The PHA must process the request if the family reports a change that will result in a reduced family income [HCV GB, p. 12-9].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family’s share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

**IHFA Policy**

(Updated 2022)

If a family reports a change that it was not required to report and that would result in an increase in the family share of the rent, IHFA will note the information in the tenant file, but will not conduct an interim reexamination.

If a family reports a change that it was not required to report and that would result in a decrease in the family share of rent, IHFA will conduct an interim reexamination. See Section 11-II.D. for effective dates.

Families may report changes in income or expenses at any time.

**11-II.D. PROCESSING THE INTERIM REEXAMINATION**

**Method of Reporting**

**IHFA Policy**

(Updated 2022)

The family must notify IHFA of changes in writing. If the family provides oral notice, IHFA will also require the family to submit the changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if IHFA determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, IHFA will determine the documentation the family will be required to submit. The family must submit any required information or
documents within ten (10) business days of receiving a request from IHFA. This time frame may be extended for good cause with IHFA approval. IHFA will accept required documentation by mail, by email, by fax, or in person.

Effective Dates

The PHA must establish the time frames in which any changes that result from an interim reexamination will take effect [24 CFR 982.516(d)]. The changes may be applied either retroactively or prospectively, depending on whether there is to be an increase or a decrease in the family share of the rent, and whether the family reported any required information within the required time frames [HCV GB, p. 12-10].

IHFA Policy

Any increase in tenant rent will be effective only after fifteen (15) days notice has been provided to the family. The rent increase will be effective the first of the month following proper notice. If the family has caused a delay, then the rent increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase or repayment agreement).

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed.

If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the change is reported.

Changes reported prior to the 25th of the month will be effective the first of the month following report of the change. Any change reported after the 25th day of the month will be effective the first of the month following the month after the change was reported (for example, if a change is reported on March 16th, the change will be effective April 1st. If the change is reported March 26th, the change will be effective May 1st).
PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

11-III.A. OVERVIEW

After gathering and verifying required information for an annual or interim reexamination, the PHA must recalculate the family share of the rent and the subsidy amount, and notify the family and owner of the changes [24 CFR 982.516(d)(2), HCV 12-6 and 12-10]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

In order to calculate the family share of the rent and HAP amount correctly, changes in payment standards, subsidy standards, or utility allowances may need to be updated and included in the PHA’s calculations.

Specific policies governing how subsidy standards, payment standards, and utility allowances are applied are discussed below.

Payment Standards [24 CFR 982.505]

The family share of the rent and HAP calculations must use the correct payment standard for the family, taking into consideration the family unit size, the size of unit, and the area in which the unit is located [HCV GB, p. 12-5]. See Chapter 6 for information on how to select the appropriate payment standard.

When the PHA changes its payment standards or the family’s situation changes, new payment standards are applied at the following times:

- If the PHA’s payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:
  - If the payment standard amount has increased, the increased payment standard will be applied at the first annual reexamination following the effective date of the increase in the payment standard.
  - If the payment standard amount has decreased, during the term of a HAP contract, the PHA is not required to reduce the payment standard as the HAP contract remains in effect. At the family’s second annual reexamination, the PHA may, but is not required to, apply the decreased payment standard or may gradually implement the reduced payment standard (See Chapter 6 for the PHA’s policy on decreases in the payment standard).

- If the family moves to a new unit, or a new HAP contract is executed due to changes in the lease (even if the family remains in place) the current payment standard applicable to the family will be used when the new HAP contract is processed.

Subsidy Standards [24 CFR 982.505(c)(4)]

If there is a change in the family unit size that would apply to a family during the HAP contract term, either due to a change in family composition, or a change in the PHA’s subsidy standards (see Chapter 5), the new family unit size must be used to determine the payment standard.
amount for the family at the family’s first annual reexamination following the change in family unit size.

Utility Allowances [24 CFR 982.517(d)]

The family share of the rent and HAP calculations must reflect any changes in the family’s utility arrangement with the owner, or in the PHA’s utility allowance schedule [HCV GB, p. 12-5]. Chapter 16 discusses how utility allowance schedules are established.

When there are changes in the utility arrangement with the owner, the PHA must use the utility allowances in effect at the time the new lease and HAP contract are executed.

At reexamination, the PHA must use the PHA current utility allowance schedule [HCV GB, p. 18-8].

**IHFA Policy**

At each annual reexamination, IHFA applies the utility allowance from the most current utility allowance schedule.

11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

The PHA must notify the owner and family of any changes in the amount of the HAP payment [HUD-52641, HAP Contract]. The notice should include the following information [HCV GB, p. 12-6] [HCV GB Reexaminations, page 5 and HUD-52641, HAP Contract page 5, section 7.c.2]:

- The amount and effective date of the new HAP payment
- The amount and effective date of the new tenant rent to owner
- The amount and effective date of any Utility Assistance Payment (UAP), if applicable

The family must be given an opportunity for an Informal Hearing regarding the PHA’s determination of their annual or adjusted income, and the use of such income to compute the housing assistance payment [24 CFR 982.555(a)(1)(i)] (see Chapter 16).

**IHFA Policy**  *(Updated 2022)*

The notice to the family will include the annual and adjusted income amounts that were used to calculate the tenant rent and the housing assistance payment.

The notice will state the family has the right to request an explanation of how the assistance was calculated and if the family disagrees, they have the right to Informal Hearing. The notice will include the procedures for requesting an Informal Hearing.

The new family rent will generally be effective upon the anniversary date with fifteen (15) days notice of any rent increase to the family.

If the rent determination is delayed due to a reason beyond the control of the family, then any rent increase will be effective the first of the month after the month in which the family receives a fifteen (15) day notice of the amount. This action will be processed as a revised annual reexamination and will not be considered an interim increase. If the new rent is a reduction and the delay is beyond the control of the family, the reduction will be effective as scheduled on the anniversary date. Any increase in tenant rent will be
effective only after **fifteen (15) days** notice has been provided to the family. The rent increase will be effective the first of the month following proper notice.

All annual reexaminations should be completed in time to **provide the participant and landlord with fifteen (15) days notice** of any increase in rent amounts and to give sufficient notice when participant rents (usually fifteen (15) days) decrease to allow the participant to know the amount they are responsible to pay.

11-III.D. DISCREPANCIES

During an annual or interim reexamination, the PHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the PHA may discover errors made by the PHA. When errors resulting in the overpayment or underpayment of subsidy are discovered, corrections will be made in accordance with the policies in Chapter 13.

**IHFA Policy**

Errors discovered through the audit process will be corrected with an interim regardless of whether or not it is an increase in the participant’s portion of rent. In an effort to clarify the error found, and to expedite the process, telephone calls may be made to obtain the required information. Error corrections resulting in a decrease will be processed by the first of the month following the month in which the error was found and brought to the attention of the caseworker. The effective dates may be calculated retroactively and the family reimbursed as applicable. If the error results in an increase to the participant’s portion, the change will be effective the first of the month if there is time to give the participant **fifteen (15) days notice** of the change. Otherwise, the change will be effective the first of the second month (see also 11-II.C).
Chapter 12

TERMINATION OF ASSISTANCE AND TENANCY

HUD regulations specify mandatory and optional grounds for which a PHA can terminate a family’s assistance. They also specify the circumstances under which an owner may terminate the tenancy of an assisted family. This chapter describes the policies that govern mandatory and optional terminations of assistance, and termination of tenancy by the owner. It is presented in three parts:

Part I: Grounds for Termination of Assistance. This part describes the various circumstances under which assistance under the program can be terminated by the family or by the PHA.

Part II: Approach to Termination of Assistance. This part describes the policies and the process that the PHA will use in evaluating decisions on whether to terminate assistance due to actions or inactions of the family where termination is an option. It specifies the alternatives that the PHA may consider in lieu of termination, the criteria the PHA will use when deciding what action to take, and the steps the PHA must take when terminating a family’s assistance.

Part III: Termination of Tenancy by the Owner. This part describes the HUD policies that govern the owner’s right to terminate an assisted tenancy.
PART I: GROUNDS FOR TERMINATION OF ASSISTANCE

12-I.A. OVERVIEW
HUD requires the PHA to terminate assistance for certain actions and inactions of the family and when the family no longer requires assistance due to increases in family income. HUD permits the PHA to terminate assistance for certain other actions or inactions of the family. In addition, a family may decide to withdraw from the program and terminate their HCV assistance at any time by notifying the PHA.

12-I.B. FAMILY NO LONGER REQUIRES ASSISTANCE [24 CFR 982.455]
As a family’s income increases, the amount of the housing assistance payment decreases. If the amount of assistance provided by the PHA is reduced to zero, the family's assistance terminates automatically 180 days after the last HAP payment.

IHFA Policy (Updated 2022)
If a participating family receiving zero assistance experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify IHFA of the change and request an interim reexamination before the expiration of the 180-day period. A decrease in income will result in a decrease interim being processed and changes made in accordance with Chapter 11.

12-I.C. FAMILY CHOOSES TO TERMINATE ASSISTANCE
The family may request that the PHA terminate housing assistance payments on behalf of the family at any time.

IHFA Policy (Updated 2022)
The family may voluntarily terminate assistance from the HCV program, providing they have given the proper notice to IHFA in writing. If the family wishes to receive rental assistance in the future, they will be required to reapply and be placed on the waiting list. A family’s decision to voluntarily terminate assistance from the program will not be accepted in the event that negative actions are pending against the participant. Before terminating the family’s assistance, IHFA will follow the notice requirements in Section 12-II.F.

12-I.D. MANDATORY TERMINATION OF ASSISTANCE
HUD requires the PHA to terminate assistance in the following circumstances.

Eviction [24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1)]
The PHA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. As discussed further in section 12-II.E, incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking.
IHFA Policy  
(Updated 2022)

A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. In such cases, IHFA will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures described in section 12-II.C. In making its decision, IHFA will consider the factors described in sections 12-II.D and 12-II.E. Upon consideration of such factors, IHFA may, on a case-by-case basis, choose not to terminate assistance.

*Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests.

**Failure to Provide Consent [24 CFR 982.552(b)(3)]**

The PHA must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a regular or interim reexamination. See Chapter 7 for a complete discussion of consent requirements.

**Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]**

The PHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member’s citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the PHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

For (3) above, such termination must be for a period of at least **twenty-four (24) months**. This does not apply to ineligible noncitizens already in the household where the family’s assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

**Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), Notice PIH 2018-24]**

The PHA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and the PHA determines that the family’s failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family’s control, the PHA may defer the family’s termination and provide the opportunity to comply with
the requirement within a period not to exceed **ninety (90) calendar days** from the date the PHA determined the family to be noncompliant.

**IHFA Policy**

If the family is otherwise eligible, IHFA may, at its discretion, defer the family’s termination and provide the family an opportunity to comply with the requirement within a period not to exceed **ninety (90) days** from the date IHFA determined the family was non-compliant if:

a. The failure to meet the SSN disclosure and documentation requirement was due to circumstances that could not have been foreseen and were outside the control of the family (e.g. natural disaster, fire, death in the family or other emergency); and

b. There is reasonable likelihood that the family will be able to disclose the SSN and provide such documents by the deadline.

**Methamphetamine Manufacture or Production [24 CFR 982.553(b)(1)(ii)]**

The PHA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.

**Lifetime Registered Sex Offenders [Notice PIH 2012-28]**

Should a PHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the PHA must immediately terminate assistance for the household member.

In this situation, the PHA must offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, the PHA must terminate assistance for the household.

**IHFA Policy (Updated 2022)**

If a member of a participant’s household becomes subject to a lifetime registration requirement after admission, termination should be based on actual violent criminal activity rather than the Lifetime Registered Sex Offender (LRSO) designation.

**Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]**

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, is not residing with his/her parents in an HCV assisted household, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the PHA must the terminate the student’s assistance if, at the time of reexamination, either the student’s income or the income of the student’s parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in accordance with program regulations and PHA policies, or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.
Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]
The PHA must immediately terminate program assistance for deceased single member households.

12-I.E. MANDATORY POLICIES AND OTHER AUTHORIZED TERMINATIONS
Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]
HUD requires the PHA to establish policies that permit the PHA to terminate assistance if the PHA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member’s abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents
- Any household member has violated the family’s obligation not to engage in any drug-related criminal activity
- Any household member has violated the family’s obligation not to engage in violent criminal activity

Use of Illegal Drugs and Alcohol Abuse
IHFA Policy (Updated 2022)
IHFA may at any time terminate program assistance for a participant because of any of the following actions or inactions by the household:

A. If the household has a family member who has engaged in criminal activity or alcohol abuse as described in 24 CFR 982.553.

B. If a household member is currently engaged in any illegal use of a drug; or pattern of illegal use of a drug interferes with the health, safety, and peaceful enjoyment of the premises by other residents;

*Currently engaged in is defined as any use of illegal drugs during the previous six (6) months.

1. If IHFA seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred within one (1) year before the date that IHFA provides notice to the family of the determination to terminate assistance.

2. In determining whether to terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, IHFA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, IHFA may require that the participant submit evidence of the household member’s current participation in or successful completion of, a
supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

C. If it has been determined that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity. In making its decision to terminate assistance, IHFA will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, IHFA may, on a case-by-case basis, choose not to terminate assistance.

Drug-Related and Violent Criminal Activity [24 CFR 5.100]

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

IHFA Policy (Updated 2022)

IHFA will terminate a family’s assistance if any household member has violated the family’s obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

IHFA will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity. Termination must be based on the underlying actions and there must be sufficient evidence that the participant engaged in the conduct.

In making its decision to terminate assistance, IHFA will consider alternatives as described in Section 12-II.C and other factors described in Sections 12-II.D and 12-II.E. Upon consideration of such alternatives and factors, IHFA may, on a case-by-case basis, choose not to terminate assistance.
Other Authorized Reasons for Termination of Assistance
[24 CFR 982.552(c), 24 CFR 5.2005(c)]

HUD permits the PHA to terminate assistance under a number of other circumstances. It is left to the discretion of the PHA whether such circumstances in general warrant consideration for the termination of assistance. As discussed further in section 12-II.E, the Violence against Women Act of 2013 explicitly prohibits PHAs from considering incidents of, or criminal activity directly related to, domestic violence, dating violence, sexual assault, or stalking as reasons for terminating the assistance of a victim of such abuse.

Additionally, per the alternative requirements listed in the Federal Register notice dated December 29, 2014, PHAs are no longer permitted to terminate assistance to a family due to the family’s failure to meet its obligations under the Family Self-Sufficiency (FSS) contract of participation [FR Notice 12/29/14].

**IHFA Policy (Updated 2022)**

IHFA may at any time terminate program assistance for a participant because of any of the following actions or inactions by the household:

A. 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 IHFA policies.

B. If any member of the family has been evicted from federally assisted housing in the last five (5) years;

C. If IHFA has ever terminated assistance under the HCV Program for any member of the family;

D. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.

E. If the family currently owes rent or other amounts to IHFA or to another housing authority in connection with Section 8 or public housing assistance under the 1937 Act.

F. If the family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

G. If the family breaches an agreement with a housing authority to pay amounts owed to a housing authority or amounts paid to an owner by IHFA. (IHFA, at its discretion, may offer a family the opportunity to enter into an agreement to pay amounts owed to IHFA or amounts paid to an owner by IHFA. IHFA may prescribe the terms of the agreement.)

H. If the family has engaged in or threatened abusive or violent behavior toward IHFA personnel.

*Abusive or violent behavior towards IHFA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

*Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
Family Absence from the Unit [24 CFR 982.312]
The family may be absent from the unit for brief periods. The PHA must establish a policy on
how long the family may be absent from the assisted unit. However, the family may not be
absent from the unit for a period of more than **180 consecutive calendar days** for any reason.
Absence in this context means that no member of the family is residing in the unit.

IHFA Policy (Updated 2022)
If the family is absent from the unit for more than **180 consecutive calendar days**, the
family’s assistance will be terminated. Notice of termination will be sent in accordance
with Section 12-II.F. See Chapters 3 and 6 for further clarification.

Insufficient Funding [24 CFR 982.454]
The PHA may terminate HAP contracts if the PHA determines, in accordance with HUD
requirements, that funding under the consolidated ACC is insufficient to support continued
assistance for families in the program.

IHFA Policy (Updated 2022)
IHFA will determine whether there is sufficient funding to pay for currently assisted
families according to the policies in Part VIII of Chapter 16. If IHFA determines there is
a shortage of funding, prior to terminating any HAP contracts, IHFA will determine if
any other actions can be taken to reduce program costs.

In the event that IHFA decides to stop issuing vouchers as a result of a funding shortfall,
and IHFA is not assisting the required number of special purpose vouchers (NED
families, and HUD-Veterans Affairs Supportive Housing (VASH) families, when IHFA
resumes issuing vouchers, IHFA 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.

If after implementing all reasonable cost cutting measures there is not enough funding
available to provide continued assistance for current participants, IHFA will terminate
HAP contracts as a last resort.

Prior to terminating any HAP contracts, IHFA will inform the local HUD field office.
IHFA will terminate the minimum number needed in order to reduce HAP costs to a level
within IHFA’s annual budget authority.

If IHFA must terminate HAP contracts due to insufficient funding, IHFA will do so in
accordance with the following criteria and instructions:

- Families comprising the required number of special purpose vouchers, including
  nonelderly disabled (NED) and HUD-Veteran’s Affairs Supportive Housing
  (HUD-VASH) will be the last to be terminated.

- IHFA will remove households based on gross income – highest to lowest. In the
  event there are multiple households with the same income, they will be ranked by
date of admission from longest voucher holder to newest. This policy will not be
implemented until all other cost cutting measures have been exhausted and after
consulting with HUD representatives.
• These households will be removed in order, using these criteria. All households removed from the program will be offered the opportunity to apply to the waiting list, using the original date of application. As soon as adequate funding is available, they will be issued a voucher.

• If, after exhausting all other options, it becomes necessary to terminate HAP contracts for Special Use Vouchers (VASH and NED), IHFA will do so in the same order it used for HCV HAP contracts. When IHFA resumes issuing vouchers, it will first issue vouchers to VASH and NED qualifying families.
PART II: APPROACH TO TERMINATION OF ASSISTANCE

12-II.A. OVERVIEW
The PHA is required by regulation to terminate a family’s assistance for certain actions or inactions of the family. For other types of actions or inactions of the family, the regulations give the PHA the authority to either terminate the family’s assistance or to take another action. This part discusses the various actions the PHA may choose to take when it has discretion, and outlines the criteria the PHA will use to make its decision about whether or not to terminate assistance. It also specifies the requirements for the notification to the family of the PHA’s intent to terminate assistance.

12-II.B. METHOD OF TERMINATION [24 CFR 982.552(a)(3)]
Termination of assistance for a participant may include any or all of the following:

- Terminating housing assistance payments under a current HAP contract,
- Refusing to enter into a new HAP contract or approve a lease, or
- Refusing to process a request for or to provide assistance under portability procedures.

12-II.C. ALTERNATIVES TO TERMINATION OF ASSISTANCE
Change in Household Composition
As a condition of continued assistance, the PHA may require that any household member who participated in or was responsible for an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)].

IHFA Policy (Updated 2022)
In determining whether to deny or terminate assistance for action or failure to act, IHFA may consider all relevant circumstances as to the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination on other family members who are not involved in the action or failure.

IHFA may impose, as a condition of continued assistance for other family members, a requirement that family members who participated in or were culpable for the action or failure to act will not reside in the unit. IHFA may permit the other members of a participant family to continue receiving assistance. The family must present evidence of the former family member’s current address upon IHFA request.

Repayment of Family Debts
IHFA Policy (Also see Chapter 16)
IHFA may at any time terminate program assistance for a participant because of any of the following actions or inactions by the household:

- If the family currently owes rent or other amounts to IHFA or to another housing authority in connection with HCV or public housing assistance under the 1937 Act.
• If the family breaches an agreement with a housing authority to pay amounts owed to a housing authority or amounts paid to an owner by IHFA. IHFA, at its discretion, may offer a family the opportunity to enter into an agreement to pay amounts owed to IHFA or amounts paid to an owner by IHFA. IHFA may prescribe the terms of the agreement.

• A participant will not be allowed to move or port to another housing authority until repayment agreements are paid in full, unless extreme extenuating circumstances exist. Exceptions due to extreme extenuating circumstances will require review and approval from the Branch Office Supervisor.

12-II.D. CRITERIA FOR DECIDING TO TERMINATE ASSISTANCE

Evidence

For criminal activity, HUD permits the PHA to terminate assistance if a *preponderance of the evidence* indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

**IHFA Policy**

Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of evidence presented at the hearing. A preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the facts sought to be proved are more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but the greater weight of all evidence.

A termination of assistance may not be based on a arrest record alone, but must be based on the underlying actions and there must be sufficient evidence that the participant engaged in the conduct.

When a criminal record is obtained for the purpose of termination of assistance and the action is concluded, the record will be purged from the file. A copy of the decision regarding termination of assistance will be kept as a permanent part of the participant’s file.

**Use of Criminal Conviction Records after Admission [24 CFR 5.903]**

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.

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

The PHA is permitted, but not required, to consider all relevant circumstances when determining whether a family’s assistance should be terminated.

IHFA Policy (Updated 2022)

IHFA may consider the following facts and circumstances when making its decision to terminate assistance:

- The seriousness of the case, especially with respect to how it would affect other residents’ safety or property.
- The effects that termination of assistance may have on other members of the family who were not involved in the action or failure to act.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, sexual assault or stalking.
- The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family’s recent history and the likelihood of favorable conduct in the future.
- While a record or records of arrest will not be used as the sole basis for termination, an arrest may, however, trigger an investigation to determine whether the participant actually engaged in disqualifying criminal activity. As part of its investigation, IHFA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. IHFA may also consider:
  - Any statements made by witnesses or the participant not included in the police report
  - Whether criminal charges were filed
  - Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal
  - Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity
- Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property.
  - In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.
- IHFA will require the participant to submit evidence of the household member’s current participation in or successful completion of a supervised drug or alcohol
rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

- In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family.

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

If the family includes a person with disabilities, the PHA’s decision to terminate the family’s assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

**IHFA Policy (Updated 2022)**

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, IHFA will determine whether the behavior is related to the disability. If so, upon the family’s request, IHFA will determine whether alternative measures are appropriate as a reasonable accommodation. IHFA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance. See Chapter 2 for a discussion of reasonable accommodation.

**12-ILE. TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT OR STALKING**

This section describes the protections against termination of assistance that the Violence against Women Act of 2013 (VAWA) provides for victims of domestic violence, dating violence, sexual assault and stalking. For general VAWA requirements, key VAWA definitions, and PHA policies pertaining to notification, documentation, and confidentiality, see section 16-IX of this plan.

**VAWA Protections against Termination**

VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking. (Note: The second, third, and fourth protections also apply to terminations of tenancy or occupancy by owners participating in the HCV program, as do the limitations discussed under the next heading.)

First, VAWA provides that a PHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to the PHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4)].

Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim [24 CFR 5.2005(c)(1)].

Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault or stalking may not be construed as cause for terminating the assistance of a tenant
if a member of the tenant’s household, a guest, or another person under the tenant’s control is the one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, or stalking [24 CFR 5.2005(c)(2)].

Fourth, it gives PHAs the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence [24 CFR 5.2009(a)].

**Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]**

VAWA does not limit the authority of a PHA to terminate the assistance of a victim of abuse for reasons unrelated to domestic violence, dating violence, sexual assault or stalking so long as the PHA does not subject the victim to a more demanding standard than it applies to other program participants [24 CFR 5.2005(d)(1)].

Likewise, VAWA does not limit the authority of a PHA to terminate the assistance of a victim of domestic violence, dating violence, sexual assault or stalking if the PHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property if the victim is not terminated from assistance [24 CFR 5.2005(d)(2)].

HUD regulations define *actual and imminent threat* to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm [24 CFR 5.2005(d)(2) and (e)]. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk
- The nature and severity of the potential harm
- The likelihood that the potential harm will occur
- The length of time before the potential harm would occur [24 CFR 5.2005(e)]

In order to demonstrate an actual and imminent threat, the PHA must have objective evidence of words, gestures, actions, or other indicators. Even when a victim poses an actual and imminent threat, however, HUD regulations authorize a PHA to terminate the victim’s assistance “only when there are no other actions that could be taken to reduce or eliminate the threat” [24 CFR 5.2005(d)(3)].

**IHFA Policy (Updated 2022)**

In determining whether a program participant who is a victim of domestic violence, dating violence, sexual assault or stalking is in actual and imminent threat to other tenants or those employed at or providing service to a property, IHFA will consider the following and any other relevant factors:

- Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault or stalking
- Whether the threat is a physical danger beyond a speculative threat
- Whether the threat is likely to happen within an immediate time frame
• Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat.

If the participant wishes to contest IHFA’s determination that he or she is an actual and imminent threat to other tenants or employees, the participant may do so as part of the Informal Hearing.

**Documentation of Abuse [24 CFR 5.2007]**

**IHFA Policy (Updated 2022)**

When an individual facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault or stalking claims protection under VAWA, IHFA will request that the individual provide documentation supporting the claim in accordance with the policies in section 16-IX.D of this plan.

IHFA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases IHFA will document the waiver in the individual’s file.

**Terminating the Assistance of a Domestic Violence Perpetrator**

Although VAWA provides protection against termination of assistance for victims of domestic violence, it does not provide such protection for perpetrators. VAWA gives the PHA the explicit authority to “terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others” without terminating assistance to “or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant” [24 CFR 5.2009(a)]. This authority is not dependent on a bifurcated lease or other eviction action by an owner against an individual family member. Further, this authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance. This means that the PHA must follow the same rules when terminating assistance to an individual as it would when terminating the assistance of an entire family [3/16/07 Federal Register notice on the applicability of VAWA to HUD programs].

The PHA is not a party to the lease of a HCV voucher holder, and cannot bifurcate a lease. It is up to the owner to bifurcate the lease and evict or remove the perpetrator from the unit. If an owner decides to bifurcate a lease, notice must be given to the PHA immediately. Court-ordered evictions of a perpetrator result in the lease becoming null and void once the owner regains possession of the unit, and requires that a new lease and HAP Contract be executed.

If the perpetrator remains in the unit, the PHA continues to pay the owner until the PHA terminates the perpetrator from the program. The PHA must not stop paying HAP until **thirty (30) days** after the owner bifurcates the lease to evict the perpetrator. The PHA may pay HAP for the full month if the **thirty (30) day** period will end mid-month [Notice PIH 2017-08].

If the perpetrator is the only participant eligible to receive assistance, the PHA will provide any remaining participant a chance to establish eligibility for the program. If the remaining
participant cannot do so, the PHA will provide them with **thirty (30) days** to establish eligibility for another housing program prior to termination of the HAP contract.

**IHFA Policy (Updated 2022)**

IHFA will terminate assistance to a family member if IHFA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the assistance of the remaining, nonculpable family members.

In making its decision, IHFA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to IHFA by the victim in accordance with this section and section 16-IX.D. IHFA will also consider the factors in section 12-II.D. Upon such consideration, IHFA may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

If IHFA does terminate the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations, and the policies in this plan.

### 12-II.F. TERMINATION NOTICE

HUD regulations require PHAs to provide written notice of termination of assistance to a family only when the family is entitled to an Informal Hearing. However, since the family’s HAP contract and lease will also terminate when the family’s assistance terminates [form HUD-52641], it is a good business practice to provide written notification to both owner and family anytime assistance will be terminated, whether voluntarily or involuntarily.

**IHFA Policy (Updated 2022)**

Whenever a family’s assistance will be terminated, IHFA will send a written notice of HAP Contract termination to the family and to the owner. The notice will state the date on which the termination will become effective. This date generally will be at least **thirty (30) calendar days** following the date of the termination notice, but exceptions will be made whenever HUD rules, other IHFA policies, or the circumstances surrounding the termination require.

If a family whose assistance is being terminated is entitled to an Informal Hearing, the notice of termination that the PHA sends to the family must meet the additional HUD and PHA notice requirements discussed in section 16-III.C of this plan. VAWA 2013 expands notification requirements to require PHAs to provide notice of VAWA rights and the HUD 5382 form when a PHA terminates a household’s housing benefits.

**IHFA Policy (Updated 2022)**

Whenever IHFA decides to terminate a family’s assistance because of the family’s action or failure to act, IHFA will include in its termination notice the VAWA information described in section 16-IX.C of this plan. IHFA will send form HUD-5382 and form HUD-5380 with the NORTH. IHFA will request in writing that a family member wishing to claim protection under VAWA notify IHFA within **fourteen (14) business days**.
Still other notice requirements apply in two situations:

- If a criminal record is the basis of a family’s termination, the PHA must provide a copy of the record to the subject of the record and the tenant so that they have an opportunity to dispute the accuracy and relevance of the record [24 CFR 982.553(d)(2)].

- If immigration status is the basis of a family’s termination, as discussed in section 12-I.D, the special notice requirements in section 16-III.D must be followed.
PART III: TERMINATION OF TENANCY BY THE OWNER

12-III.A. OVERVIEW
Termination of an assisted tenancy is a matter between the owner and the family; the PHA is not directly involved. However, the owner is under some constraints when terminating an assisted tenancy. Termination of tenancy for certain reasons will also result in termination of assistance as discussed in this section.

12-III.B. GROUNDS FOR OWNER TERMINATION OF TENANCY [24 CFR 982.310, 24 CFR 5.2005(c), and Form HUD-52641-A, Tenancy Addendum]
During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

Serious or Repeated Lease Violations
The owner is permitted to terminate the family’s tenancy for serious or repeated violations of the terms and conditions of the lease, except when the violations are related to incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking and the victim is protected from eviction by the Violence against Women Act of 2013 (see section 12-II.E). A serious lease violation includes failure to pay rent or other amounts due under the lease. However, the PHA’s failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

Violation of Federal, State, or Local Law
The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

Criminal Activity or Alcohol Abuse
The owner may terminate tenancy during the term of the lease if any covered person—meaning any member of the household, a guest, or another person under the tenant’s control—commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises)
- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises
- Any violent criminal activity on or near the premises
- Any drug-related criminal activity on or near the premises

However, in the case of criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, if the tenant or an affiliated individual is the victim, the criminal activity may not be construed as cause for terminating the victim’s tenancy (see section 12-II.E).
The owner may terminate tenancy during the term of the lease if any member of the household is:

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

- Violating a condition of probation or parole imposed under federal or state law.

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

**Evidence of Criminal Activity**

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines the covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction. This is the case except in certain incidents where the criminal activity directly relates to domestic violence, dating violence, sexual assault, or stalking, and the tenant or an affiliated individual is the victim or threatened victim of the domestic violence, dating violence, sexual assault, or stalking.

**Other Good Cause**

During the initial lease term, the owner may not terminate the tenancy for “other good cause” unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

After the initial lease term, “other good cause” for termination of tenancy by the owner includes:

- Failure by the family to accept the offer of a new lease or revision
- The owner’s desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit
- A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rent)

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

If a property is subject to foreclosure, during the term of the lease, the new owner of the property does not have good cause to terminate the tenant’s lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a **ninety (90) day** notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a **ninety (90) day** notice to vacate. See Section 13-II.G for a discussion of PHA policies relating to units in foreclosure.
12-III.C. EVICTION [24 CFR 982.310(e) and (f) and Form HUD-52641-A, Tenancy Addendum]

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action.

The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. The owner must give the PHA a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give the PHA a copy of any eviction notice (see Chapter 5).

IHFA Policy  
(Updated 2022)

If the eviction action is finalized in court, the owner must provide IHFA with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than five (5) business days following the court-ordered eviction.

12-III.D. DECIDING WHETHER TO TERMINATE TENANCY [24 CFR 982.310(h), 24 CFR 982.310(h)(4)]

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The nature of the offending action
- The seriousness of the offending action;
- The effect on the community of the termination, or of the owner’s failure to terminate the tenancy;
- The extent of participation by the leaseholder in the offending action;
- The effect of termination of tenancy on household members not involved in the offending activity;
- The demand for assisted housing by families who will adhere to lease responsibilities;
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- The effect of the owner’s action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household
member’s current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

An owner’s decision to terminate tenancy for incidents related to domestic violence, dating violence, sexual assault or stalking is limited by the Violence against Women Act of 2013 (VAWA) and the conforming regulations in 24 CFR Part 5, Subpart L. (See section 12-II.E.)

12-III.E. EFFECT OF TENANCY TERMINATION ON THE FAMILY’S ASSISTANCE

If a termination is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new voucher so that the family can move with continued assistance (see Chapter 10).
EXHIBIT 12-1: STATEMENT OF FAMILY OBLIGATIONS

Following is a listing of a participant family’s obligations under the HCV program:

- The family must supply any information that the PHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
- The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- Any information supplied by the family must be true and complete.
- The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

**IHFA Policy** *(Updated 2022)*
Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.

- The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of this plan.
- The family must not commit any serious or repeated violation of the lease.

**IHFA Policy** *(Updated 2022)*
IHFA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner’s notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

- **Serious and repeated lease violations** will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].

Failure to pay monthly tenant rent, regardless of the amount.

Destruction to assisted unit beyond normal wear and tear;

Failure to pay utility bills that are the participant’s responsibility, regardless of the amount;

Unauthorized occupancy; and

May exclude, on a case-by-case basis, violation resulting from victimization from domestic violence situations (VAWA).
• The family must notify the PHA and the owner before moving out of the unit or terminating the lease.

**IHFA Policy**

**Family Notice to Move or Lease Termination.** The family must notify IHFA and the owner, in writing, **thirty (30) days before** the family moves out of the unit or terminates the lease by a notice to the owner.

**Termination of the Lease – by the Family.** The family may terminate the lease without cause upon proper notice to the owner and to IHFA after the initial lease term. The length of the notice that is required is stated in the lease (**generally thirty (30) days**).

• The family must promptly give the PHA a copy of any owner eviction notice.

• The family must use the assisted unit for residence by the family. The unit must be the family’s only residence.

• The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

**IHFA Policy (Updated 2022)**

The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. IHFA will determine eligibility of the new member in accordance with the policies in Chapter 3.

• The family must promptly notify the PHA in writing if any family member no longer lives in the unit.

• If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when PHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, see Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).

• The family must not sublease the unit, assign the lease, or transfer the unit.

**IHFA Policy (Updated 2022)**

Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

• The family must supply any information requested by the PHA to verify that the family is living in the unit or information related to family absence from the unit.

• The family must promptly notify the PHA when the family is absent from the unit.

**IHFA Policy**

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for **up to thirty (30) days**. The family must request permission from IHFA for the absences **exceeding thirty (30) days**.
The family must supply any information or certification requested by IHFA to verify that the family is living in the unit, or relating to a family absence from the unit, including any IHFA requested information or certification of the purpose of family absences. The family must cooperate with IHFA for this purpose (see Chapter 3).

- The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).
- Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and PHA policies related to drug-related and violent criminal activity.
- Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and PHA policies related to alcohol abuse.
- An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program.
- A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]
Chapter 13

OWNERS

INTRODUCTION

Owners play a major role in the HCV program by supplying decent, safe, and sanitary housing for participating families.

The term “owner” refers to any person or entity with the legal right to lease or sublease a unit to a participant in the HCV program [24 CFR 982.4(b)]. The term “owner” includes a principal or other interested party [24 CFR 982.453; 24 CFR 982.306(f)], such as a designated agent of the owner.

Owners have numerous responsibilities under the program, including screening and leasing to families, maintaining the dwelling unit, enforcing the lease, and complying with various contractual obligations.

The chapter is organized in two parts:

  **Part I: Owners in the HCV Program.** This part discusses the role of an owner in the PHA’s HCV program and highlights key owner rights and responsibilities.

  **Part II: HAP Contracts.** This part explains provisions of the HAP contract and the relationship between the PHA and the owner as expressed in the HAP contract.

For detailed information about HCV program responsibilities and processes, including PHA policies in key areas, owners will need to refer to several other chapters in this plan. Where appropriate, Chapter 13 will reference the other chapters.
PART I. OWNERS IN THE HCV PROGRAM

13-I.A. OWNER RECRUITMENT AND RETENTION [HCV GB, pp. 2-4 to 2-6; HCV Landlord Strategy Guidebook for PHAs]

Recruitment

PHAs are responsible for ensuring that very low-income families have access to all types and ranges of affordable housing in the PHA’s jurisdiction, particularly housing outside areas of poverty or minority concentration. A critical element in fulfilling this responsibility is for the PHA to ensure that a sufficient number of owners, representing all types and ranges of affordable housing in the PHA’s jurisdiction, are willing to participate in the HCV program.

To accomplish this objective, PHAs must identify and recruit new owners to participate in the program.

If the PHA will be conducting outreach events, the PHA must ensure that notices and communications during outreach events are provided in a manner that is effective for persons with hearing, visual, and other communications-related disabilities. PHAs must also take reasonable steps to ensure meaningful access to programs to persons with limited English proficiency.

IHFA Policy (Updated 2022)

IHFA will conduct owner outreach to ensure that owners are familiar with the program and its advantages. IHFA will actively recruit property owners with property located outside areas of poverty and minority concentration. These outreach strategies may include:

- Distributing printed material about the program to property owners and managers
- Contacting property owners and managers by phone or in-person
- Holding owner recruitment/information meetings at least once a year
- Participating in community-based organizations comprised of private property and apartment owners and managers, when identified
- Developing working relationships with owners, apartment associations, industry investor groups, and real estate brokers associations
- To the extent practical, partnering with and attending events hosted by other area agencies to deliver information about the HCV program

Outreach strategies will be monitored for effectiveness and adapted accordingly.

Retention

In addition to recruiting owners to participate in the HCV program, the PHA must also provide the kind of customer service that will encourage participating owners to remain active in the program.

IHFA Policy (Updated 2022)

All IHFA activities that may affect an owner’s ability to lease a unit will be processed as rapidly as possible, in order to minimize vacancy losses for owners.
IHFA will provide owners with a handbook that explains the program, including HUD and IHFA policies and procedures, in easy-to-understand language.

IHFA may give special attention to helping new owners succeed through activities such as:

- Providing the owner with a designated IHFA contact person
- Coordinating inspection and leasing activities between IHFA, the owner, and the family
- Initiating telephone contact with the owner to explain the inspection process and providing an inspection booklet and other resource materials about HUD housing quality standards
- Providing other written information about how the program operates through a landlord packet, including answers to frequently asked questions.
- Contacting owners via emails to disseminate information.

Additional services may be undertaken on an as-needed basis, and as resources permit.

13-I.B. BASIC HCV PROGRAM REQUIREMENTS

HUD requires the PHA to assist families in their housing search by providing the family with a list of landlords or other parties known to the PHA who may be willing to lease a unit to the family, or to help the family find a unit. Although the PHA cannot maintain a list of owners that are pre-qualified to participate in the program, owners may indicate to the PHA their willingness to lease a unit to an eligible HCV family, or to help the HCV family find a unit [24 CFR 982.301(b)(11)].

**IHFA Policy (Updated 2022)**

Owners that wish to indicate their willingness to lease a unit to an eligible HCV family or to help the HCV family find a unit must notify IHFA. IHFA will maintain a listing of such owners and provide this listing to the HCV family as part of the informational briefing packet. IHFA also provides a link to HousingIdaho.com, which is a free housing search resource.

When a family approaches an owner to apply for tenancy, the owner is responsible for screening the family and deciding whether to lease to the family, just as the owner would with any potential unassisted tenant. The PHA has no liability or responsibility to the owner or other persons for the family’s behavior or suitability for tenancy. See Chapters 3 and 9 for more detail on tenant family screening policies and process.

If the owner is willing, the family and the owner must jointly complete a Request for Tenancy Approval (RTA, Form HUD 52517), which constitutes the family's request for assistance in the specified unit, and which documents the owner’s willingness to lease to the family and to follow the program’s requirements. When submitted to the PHA, this document is the first step in the process of obtaining approval for the family to receive the financial assistance it will need in order to occupy the unit. Also submitted with the RTA is a copy of the owner’s proposed dwelling lease, including the HUD-required Tenancy Addendum (Form HUD-52641-A). See Chapter 9 for more detail on request for tenancy approval policies and process.
HUD regulations stipulate requirements for the approval of an assisted tenancy.

- The owner must be qualified to participate in the program [24 CFR 982.306]. Some owners are precluded from participating in the program, or from renting to a particular family, either because of their past history with this or another federal housing program, or because of certain conflicts of interest. Owner qualifications are discussed later in this chapter.

- The selected unit must be of a type that is eligible for the program [24 CFR 982.305(a)]. Certain types of dwelling units cannot be assisted under the HCV program. Other types may be assisted under certain conditions. See Chapter 9 for more detail on unit eligibility policies and process.

- The selected unit must meet HUD’s Housing Quality Standards (HQS) and/or equivalent state or local standards approved by HUD [24 CFR 982.305(a)]. The PHA will inspect the owner’s dwelling unit at least every twenty-four (24) months to ensure that the unit continues to meet HQS requirements. See Chapter 8 for a discussion of the HQS standards and policies for HQS inspections at initial lease-up and throughout the family’s tenancy.

- The PHA must determine that the proposed rent for the unit is reasonable [24 CFR 982.305(a)]. The rent must be reasonable in relation to comparable unassisted units in the area and must not be in excess of rents charged by the owner for comparable, unassisted units on the premises. See Chapter 8 for a discussion of requirements and policies on rent reasonableness, rent comparability and the rent reasonableness determination process.

At initial lease-up of a unit, if the gross rent exceeds the applicable payment standard, the PHA must ensure that the family share does not exceed 40 percent of the family’s monthly adjusted income [24 CFR 982.305(a)]. See Chapter 6 for a discussion of the calculation of family income, family share of rent and HAP.

The dwelling lease must comply with all program requirements [24 CFR 982.308]. Owners are encouraged to use their standard leases when renting to an assisted family. The HUD Tenancy Addendum includes the HUD requirements governing the tenancy and must be added word-for-word to the owner’s lease. See Chapter 9 for a discussion of the dwelling lease and tenancy addendum, including lease terms and provisions.

The PHA and the owner must execute a Housing Assistance Payment (HAP) Contract (Form HUD-52641). The HAP contract format is prescribed by HUD. See Chapter 9 for a discussion of the HUD requirements for execution of the HAP contract.

13-I.C. OWNER RESPONSIBILITIES [24 CFR 982.452]

The basic owner responsibilities in the HCV program are outlined in the regulations as follows:

- Complying with all of the owner’s obligations under the housing assistance payments (HAP) contract and the lease
- Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit
- Maintaining the unit in accordance with the Housing Quality Standards (HQS), including performance of ordinary and extraordinary maintenance
- Complying with equal opportunity requirements
- Preparing and furnishing to the PHA information required under the HAP contract
• Collecting the security deposit, the tenant rent, and any charges for unit damage by the family.
• Enforcing tenant obligations under the dwelling lease
• Paying for utilities and services that are not the responsibility of the family as specified in the lease
• Allowing reasonable modifications to a dwelling unit occupied or to be occupied by a disabled person [24 CFR 100.203]
• Complying with the Violence against Women Reauthorization Act of 2013 (VAWA) when screening prospective HCV tenants or terminating the tenancy of an HCV family (see 24 CFR Part 5, Subpart L; 24 CFR 982.310(h)(4); and 24 CFR 982.452(b)(1))

13-I.D. OWNER QUALIFICATIONS

The PHA does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where the PHA may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. No owner has a right to participate in the HCV program [24 CFR 982.306(e)].

Owners Barred from Participation [24 CFR 982.306(a) and (b)]

The PHA must not approve the assisted tenancy if the PHA has been informed that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24. HUD may direct the PHA not to approve a tenancy request if a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements, or if such an action is pending.

Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]

The PHA must not approve a tenancy if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. The PHA may make an exception as a reasonable accommodation for a family member with a disability. The owner is required to certify that no such relationship exists. This restriction applies at the time that the family receives assistance under the HCV program for occupancy of a particular unit. Current contracts on behalf of owners and families that are related may continue, but any new leases or contracts for these families may not be approved.

Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19]

The PHA must not approve a tenancy in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one (1) year thereafter:

• Any present or former member or officer of the PHA (except a participant commissioner)
• Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs
• Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs
• Any member of the Congress of the United States
HUD may waive the conflict of interest requirements, except for members of Congress, for good cause. The PHA must submit a waiver request to the appropriate HUD Field Office for determination.

Any waiver request submitted by the PHA must include the following [HCV Guidebook pp.11-2 and 11-3]:

- Complete statement of the facts of the case;
- Analysis of the specific conflict of interest provision of the HAP contract and justification as to why the provision should be waived;
- Analysis of and statement of consistency with state and local laws. The local HUD office, the PHA, or both parties may conduct this analysis. Where appropriate, an opinion by the state’s attorney general should be obtained;
- Opinion by the local HUD office as to whether there would be an appearance of impropriety if the waiver were granted;
- Statement regarding alternative existing housing available for lease under the HCV program or other assisted housing if the waiver is denied;
- If the case involves a hardship for a particular family, statement of the circumstances and discussion of possible alternatives;
- If the case involves a public official or member of the governing body, explanation of his/her duties under state or local law, including reference to any responsibilities involving the HCV program;
- If the case involves employment of a family member by the PHA or assistance under the HCV program for an eligible PHA employee, explanation of the responsibilities and duties of the position, including any related to the HCV program;
- If the case involves an investment on the part of a member, officer, or employee of the PHA, description of the nature of the investment, including disclosure/divestiture plans.

Where the PHA has requested a conflict of interest waiver, the PHA may not execute the HAP contract until HUD has made a decision on the waiver request.

**IHFA Policy (Updated 2022)**

In considering whether to request a conflict of interest waiver from HUD, IHFA will consider certain factors such as consistency of the waiver with state and local laws, the existence of alternative housing available to families, the individual circumstances of a particular family, the specific duties of individuals whose positions present a possible conflict of interest, the nature of any financial investment in the property and plans for disclosure/divestiture, and the possible appearance of impropriety.

**Owner Actions That May Result in Disapproval of a Tenancy Request [24 CFR 982.306(c)]**

HUD regulations permit the PHA to disapprove a request for tenancy for various actions and inactions of the owner.

If the PHA disapproves a request for tenancy because an owner is not qualified, it may not terminate the HAP contract for any assisted families that are already living in the owner’s properties unless the owner has violated the HAP contract for those units [HCV GB p. 11-4].
IHFA Policy  
(Updated 2022)

IHFA will refuse to approve a request for tenancy if IHFA becomes aware that any of the following are true:

- The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);
- The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The owner has engaged in any drug-related criminal activity or any violent criminal activity;
- The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;
- The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
  (i) Threatens the right to peaceful enjoyment of the premises by other residents;
  (ii) Threatens the health or safety of other residents, of employees of IHFA, or of owner employees or other persons engaged in management of the housing;
  (iii) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
  (iv) Is drug-related criminal activity or violent criminal activity;
- The owner has a history or practice of renting units that fail to meet state or local housing codes; or
- The owner has not paid state or local real estate taxes, fines, or assessment.
- Any owner or landlord who is verbally abusive or engages in a threatening manner, or inappropriate sexual behavior toward an IHFA employee. If the branch office supervisor determines that any owner or landlord has engaged in this type of activity and decides to deny participation in the program, this denial and any pertinent documentation must be sent to the Boise office for review and final determination.

In considering whether to disapprove owners for any of the discretionary reasons listed above, IHFA will consider any mitigating factors. Such factors may include, but are not limited to, the seriousness of the violation in relation to program requirements, the impact on the ability of families to lease units under the program, health and safety of participating families, among others. Upon consideration of such circumstances, IHFA may, on a case-by-case basis, choose to approve an owner.
Legal Ownership of Unit
The following represents PHA policy on legal ownership of a dwelling unit to be assisted under the HCV program.

IHFA Policy (Updated 2022)
IHFA will only enter into a contractual relationship with the legal owner of a qualified unit. Property ownership will be verified through the assessor’s office or website. IHFA reserves the right to request other documentation of legal ownership.

13-I.E. NON-DISCRIMINATION [HAP Contract – Form HUD-52641]
The owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability, in connection with any actions or responsibilities under the HCV program and the HAP contract with the PHA.

The owner must cooperate with the PHA and with HUD in conducting any equal opportunity compliance reviews and complaint investigations in connection with the HCV program and the HAP contract with the PHA.

See Chapter 2 for a more thorough discussion of Fair Housing and Equal Opportunity requirements in the HCV program.
PART II. HAP CONTRACTS

13-II.A. OVERVIEW

The HAP contract represents a written agreement between the PHA and the owner of the dwelling unit occupied by a HCV assisted family. The contract spells out the owner’s responsibilities under the program, as well as the PHA’s obligations. Under the HAP contract, the PHA agrees to make housing assistance payments to the owner on behalf of the family approved by the PHA to occupy the unit.

The HAP contract is used for all HCV program tenancies except for assistance under the Section 8 homeownership program, and assistance to families that own a manufactured home and use their assistance to lease the space for the manufactured home. See Chapter 15 for a discussion of any special housing types included in the PHA’s HCV program.

When the PHA has determined that the unit meets program requirements and the tenancy is approvable, the PHA and owner must execute the HAP contract. See Chapter 9 for a discussion of the leasing process, including provisions for execution of the HAP contract.

13-II.B. HAP CONTRACT CONTENTS

The HAP contract format is required by HUD, specifically Housing Assistance Payment (HAP) Contract, Form HUD-52641.

The HAP contract contains three parts.

Part A of the contract includes basic contract information: the names of the tenant and all household members, the address of the contract unit, start and end dates of initial lease term, the amount of initial monthly rent to owner, the amount of initial housing assistance payment, the utilities and appliances to be supplied by owner and tenant, and the signatures of the PHA representative and owner [HCV Guidebook, pp. 11-10 and 11-11].

In general, the HAP contract cannot be modified. However, PHAs do have the discretion to add language to Part A of the HAP contract which prohibits the owner from collecting a security deposit in excess of private market practices or in excess of amounts charged to unassisted tenants. PHA policy on the amount of security deposit an owner may collect is found in Chapter 9.

PHAs also have the discretion to add language to Part A of the HAP contract that defines when the housing assistance payment by the PHA is deemed received by the owner (e.g., upon mailing by the PHA or actual receipt by the owner).

IHFA Policy (Updated 2022)

IHFA has not adopted a policy that defines when the housing assistance payment by IHFA is deemed received by the owner. Therefore, no modifications to the HAP contract will be necessary.

Part B is the body of the contract. It describes in detail program requirements affecting the owner and owner roles and responsibilities under the HCV program. Most of the requirements contained in Part B of the HAP contract are outlined elsewhere in this plan. Topics addressed in Part B include:
• Lease of Contract Unit
• Maintenance, Utilities, and Other Services
• Term of HAP Contract
• Provision and Payment of Utilities and Appliances
• Rent to Owner: Reasonable Rent
• PHA Payment to Owner
• Prohibition of Discrimination
• Owner’s Breach of HAP Contract
• PHA and HUD Access to Premises and Owner’s Records
• Exclusion of Third Party Rights
• Conflict of Interest
• Assignment of the HAP Contract
• Written Notices
• Entire Agreement Interpretation

Part C of the contract includes the Tenancy Addendum (Form HUD-52641-A). The addendum sets forth the tenancy requirements for the program and the composition of the household, as approved by the PHA. The tenant has the right to enforce the Tenancy Addendum against the owner. The terms of the Tenancy Addendum prevail over any other provisions of the lease.

13-II.C. HAP CONTRACT PAYMENTS [24 CFR 982.451(b)(4)] [24 CFR 982.510(c)]

General

During the term of the HAP contract, and subject to the provisions of the HAP contract, the PHA must make monthly HAP payments to the owner on behalf of the family, at the beginning of each month. If a lease term begins after the first of the month, the HAP payment for the first month is prorated for a partial month.

The amount of the HAP payment is determined according to the policies described in Chapter 6 and is subject to change during the term of the HAP contract. The PHA must notify the owner and the family in writing of any changes in the HAP payment.

HAP payments can be made only during the lease term, and only while the family is residing in the unit.

The monthly HAP payment by the PHA is credited toward the monthly rent to owner under the family’s lease. The total of the rent paid by the tenant and the HAP payment is equal to the rent to owner as specified in the lease.

The family is not responsible for payment of the HAP payment, and the PHA is not responsible for payment of the family share of rent.

The family’s share of the rent cannot be more than the difference between the rent to owner and the HAP payment. The owner may not demand or accept any rent payment from the tenant in excess of this maximum. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized
tenants in the premises [24 CFR 982.510(c)]. See Chapter 9 for a discussion of separate, non-lease agreements for services, appliances and other items that are not included in the lease.

If the owner receives any excess HAP from the PHA, the excess amount must be returned immediately. If the PHA determines that the owner is not entitled to all or a portion of the HAP, the PHA may deduct the amount of overpayment from any amounts due to the owner, including amounts due under any other HCV contract. See Chapter 16 for additional detail on owner reimbursement of HAP overpayments.

**Owner Certification of Compliance**

Unless the owner complies with all provisions of the HAP contract, the owner is not entitled to receive housing assistance payments under the HAP contract [HAP Contract – Form HUD-52641].

By endorsing the monthly check from the PHA (accepting payment), the owner certifies to compliance with the terms of the HAP contract. This includes certification that the owner is maintaining the unit and premises in accordance with HQS; that the contract unit is leased to the tenant family and, to the best of the owner’s knowledge, the family resides in the unit as the family’s only residence; the rent to owner does not exceed rents charged by the owner for comparable unassisted units on the premises; and that the owner does not receive (other than rent to owner) any additional payments or other consideration for rent of the contract unit during the HAP term.

**Late HAP Payments [24 CFR 982.451(a)(5)] [HCV GB p. 11-7]**

The PHA is responsible for making HAP payments promptly when due to the owner, in accordance with the terms of the HAP contract. After the first two calendar months of the HAP contract term, the HAP contract provides for late penalties if the PHA fails to make the HAP payment on time.

Penalties for late HAP payments can only be imposed if 1) the penalties are in accordance with generally accepted local rental market practices and law governing penalties for late payment by tenants; 2) it is the owner’s normal business practice to charge late payment penalties for both assisted and unassisted families; and 3) the owner charges the assisted family for late payment of the family’s share of the rent.

The PHA is not required to pay a late payment penalty if HUD determines that the payment is late for reasons beyond the PHA’s control. In addition, late payment penalties are not required if the PHA intentionally delays or denies payment as a remedy to an owner breach of the HAP contract.

**Termination of HAP Payments [24 CFR 982.311(b)]**

The PHA must continue making housing assistance payments to the owner in accordance with the HAP contract as long as the tenant continues to occupy the unit and the HAP contract is not violated.

HAP payments terminate when the HAP contract terminates or when the tenancy is terminated in accordance with the terms of the lease.
If the owner has initiated eviction proceedings against the family and the family continues to reside in the unit, the PHA must continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant.

IHFA Policy (Updated 2022)

The owner must inform IHFA when the owner has initiated eviction proceedings against the family and the family continues to reside in the unit.

The owner must inform IHFA when the owner has obtained a court judgment or other process allowing the owner to evict the tenant and provide IHFA with a copy of such judgment or determination.

After the owner has obtained a court judgment or other process allowing the owner to evict the tenant, IHFA will continue to make HAP payments to the owner until the family actually moves from the unit or until the family is physically evicted from the unit, whichever is earlier. The owner must inform IHFA of the date when the family actually moves from the unit or the family is physically evicted from the unit.

13-II.D. BREACH OF HAP CONTRACT [24 CFR 982.453]

Any of the following actions by the owner constitutes a breach of the HAP contract:

- If the owner violates any obligations under the HAP contract including failure to maintain the unit in accordance with HQS
- If the owner has violated any obligation under any other HAP contract under Section 8
- If the owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulation for the applicable program; or if the owner has committed fraud, bribery or any other corrupt or criminal act in connection with the mortgage or loan
- If the owner has engaged in drug-related criminal activity
- If the owner has committed any violent criminal activity

If the PHA determines that a breach of the HAP contract has occurred, it may exercise any of its rights and remedies under the HAP contract.

The PHA rights and remedies against the owner under the HAP contract include recovery of any HAP overpayment, suspension of housing assistance payments, abatement or reduction of the housing assistance payment, termination of the payment or termination of the HAP contract. The PHA may also obtain additional relief by judicial order or action.

The PHA must notify the owner of its determination and provide in writing the reasons for the determination. The notice may require the owner to take corrective action by an established deadline. The PHA must provide the owner with written notice of any reduction in housing assistance payments or the termination of the HAP contract.

IHFA Policy (Updated 2022)

Before IHFA invokes a remedy against an owner, IHFA will evaluate all information and documents available to determine if the contract has been breached.
If relevant, IHFA will conduct an audit of the owner’s records pertaining to the tenancy or unit.

If it is determined that the owner has breached the contract, IHFA will consider all of the relevant factors including the seriousness of the breach, the effect on the family, the owner’s record of compliance and the number and seriousness of any prior HAP contract violations.

13-II.E. HAP CONTRACT TERM AND TERMINATIONS [24 CFR 982.451(a)(2)]

The term of the HAP contract runs concurrently with the term of the dwelling lease, beginning on the first day of the initial term of the lease and terminating on the last day of the term of the lease, including any lease term extensions.

The HAP contract and the housing assistance payments made under the HAP contract terminate if [HCV Guidebook pp.11-4 and 11-5, pg. 15-3):

- The owner or the family terminates the lease;
- The lease expires;
- The PHA terminates the HAP contract;
- The PHA terminates assistance for the family;
- The family moves from the assisted unit. In this situation, the owner is entitled to keep the housing assistance payment for the month when the family moves out of the unit.
- **180 calendar days** have elapsed since the PHA made the last housing assistance payment to the owner;
- The family is absent from the unit for longer than the maximum period permitted by the PHA;
- The Annual Contributions Contract (ACC) between the PHA and HUD expires
- The PHA elects to terminate the HAP contract.

**IHFA Policy** *(Updated 2022)*

IHFA may elect to terminate the HAP contract in each of the following situations:

- Available program funding is not sufficient to support continued assistance for families in the program [24 CFR 982.454];
- The unit does not meet HQS size requirements due to change in family composition [24 CFR 982.403] – see Chapter 8;
- The unit does not meet HQS [24 CFR 982.404] – see Chapter 8;
- The family breaks up [HUD Form 52641] – see Chapter 3;
- The owner breaches the HAP contract [24 CFR 982.453(b)] – see Section 13-II.D.

If the PHA terminates the HAP contract, the PHA must give the owner and the family written notice. The notice must specify the reasons for the termination and the effective date of the termination. Once a HAP contract is terminated, no further HAP payments may be made under that contract [HCV Guidebook pg.15-4].
In all cases, the HAP contract terminates at the end of the calendar month that follows the calendar month in which IHFA gives written notice to the owner. The owner is not entitled to any housing assistance payment after this period and must return to IHFA any housing assistance payment received after this period.

If proper notice (thirty (30) days) was given, then the HAP payment will be prorated through the end of the notice term (for example, if thirty (30) day notice was given on the 15th of March, then HAP would be paid to the 15th of the following month).

When a participant vacates a unit as a result of an owner’s three (3) day pay or quit notice, IHFA will consider the family to have moved without proper notice. If the owner has begun eviction proceedings and the family continues to occupy the unit, IHFA will continue to make payments until the owner obtains a judgement or the family moves out.

In the case of a death in a single-member household, or where the remaining household member is a live-in-aide, no HAP will be paid for any month following the month in which the death occurred.

If the family moves from the assisted unit into a new unit, even if the new unit is in the same building or complex as the assisted unit, the HAP contract for the assisted unit terminates. A new HAP contract would be required [HCV GB, p. 11-17].

When the family moves from an assisted unit into a new unit, the term of the HAP contract for the new unit may begin in the same month in which the family moves out of its old unit. This is not considered a duplicative subsidy [HCV GB, p. 8-22].

13-ILF. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]

The HAP contract cannot be assigned to a new owner without the prior written consent of the PHA.

An owner under a HAP contract must notify the PHA in writing prior to a change in the legal ownership of the unit. The owner must supply all information as requested by the PHA.

Prior to approval of assignment to a new owner, the new owner must agree to be bound by and comply with the HAP contract. The agreement between the new owner and the former owner must be in writing and in a form that the PHA finds acceptable. The new owner must provide the PHA with a copy of the executed agreement.

IHFA Policy (Updated 2022)

Assignment of the HAP contract will be approved only if the new owner is qualified to become an owner under the HCV program according to the policies in Section 13-I.D. of this chapter.

IHFA must receive a signed, written request from the existing owner stating the name and address of the new HAP payee and the effective date of the assignment in order to change the HAP payee under an outstanding HAP contract.

The previous owner and new owner must execute IHFA’s Assignment of Lease Contract.
Within **ten (10) business days** of receiving the owner’s request and assignment of lease, IHFA will inform the current owner in writing whether the assignment may take place.

The new owner must provide a written certification to IHFA that includes:

- Deed of Trust, Warranty Deed, Quit Claim Deed, or verification through the assessor’s office showing the transfer of title and the completed IHFA Assignment of Contract;
- A copy of the owner’s IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner; and
- A certification that the new owner is not a prohibited relative.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, IHFA will terminate the HAP contract with the old owner. If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, IHFA will process the leasing in accordance with the policies in Chapter 9. IHFA may withhold the rent payment until the taxpayer identification number is received.

**13-II.G. FORECLOSURE [Notice PIH 2010-49]**

Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA). During the term of the lease, the new owner of the property does not have good cause to terminate the tenant’s lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a **ninety (90) day** notice. In that case, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a **ninety (90) day** notice to vacate. Further, the new owner assumes interest in the lease between the prior owner and the tenant and to the HAP contract.

Any state or local law that provides longer time periods or other additional protections for tenants also applies.

**IHFA Policy (Updated 2022)**

If a property is in foreclosure, IHFA will make all reasonable efforts to determine the status of the foreclosure and ownership of the property and will continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract.

IHFA will attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. This will include a request for owner information, including a tax identification number and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law.

IHFA will inform the tenant that they must continue to pay rent in accordance with the lease, and if the new owner refuses to accept payment or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction.

In the event that IHFA is unable to make HAP payments to the new owner due to an action or inaction by the new owner that prevents such payments (e.g., rejection of
payments or failure to maintain the property according to HQS), or due to an inability to identify the new owner, IHFA will either use the funds to pay:

- The utilities that are the owner’s responsibility after taking reasonable steps to notify the owner; except that if the unit has been or will be rendered uninhabitable due to termination or threat of termination of service, prior notice is not required. In the latter case, IHFA shall notify the owner within a reasonable time after making the utility payment; or
- For the family’s reasonable moving costs, including security deposit costs.

IHFA will also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant’s rights and enforcement of the successor in interest’s performance under the HAP contract.

See Section 12-III.B for a discussion of foreclosure as it pertains to owner termination of tenancy.
Chapter 14

PROGRAM INTEGRITY

INTRODUCTION

The PHA is committed to ensuring that subsidy funds made available to the PHA are spent in accordance with HUD requirements.

This chapter covers HUD and PHA policies designed to prevent, detect, investigate, and resolve instances of program abuse or fraud. It also describes the actions that will be taken in the case of unintentional errors and omissions.

Part I: Preventing, Detecting, and Investigating Errors and Program Abuse. This part presents PHA policies related to preventing, detecting, and investigating errors and program abuse.

Part II: Corrective Measures and Penalties. This part describes the corrective measures the PHA must and may take when errors or program abuses are found.
PART I: PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

14-I.A. PREVENTING ERRORS AND PROGRAM ABUSE

HUD created the Enterprise Income Verification (EIV) system to provide PHAs with a powerful tool for preventing errors and detecting program abuse. PHAs are required to use the EIV system in its entirety in accordance with HUD administrative guidance [24 CFR 5.233]. PHAs are further required to:

- Provide applicants and participants with form HUD-52675, “Debts Owed to PHAs and Terminations”
- Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file

IHFA Policy (Updated 2022)

To ensure that IHFA’s HCV program is administered according to the highest ethical and legal standards, IHFA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare.

- IHFA will discuss program compliance and integrity issues during the voucher briefing sessions described in Chapter 5, including a page with information about Fraud in the briefing packet.
- IHFA will provide each applicant and participant with a letter from the VP of Housing Support Programs regarding Fraud on the program.
- IHFA will provide each applicant and participant with a copy of “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12. In addition, IHFA will require the head of each household to acknowledge receipt of the guide by signing a copy for retention in the family file.
- IHFA will place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key IHFA forms and form letters that request information from a family or owner.
- IHFA staff will be required to review and explain the contents of all HUD- and IHFA-required forms prior to requesting family member signatures.
- IHFA will provide owners with ongoing information about the program, with an emphasis on actions and situations to avoid.
- IHFA will provide each IHFA Rental Assistance employee with the necessary training on program rules and the organization’s standards of conduct and ethics.

For purposes of this chapter the term *error* refers to an unintentional error or omission. *Program abuse or fraud* refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.
14-I.B. DETECTING ERRORS AND PROGRAM ABUSE

In addition to taking steps to prevent errors and program abuse, the PHA will use a variety of activities to detect errors and program abuse.

Quality Control and Analysis of Data

Under the Section 8 Management Assessment Program (SEMAP), HUD requires the PHA to review a random sample of tenant records annually to determine if the records conform to program requirements and to conduct quality control inspections of a sample of units to ensure HQS compliance [24 CFR, Part 985]. (See Chapter 16 for additional information about SEMAP requirements).

IHFA Policy (Updated 2022)

In addition to the SEMAP quality control requirements, IHFA will employ a variety of methods to detect errors and program abuse.

- IHFA routinely will use HUD and other non-HUD sources of up-front income verification. This includes The Work Number and any other private or public databases available to IHFA.
- At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.
- IHFA will compare family-reported income and expenditures to detect possible unreported income.
- IHFA will annually review files and records to determine if the work documented in the files or records conforms to program requirements. This shall be accomplished by a Supervisor or other qualified person other than the one originally responsible for the work, or someone subordinate to that person.
- Supervisory file audits will generally be required on at least an aggregate of 5% of the files.
- Peer audits may be conducted by other Housing Specialists who were not responsible for the work.
- File audits by Boise Rental Assistance staff will be conducted at least annually. These audits will include waiting list management, intake, eligibility, rent calculations, HQS and rent comparability to ensure proper application of regulations, policies, and procedures. File audits by the Boise Rental Assistance staff may be done in either of the following ways:
  a. On-site;
  b. Having the files shipped to the Boise office.
- IHFA has put in place a system of internal controls, or checks and balances relating to HAP paid to landlords.
- It is also IHFA’s policy that a landlord log will be maintained for all new landlords who are entered into the system. Each new landlord who is entered into the system must be entered on the landlord log. A Rental Assistance Coordinator
will run a query monthly in the system to show all new landlord entries, which will be reviewed by the Branch Office Supervisor for legitimacy. Any discrepancies will be investigated until the issue is resolved.

Independent Audits and HUD Monitoring

OMB Circular A-133 requires all PHAs that expend $500,000 or more in federal awards annually to have an independent audit (IPA). In addition, HUD conducts periodic on-site and automated monitoring of PHA activities and notifies the PHA of errors and potential cases of program abuse.

IHFA Policy (Updated 2022)

IHFA will use the results reported in any IPA or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of IHFA’s error detection and abuse prevention efforts.

Individual Reporting of Possible Errors and Program Abuse

IHFA Policy (Updated 2022)

IHFA will encourage staff, program participants, and the public to report possible program abuse.

14-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

When the PHA Will Investigate

IHFA Policy (Updated 2022)

IHFA will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for IHFA to investigate, the allegation must contain at least one independently verifiable item of information, such as the name of an employer or the name of an unauthorized household member. IHFA may require that complaints other than HQS violations be put in writing. Anonymous complaints are investigated to the extent possible.

IHFA will investigate when inconsistent or contradictory information is detected through file reviews and the verification process.

Consent to Release of Information [24 CFR 982.516]

The PHA may investigate possible instances of error or abuse using all available PHA and public records. If necessary, the PHA will require HCV families to sign consent forms for the release of additional information.

Analysis and Findings

IHFA Policy (Updated 2022)

IHFA will base its evaluation on a preponderance of the evidence collected during its investigation.
Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

For each investigation, IHFA will determine (1) whether an error or program abuse has occurred, (2) whether any amount of money is owed to IHFA, and (3) what corrective measures or penalties will be assessed.

Consideration of Remedies

All errors and instances of program abuse must be corrected prospectively. Whether the PHA will enforce other corrective actions and penalties depends upon the nature of the error or program abuse.

IHFA Policy  (Updated 2022)

In the case of family-caused errors or program abuse, IHFA will take into consideration (1) the seriousness of the offense and the extent of participation or culpability of individual family members, (2) any special circumstances surrounding the case, (3) any mitigating circumstances related to the disability of a family member, (4) the effects of a particular remedy on family members who were not involved in the offense.

In the case of owner-caused errors or program abuse, IHFA will take into consideration (1) the seriousness of the offense, (2) the length of time since the violation has occurred, and (3) the effects of a particular remedy on family members who were not involved in the offense.

Notice and Appeals

IHFA Policy  (Updated 2022)

IHFA will inform the relevant party in writing of its findings and remedies within ten (10) business days of the conclusion of the investigation. The notice will include (1) a description of the error or program abuse, (2) the basis on which IHFA determined the error or program abuse, (3) the remedies to be employed, and (4) the family’s right to appeal the results through the Informal Review or Hearing process, if applicable (see Chapter 16).
PART II: CORRECTIVE MEASURES AND PENALTIES

14-II.A. SUBSIDY UNDER- OR OVERPAYMENTS

A subsidy under- or overpayment includes (1) an incorrect housing assistance payment to the owner, (2) an incorrect family share established for the family, and (3) an incorrect utility reimbursement to a family.

Corrections

Whether the incorrect subsidy determination is an overpayment or underpayment of subsidy, the PHA must promptly correct the HAP, family share, and any utility reimbursement prospectively.

IHFA Policy

Any increase in tenant rent will be effective only after **fifteen (15) days notice** has been provided to the family. The rent increase will be effective the first of the month following proper notice.

If the new rent is a reduction and any delay is beyond the control of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed. If the new rent is a reduction and the family caused the delay or did not report the change in a timely manner, the change will be effective the first of the month after the change is reported.

Reimbursement

Whether the family or owner is required to reimburse the PHA or the PHA is required to make retroactive subsidy payments to the owner or family depends upon which party is responsible for the incorrect subsidy payment and whether the action taken was an error or program abuse. Policies regarding reimbursement are discussed in the three sections that follow.

14-II.B. FAMILY-CAUSED ERRORS AND PROGRAM ABUSE

Family obligations and general administrative requirements for participating in the program are discussed throughout this plan. This section deals specifically with errors and program abuse by family members.

An incorrect subsidy determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows the PHA to use incorrect information provided by a third party.

Family Reimbursement to PHA [HCV GB pp. 22-12 to 22-13]

IHFA Policy (Updated 2022)

In the case of family-caused errors or program abuse, the family will be required to repay any excess subsidy received. IHFA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, IHFA will terminate the family’s assistance in accordance with the policies in Chapter 12.
Failure to report changes in income, allowances or household composition, may result in termination of assistance or the household being required to repay the amount of HAP that would not have been paid on their behalf had they reported the changes as required. Any amount of $50 or more will require the participant to enter into a repayment agreement to reimburse the amount to IHFA. Repayment agreements should reflect a reasonable expectation that amounts owed will be collected, and monthly payments will be set at 10% of the families’ adjusted monthly income or a minimum of $25. Any amount under $50 will be due, in full, within one (1) month. If the participant is unable to pay the amount in full at the time of calculation, a repayment agreement may be requested and entered into.

A participant will not be allowed to move or port to another housing authority until repayment agreements are paid in full, unless extreme extenuating circumstances exist. Exceptions due to extreme extenuating circumstances will require review and approval from the Branch Office Supervisor.

**PHA Reimbursement to Family [HCV GB p. 22-12]**

**IHFA Policy (Updated 2022)**

IHFA will not reimburse the family for any underpayment of assistance when the underpayment clearly is caused by the family.

**Prohibited Actions**

An applicant or participant in the HCV program must not knowingly:

- Make a false statement to the PHA [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.552(c)(iv)].

**IHFA Policy (Updated 2022)**

Any of the following will be considered evidence of family program abuse:

- Payment to the owner in excess of amounts authorized by IHFA for rent, security deposit, and additional services
- Offering bribes or illegal gratuities to IHFA Board of Commissioners, employees, contractors, or other IHFA representatives
- Offering payments or other incentives to the owner or a third party as an inducement for the third party to make false or misleading statements to IHFA on the family’s behalf
- Use of a false name or the use of falsified, forged, or altered documents
- Intentional misreporting of family information or circumstances (e.g. income, family composition)
- Omitted facts that were obviously known by a family member (e.g., not reporting employment income)
- Admission of program abuse by an adult family member
IHFA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

Penalties for Program Abuse

In the case of program abuse caused by a family the PHA may, at its discretion, impose any of the following remedies.

- The PHA may require the family to repay excess subsidy amounts paid by the PHA, as described earlier in this section.
- The PHA may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 3 (for applicants) and Chapter 12 (for participants).
- The PHA may deny or terminate the family’s assistance following the policies set forth in Chapter 3 and Chapter 12 respectively.
- The PHA may refer the family for state or federal criminal prosecution as described in section 14-II.E.

14-II.C. OWNER-CAUSED ERROR OR PROGRAM ABUSE

Owner requirements that are part of the regular process of offering, leasing, and maintaining a unit (e.g., HQS compliance, fair housing) are addressed in the appropriate chapters of this plan. This section focuses on errors and program abuse by owners.

An incorrect subsidy determination caused by an owner generally would be the result of an incorrect owner statement about the characteristics of the assisted unit (e.g., the number of bedrooms, which utilities are paid by the family). It also includes accepting duplicate housing assistance payments for the same unit in the same month, or after a family no longer resides in the unit.

Owner Reimbursement to the PHA

In all cases of overpayment of subsidy caused by the owner, the owner must repay to the PHA any excess subsidy received. The PHA may recover overpaid amounts by withholding housing assistance payments due for subsequent months, or if the debt is large, the PHA may allow the owner to pay in installments over a period of time [HCV GB p. 22-13].

IHFA Policy (Updated 2022)

In cases where the owner has received excess subsidy, IHFA will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

If after appropriate notice, an owner fails to reimburse excess subsidy, IHFA will turn the delinquent account over to a collection agency.

Prohibited Owner Actions

An owner participating in the HCV program must not:

- Make any false statement to the PHA [Title 18 U.S.C. Section 1001].
- Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program [24 CFR 982.453(a)(3)] including:
IHFA Policy  (Updated 2022)

Any of the following will be considered evidence of owner program abuse:

- Charging the family rent above or below the amount specified by IHFA
- Charging a security deposit other than that specified in the family’s lease
- Charging the family for services that are provided to unassisted tenants at no extra charge
- Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit
- Knowingly accepting incorrect or excess housing assistance payments
- Offering bribes or illegal gratuities to IHFA Board of Commissioners, employees, contractors, or other IHFA representatives
- Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to IHFA
- Residing in the unit with an assisted family
- Committing sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 2
- Retaliating against any applicant or participant reporting/alleging sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 2.

Remedies and Penalties

When the PHA determines that the owner has committed program abuse, the PHA may take any of the following actions:

- Require the owner to repay excess housing assistance payments, as discussed earlier in this section and in accordance with the policies in Chapter 16.
- Terminate the HAP contract (See Chapter 13).
- Bar the owner from future participation in any PHA programs.
- Refer the case to state or federal officials for criminal prosecution as described in section 14-II.E.

14-II.D. PHA-CAUSED ERRORS OR PROGRAM ABUSE

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.

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.
Repayment to the PHA

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. p. 22-12].

PHA Reimbursement to Family or Owner

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].

Prohibited Activities

IHFA Policy (Updated 2022)

Any of the following will be considered evidence of program abuse by IHFA staff:

- Failing to comply with any HCV program requirements for personal gain
- Failing to comply with any HCV program requirements as a result of a conflict of interest relationship with any applicant, participant, or owner
- Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to IHFA
- Disclosing confidential or proprietary information to outside parties
- Gaining profit as a result of insider knowledge of IHFA activities, policies, or practices
- Misappropriating or misusing HCV funds
- Destroying, concealing, removing, or inappropriately using any records related to the HCV program
- Committing any other corrupt or criminal act in connection with any federal housing program

14-I.I.E. CRIMINAL PROSECUTION

IHFA Policy (Updated 2022)

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

Other criminal violations related to the HCV program will be referred to the appropriate local, state, or federal entity.
14-ILF. FRAUD AND PROGRAM ABUSE RECOVERIES

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

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

- 50 percent of the amount it actually collects from a judgment, litigation (including settlement of a lawsuit) or an administrative repayment agreement, or
- Reasonable and necessary costs that the PHA incurs related to the collection including costs of investigation, legal fees, and agency collection fees.

The family must be afforded the opportunity for an Informal Hearing in accordance with requirements in 24 CFR 982.555.

If HUD incurs costs on behalf of the PHA related to the collection, these costs must be deducted from the amount retained by the PHA.
Chapter 15

SPECIAL HOUSING TYPES
[24 CFR 982 Subpart M]

INTRODUCTION

The PHA may permit a family to use any of the special housing types discussed in this chapter. However, the PHA is not required to permit families receiving assistance in its jurisdiction to use these housing types, except that PHAs must permit use of any special housing type if needed as a reasonable accommodation for a person with a disability. The PHA also may limit the number of families who receive HCV assistance in these housing types and cannot require families to use a particular housing type. No special funding is provided for special housing types.

IHFA Policy (Updated 2022)
Families will not be permitted to use any special housing types, unless use is needed as a reasonable accommodation so that the program is readily accessible to a person with disabilities.

Special housing types include single room occupancy (SRO), congregate housing, group homes, shared housing, cooperative housing, manufactured homes where the family owns the home and leases the space, and homeownership [24 CFR 982.601].

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

Part I: Single Room Occupancy
Part II: Congregate Housing
Part III: Group Homes
Part IV: Shared Housing
Part V: Cooperative Housing
Part VI: Manufactured Homes Space Rental
Part VII: Homeownership
PART I: SINGLE ROOM OCCUPANCY

[24 CFR 982.602 through 982.605]

15-I.A. OVERVIEW

A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the number of units in an SRO facility, but the size of a facility may be limited by local ordinances.

When providing HCV assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used.

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

The payment standard for SRO housing is 75 percent of the zero-bedroom payment standard amount on the PHA’s payment standard schedule.

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

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

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

HQS requirements described in Chapter 8 apply to SRO housing except as modified below.

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

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

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

- Sanitary Facilities: At least one flush toilet that can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to men, flush urinals may be substituted for up to one half of the required number of toilets. Sanitary facilities must be reasonably accessible from a common hall or passageway, and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.

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

Because no children live in SRO housing, the housing quality standards applicable to lead-based paint do not apply.
PART II: CONGREGATE HOUSING
[24 CFR 982.606 through 982.609]

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

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

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

15-II.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION
The payment standard for an individual unit in a congregate housing facility is based on the number of rooms in the private living area. If there is only one room in the unit (not including the bathroom or the kitchen, if a kitchen is provided), the PHA must use the payment standard for a zero-bedroom unit. If the unit has two or more rooms (other than the bathroom and the kitchen), the PHA must use the one-bedroom payment standard.

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

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

15-II.C. HOUSING QUALITY STANDARDS
HQS requirements as described in Chapter 8 apply to congregate housing except for the requirements stated below.

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

The housing quality standards applicable to lead-based paint do not apply.
PART III: GROUP HOME

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

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

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

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

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

15-III.B. PAYMENT STANDARD, UTILITY ALLOWANCE, AND HAP CALCULATION
Unless there is a live-in aide, the family unit size for an assisted occupant of a group home must be zero- or one-bedroom, depending on the PHA’s subsidy standard. If there is a live-in aide, the aide must be counted in determining the household’s unit size.

The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the group home size. The prorata share is calculated by dividing the number of persons in the assisted household by the number of persons (assisted and unassisted) living in the group home.

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

The utility allowance for an assisted occupant in a group home is the prorata share of the utility allowance for the group home.

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

15-III.C. HOUSING QUALITY STANDARDS
HQS requirements described in Chapter 8 apply to group homes except for the requirements stated below.
- **Sanitary Facilities**: A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or common bathrooms. However, no more than four residents can be required to share a bathroom.

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

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

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

- **Site and Neighborhood**: Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:
  - Dangerous walks or steps
  - Instability
  - Flooding, poor drainage
  - Septic tank back-ups
  - Sewage hazards
  - Mud slides
  - Abnormal air pollution
  - Smoke or dust
  - Excessive noise
  - Vibrations or vehicular traffic
  - Excessive accumulations of trash
  - Vermin or rodent infestation, and
  - Fire hazards.

The housing quality standards applicable to lead-based paint do not apply.
PART IV: SHARED HOUSING
[24 CFR 982.615 through 982.618]

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

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

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

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

15-IV.B. PAYMENT STANDARD, UTILITY ALLOWANCE AND HAP CALCULATION
The payment standard for a family in shared housing is the lower of the payment standard for the family unit size or the prorata share of the payment standard for the shared housing unit size.

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

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

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

- The utility allowance for a 4-bedroom unit equals $200
- The utility allowance for a 2-bedroom unit equals $100
- The prorata share of the utility allowance is $150 (3/4 of $200)
- The PHA will use the 2-bedroom utility allowance of $100.

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

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

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

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

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

[24 CFR 982.619]

15-V.A. OVERVIEW

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

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

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

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

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

The HAP for a cooperative housing unit is the lower of the payment standard minus the TTP or the monthly carrying charge for the unit, plus any utility allowance, minus the TTP. The monthly carrying charge includes the member’s share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

15-V.C. HOUSING QUALITY STANDARDS

All standard HQS requirements apply to cooperative housing units. There are no additional HQS requirements.
PART VI: MANUFACTURED HOMES
[24 CFR 982.620 through 982.624; FR Notice 1/18/17]

Updated and Under Review 2022

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

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

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

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

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

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

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

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

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

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

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

**Space Rent**

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

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

**Amortization Costs**

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

**Housing Assistance Payment**

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

**Rent Reasonableness**

Initially, and annually thereafter the PHA must determine that the rent for the manufactured home space is reasonable based on rents for comparable manufactured home spaces. The PHA must consider the location and size of the space, and any services and maintenance to be provided by the owner. By accepting the monthly HAP check, the owner certifies that the rent does not exceed rents charged by the owner for comparable unassisted spaces in the manufactured home park or elsewhere.

**15-VI.D. HOUSING QUALITY STANDARDS**

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

A manufactured home must be placed on the site in a stable manner, and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning and sliding.
PART VII: HOMEOWNERSHIP
[24 CFR 982.625 through 982.643]

15-VII.A. OVERVIEW [24 CFR 982.625]

The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. A family assisted under this option must be an existing participant in the HCV program for at least twelve (12) months. 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.

The PHA must offer homeownership assistance if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities. It is the sole responsibility of the PHA to determine whether it is reasonable to implement a homeownership program as a reasonable accommodation. The PHA must determine what is reasonable based on the specific circumstances and individual needs of the person with a disability. The PHA may determine that it is not reasonable to offer homeownership assistance as a reasonable accommodation in cases where the PHA has otherwise opted not to implement a homeownership program.

The PHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

15-VII.B. FAMILY ELIGIBILITY [24 CFR 982.627]

The family must meet all of the requirements listed below before the commencement of homeownership assistance. The PHA may also establish additional initial requirements as long as they are described in the PHA administrative plan.

- The family must have been admitted to the Housing Choice Voucher program.
- The family must be an HCV rental assistance participant for twelve (12) months.
- The family must be an elderly and/or disabled household.
- The family must qualify as a first-time homeowner, or may be a cooperative member. First-time homeowner is defined at 24 CFR 982.4:
  - A family of which no member owned any present ownership interest in a residence of any family member during the three (3) years before commencement of homeownership assistance for the family.
  - The term “first-time homeowner” includes a single parent or displaced homemaker (as those terms are defined in 12 U.S.C.12713) who, while married, owned a home with his or her spouse, or resided in a home owned by his or her spouse.
- The family must meet the Federal minimum income requirement. The family must have a gross annual income equal to the Federal minimum wage multiplied by 2000, based on the income of adult family members who will own the home. The PHA may establish a higher income standard for families. However, a family that meets the federal minimum income
requirement (but not the PHA’s requirement) will be considered to meet the minimum income requirement if it can demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit.

- For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by 12.

- For elderly or disabled families, welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement. It will not be included for other families.

**IHFA Policy**

IHFA’s program is for elderly and/or disabled households. The minimum income requirement is as follows: The family must demonstrate that the annual gross income of the adult family members who will own the home at commencement of homeownership is not less than the monthly Federal Supplemental Security Income (SSI) multiplied by twelve (12).

- The family must satisfy the employment requirements by demonstrating that one or more adult members of the family who will own the home at commencement of homeownership assistance is currently employed on a full-time basis (the term 'full-time employment' means not less than an average of 30 hours per week); and has been continuously so employed during the year before commencement of homeownership assistance for the family.

- The employment requirement does not apply to elderly and disabled families. In addition, if a family, other than an elderly or disabled family includes a person with disabilities, the PHA must grant an exemption from the employment requirement if the PHA determines that it is needed as a reasonable accommodation.

- The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option.

- Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home.

- Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with 24 CFR 982.631(c).

**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.

**IHFA Policy (Updated 2022)**

IHFA has limited its Homeownership Voucher (HoV) program to forty (40) vouchers.
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.

**IHFA Policy (Updated 2022)**

When market conditions allow, IHFA will hold HoV informational meetings. Participants wishing to pursue homeownership may contact their Housing Specialist to determine HoV eligibility.

1. A Letter of interest will be sent to all potential eligible rental assistance participants (all families identified in Voyager) asking them to attend a briefing to explain the program and the initial processes. A copy of the interest letter may be sent to disability caseworkers/interpreters, if requested (if participant needs and does not have an interpreter, one will be provided if requested in advance).

A query is pulled and the letter is sent to all who:

- Have received rental assistance for **twelve (12) months,**
- Are a disabled or elderly household, and
- Have the minimum income requirement of the monthly federal SSI x 12

2. The HoV Branch Office Housing Specialists will brief interested eligible HCV Participants on program guidelines.

3. Interested families will complete a pre-qualifying application and return it to IHFA within **three (3) business days.**

4. The HoV program Housing Specialists will review the forms to determine initial eligibility.

5. The HoV program Housing Specialists will meet with preliminarily eligible HCV Homeownership applicants to update income/allowance verifications, review program guidelines, and explain the next steps.

6. These families take the required “Finally Home!” homebuyer education course and upon satisfactory completion of the courses, provide IHFA a copy of the request for a certificate of completion (from Finally Home Administrators).

7. The first (# of applicable slots available) families per branch to complete homebuyer education and return the request for a certificate of completion form are selected to continue the process.

**15-VII.D. ELIGIBLE UNITS [24 CFR 982.628]**

In order for a unit to be eligible, the PHA must determine that the unit satisfies all of the following requirements:

- The unit must meet HUD’s “eligible housing” requirements. (24 CFR 982.352, except for paragraphs (a)(6) and (7) do not apply).

- The unit may not be any of the following:
  - A public housing or Indian housing unit;
  - A unit receiving Section 8 project-based assistance;
- A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;
- A college or other school dormitory;
- On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.

- The unit must be under construction or already existing at the time the family enters into the contract of sale. Existing units must be owner-occupied or vacant.
  - Units not yet under construction (24 CFR 982.628(e)). Families may enter into contracts of sale for units not yet under construction at the time the family enters into the contract for sale. However the PHA shall not commence homeownership assistance for the family for that unit, unless and until:
    - Either:
      - The responsible entity completed the environmental review procedures required by 24 CFR part 58, and HUD approved the environmental certification and request for release of funds prior to commencement of construction; or
      - HUD performed an environmental review under 24 CFR part 50 and notified the PHA in writing of environmental approval of the site prior to commencement of construction;
    - Construction of the unit has been completed; and
    - The unit has passed the required Housing Quality Standards (HQS) inspection and independent inspection.

- The unit must be a one-unit property or a single dwelling unit in a cooperative or condominium.
- The unit must have been inspected by the PHA and by an independent inspector designated by the family.
- The unit must meet Housing Quality Standards (see Chapter 8).
- For a unit where the family will not own fee title to the real property (such as a manufactured home), the home must have a permanent foundation and the family must have the right to occupy the site for at least **forty (40) years**.
- For PHA-owned units all of the following conditions must be satisfied:
  - The PHA informs the family, both orally and in writing, that the family has the right to purchase any eligible unit and a PHA-owned unit is freely selected by the family without PHA pressure or steering;
  - The unit is not ineligible housing;
  - The PHA obtains the services of an independent agency to inspect the unit for compliance with HQS, review the independent inspection report, review the contract of sale, determine the reasonableness of the sales price and any PHA provided financing.

All of these actions must be completed in accordance with program requirements.

The PHA must not approve the unit if the PHA has been informed that the seller is debarred, suspended, or subject to a limited denial of participation.
15-VII.E. ADDITIONAL PHA REQUIREMENTS FOR SEARCH AND PURCHASE [24 CFR 982.629]

It is the family’s responsibility to find a home that meets the criteria for voucher homeownership assistance. 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.

IHFA Policy (Updated 2022) (Also see Appendix E)

IHFA’s HoV program allows 120 days from the date of Issuance of the Homeownership Certification of Eligibility to find a home and execute a Contract of Sale, with extensions granted for reasonable accommodations and extreme hardship or extenuating circumstances. IHFA requires documentation of such circumstances and the request for extension must be received in writing before the 120 day term expires.

- IHFA will require a progress report of contacts made in the family’s search for a home approximately every thirty (30) days.
- Rental assistance payments will continue for the family until homeownership assistance payments commence. The family must also remain current in paying their portion of the rent to their landlord.
- If the family is unable to purchase a home within the maximum time allowed by IHFA, then the family will remain on the HCV rental assistance program. The family would be required to reapply for the HoV program if they desired to participate in the homeownership voucher program in the future. There will be a mandatory waiting time of at least six (6) months before the family can reapply for the homeownership program, unless a waiver is requested and approved by IHFA.

15-VII.F. HOMEOWNERSHIP COUNSELING [24 CFR 982.630]

Before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by the PHA. HUD suggests the following topics for the PHA-required pre-assistance counseling:

- Home maintenance (including care of the grounds);
- Budgeting and money management;
- Credit counseling;
- How to negotiate the purchase price of a home;
- How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;
- How to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction;
• Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;

• Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and

• Information about the Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

The PHA may adapt the subjects covered in pre-assistance counseling (as listed) to local circumstances and the needs of individual families.

The PHA may also offer additional counseling after commencement of homeownership assistance (ongoing counseling). If the PHA offers a program of ongoing counseling for participants in the homeownership option, the PHA shall have discretion to determine whether the family is required to participate in the ongoing counseling.

If the PHA does not use a HUD-approved housing counseling agency to provide the counseling, the PHA should ensure that its counseling program is consistent with the counseling provided under HUD’s Housing Counseling program.

**IHFA Policy (Updated 2022)**

IHFA requires HoV participants to attend the pre-purchase homeownership class Finally Home! class offered by IHFA. Additionally, IHFA offers housing counseling through its four branch offices.

At this time, IHFA does not offer or require any post-purchasing homeownership counseling or classes. However, IHFA may also require post-homeownership counseling at intervals, if deemed necessary. IHFA shall also have the discretion to determine whether, and to what extent, the family must complete such counseling.

**15-VII.G. HOME INSPECTIONS, CONTRACT OF SALE, AND PHA DISAPPROVAL OF SELLER [24 CFR 982.631]**

**Home Inspections**

The PHA may not commence monthly homeownership assistance payments for a family until the PHA has inspected the unit and has determined that the unit passes HQS.

An independent professional inspector selected by and paid for by the family must also inspect the unit. The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components.

The PHA may not require the family to use an independent inspector selected by the PHA. The independent inspector may not be a PHA employee or contractor, or other person under control of the PHA. However, the PHA may establish standards for qualification of inspectors selected by families under the homeownership option.

The PHA may disapprove a unit for assistance based on information in the independent inspector’s report, even if the unit was found to comply with HQS.
IHFA Policy
The Independent Inspector must provide a copy of the Inspection Report to the family and IHFA.

Contract of Sale
Before commencement of monthly homeownership assistance payments, a member or members of the family must enter into a contract of sale with the seller of the unit to be acquired by the family. The family must give the PHA a copy of the contract of sale. The contract of sale must:

- Specify the price and other terms of sale by the seller to the purchaser;
- Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser;
- Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser;
- Provide that the purchaser is not obligated to pay for any necessary repairs; and
- Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under CFR part 24.

IHFA Policy
IHFA will use the Real Estate Purchase Addendum, provided with the Contract of Sale, to establish that the seller meets the above limited denial of participation.

Disapproval of a Seller
In its administrative discretion, the PHA may deny approval of a seller for the same reasons a PHA may disapprove an owner under the regular HCV program [see 24 CFR 982.306(c)].

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.

IHFA Policy
1. Eligible families must invest at least three (3) percent of the purchase price of the home they are buying for down-payment costs.
   - One (1) percent must come from the family’s personal resources
   - The one (1) percent will be identified before the family is issued the “Certification of Homeownership Program Eligibility/Program Guidelines”
• The remainder of the down-payment costs (two (2) percent) may come from non-assisted family members, or social service agencies, non-profits, religious affiliations, etc.

2. The family is responsible for obtaining their own financing and qualifying for a mortgage loan under an IHFA-approved lender’s normal lending criteria, taking into account the low-income status of the family.

3. When the loan is financed, the loan shall be subject to review by IHFA, who may verify that the mortgage is affordable for the family, including taking into account other family expenses, and that there are no unusual or onerous requirements.

4. Any refinancing of the home will only be allowed for purposes of repairs or improvements, and are subject to review by IHFA to determined affordability, based on factors such as amount of child care, unreimbursed medical expenses, homeownership expenses, or other family expenses as assessed by IHFA.

5. Any refinancing of the home will not be allowed for improvements to increase equity or prepare the unit for sale and no cash-out refinancing will be allowed.

6. No balloon payments, variable rates, or owner-financed mortgages will be allowed.

7. If the home is financed with FHA mortgage insurance, such financing is subject to FHA mortgage insurance requirements.

8. All mortgage loans must close within two (2) months of the time the purchaser and seller enter into the sales contract.

9. In the event of a mortgage default, IHFA shall be the primary entity contacted.

15-VII.I. CONTINUED ASSISTANCE REQUIREMENTS; FAMILY OBLIGATIONS [24 CFR 982.633]

Homeownership assistance may only be paid while the family is residing in the home. If the family moves out of the home, the PHA may not continue homeownership assistance after the month when the family moves out. The family or lender is not required to refund to the PHA the homeownership assistance for the month when the family moves out.

Before commencement of homeownership assistance, the family must execute a statement in which the family agrees to comply with all family obligations under the homeownership option.

The family must comply with the following obligations:

• The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt.

• The family may not lease, let, convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to 24 CFR 982.551 (h) and (i).

• The family must supply information to the PHA or HUD as specified in 24 CFR 982.551(b). The family must further supply any information required by the PHA or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses.

• The family must notify the PHA before moving out of the home.
• The family must notify the PHA if the family defaults on the mortgage used to purchase the home.
• No family member may have any ownership interest in any other residential property.
• The family must comply with the obligations of a participant family described in 24 CFR 982.551, except for the following provisions which do not apply to assistance under the homeownership option: 24 CFR 982.551(c), (d), (e), (f), (g) and (j).
• The family must attend and complete any ongoing homeownership counseling required by IHFA.
• The family must ensure all real estate taxes and insurance are paid in a timely manner.

IHFA Policy

The family must obtain IHFA approval prior to obtaining a refinanced, or other type of additional mortgage on the home.

Upon the death of a family member who holds, in whole or in part, title to the home, homeownership assistance may continue pending settlement of the decedent’s estate, as long as the home is solely occupied by remaining family members.

In the case of a divorce or family separation, and where a family member disputes who should retain the voucher, IHFA will determine, based on the same criteria listed in Chapter 3, who retains the assistance, unless bound by a court’s determination of which family members continue to receive assistance in the program.

The family income and composition will be re-examined at least annually and the appropriate adjustments made to the Housing Assistance Payment.

15-VII.J. MAXIMUM TERM OF HOMEOWNER ASSISTANCE [24 CFR 982.634]

Except in the case of a family that qualifies as an elderly or disabled family, other family members (described below) shall not receive homeownership assistance for more than:

• Fifteen (15) years, if the initial mortgage incurred to finance purchase of the home has a term of twenty (20) years or longer; or
• Ten (10) years, in all other cases.

The maximum term described above applies to any member of the family who:

• Has an ownership interest in the unit during the time that homeownership payments are made; or
• Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family.

If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commenced. However, such a family must be provided at least six (6) months of
homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance).

If the family has received such assistance for different homes, or from different PHAs, the total of such assistance terms is subject to the maximum term described in this part.

**15-VII.K. HOMEOWNERSHIP ASSISTANCE PAYMENTS AND HOMEOWNERSHIP EXPENSES [24 CFR 982.635]**

The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

In determining the amount of the homeownership assistance payment, the PHA will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described elsewhere in this plan for the Housing Choice Voucher program. The payment standard for a family is:

1. The greater of:
   (i) The payment standard as determined at the commencement of homeownership assistance for occupancy of the home; or
   (ii) The payment standard at the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.

2. The lower of:
   (i) The payment standard for the family unit size; or
   (ii) The payment standard for the size of the home.

The PHA may pay the homeownership assistance payments directly to the family, or at the PHA’s discretion, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, the PHA must pay the excess directly to the family (UAP).

**IHFA Policy (Updated 3/2023)**

IHFA will pay HAP directly to the lender with the following exception:

- If the HoV participant is paid a UAP, or if the participant has a secondary loan (due to approved expenses incurred or down payment assistance provided as a loan), the Homeownership assistance will be paid directly to the participant, who will be responsible for the entire loan payment.
  
  If the HoV participant is being paid directly in the above case, and due to changes in income, no longer receives a UAP, IHFA will not revert back to paying HAP to the lender and the participant. This will continue, unless the participant fails to make their full payment to the lender, or for any other failure to comply with program regulations as warranted."

- IHFA will make payments to the lender via direct deposit. If the lender does not have the capacity for direct deposit, IHFA will pay the participant through direct deposit and the participant will pay the full mortgage payment (including their portion) to the lender.
Homeownership assistance for a family terminates automatically **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.

The PHA must adopt policies for determining the amount of homeownership expenses to be allowed by the PHA in accordance with HUD requirements.

Homeownership expenses (not including cooperatives) only include amounts allowed by the PHA to cover:

- Principal and interest on initial mortgage debt, any approved refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;
- Real estate taxes and public assessments on the home;
- Home insurance;
- The PHA allowance for maintenance expenses;
- The PHA allowance for costs of major repairs and replacements;
- The PHA utility allowance for the home;
- Principal and interest on approved mortgage debt incurred to finance costs for major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person;
- Land lease payments where a family does not own fee title to the real property on which the home is located; [see 24 CFR 982.628(b)].
- For a condominium unit, condominium operating charges or maintenance fees assessed by the condominium homeowner association.

Homeownership expenses for a cooperative member may only include amounts allowed by the PHA to cover:

- The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;
- Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;
- Home insurance;
- The PHA allowance for maintenance expenses;
- The PHA allowance for costs of major repairs and replacements;
- The PHA utility allowance for the home; and
- Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if the PHA determines that allowance of such costs as homeownership
expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person.

- Cooperative operating charges or maintenance fees assessed by the cooperative homeowner association.

**15-VII.L. PORTABILITY [24 CFR 982.636, 982.637, 982.353(b) and (c), 982.552, 982.553]**

Subject to the restrictions on portability included in HUD regulations and PHA policies, a family may exercise portability if the receiving PHA is administering a voucher homeownership program and accepting new homeownership families. The receiving PHA may absorb the family into its voucher program, or bill the initial PHA.

The family must attend the briefing and counseling sessions required by the receiving PHA. The receiving PHA will determine whether the financing for, and the physical condition of the unit, are acceptable. The receiving PHA must promptly notify the initial PHA if the family has purchased an eligible unit under the program, or if the family is unable to purchase a home within the maximum time established by the PHA.

**15-VII.M. MOVING WITH CONTINUED ASSISTANCE [24 CFR 982.637]**

A family receiving homeownership assistance may move with continued tenant-based assistance. The family may move with voucher rental assistance or with voucher homeownership assistance. Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title or other interest to the prior home.

The PHA may deny permission to move to a new unit with continued voucher assistance:

- If the PHA has insufficient funding to provide continued assistance.
- In accordance with 24 CFR 982.638, regarding denial or termination of assistance.
- In accordance with the PHA’s policy regarding number of moves within a twelve (12) month period.

**IHFA Policy**

IHFA will allow a move with continued assistance if:

- All initial requirements listed in 15-VII.B and 15-VII.D are satisfied except for the following that do not apply to a move:
  - The requirement for pre-assistance counseling (unless IHFA requires additional counseling, before or after the move)
  - The requirement that the family be a first-time homeowner

IHFA will allow only one (1) move per year per family.

The PHA must deny the family permission to move to a new unit with continued voucher rental assistance if:

- The family defaulted on an FHA-insured mortgage; and
- The family fails to demonstrate that the family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and the family has moved, or will move, from the home within the period established or approved by HUD.
15-VII.N. DENIAL OR TERMINATION OF ASSISTANCE [24 CFR 982.638]

At any time, the PHA may deny or terminate homeownership assistance in accordance with HCV program requirements in 24 CFR 982.552 (Grounds for denial or termination of assistance) or 24 CFR 982.553 (Crime by family members).

The PHA may also deny or terminate assistance for violation of participant obligations described in 24 CFR Parts 982.551 or 982.633 and in accordance with its own policy, with the exception of failure to meet obligations under the Family Self-Sufficiency program as prohibited under the alternative requirements set forth in FR Notice 12/29/14.

IHFA Policy

IHFA does not currently allow FSS participation in the HoV program.

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.
Chapter 16

PROGRAM ADMINISTRATION

INTRODUCTION

This chapter discusses administrative policies and practices that are relevant to the activities covered in this plan. The policies are discussed in seven parts as described below:

Part I: Administrative Fee Reserve. This part describes the PHA’s policies with regard to oversight of expenditures from its administrative fee reserve.

Part II: Setting Program Standards and Schedules. This part describes what payment standards are, and how they are updated, as well as how utility allowances are established and revised.

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

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

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

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

Part VII: Reporting and Record Keeping for Children with Elevated Blood Lead Level. This part describes the PHA’s responsibilities for reporting, data collection, and record keeping relative to children with elevated blood lead levels that are less than six (6) years of age, and are receiving HCV assistance.

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

Part IX: Violence against Women Act (VAWA): Notification, Documentation, Confidentiality. This part contains key terms used in VAWA and describes requirements related to notifying families and owners about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault, and stalking; and maintaining the confidentiality of information obtained from victims.
PART I: ADMINISTRATIVE FEE RESERVE [24 CFR 982.155]

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

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

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

IHFA Policy (Updated 2022)

Expenditures from the UNP account will be made in accordance with all applicable federal requirements. Expenditures will not exceed $10,000 per occurrence without the prior approval of IHFA’s Board of Commissioners or authorized IHFA official.
PART II: SETTING PROGRAM STANDARDS AND SCHEDULES

16-II.A. OVERVIEW

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

- **Payment Standards**, which dictate the maximum subsidy a family can receive (application of the payment standards is discussed in Chapter 6); and
- **Utility Allowances**, which specify how a family’s payment should be adjusted to account for participant-paid utilities (application of utility allowances is discussed in Chapter 6).

**IHFA Policy (Updated 2022)**

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

IHFA will implement new payment standards no later than January 1 each year, based upon HUD’s most recently published FMR’s. IHFA will review and implement new utility allowance schedules effective the first business day of each year.

Families, owners, and members of the public may review either of these schedules upon request to the local IHFA branch office and may submit written comments on the schedules.

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

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

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

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

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

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

**IHFA Policy (Updated 2022)**

IHFA will implement new payment standards no later than January 1 each year, based upon HUD’s most recent published FMR’s. The Statute requires that the payment standard be set by IHFA between 90 and 110% of the FMR without HUD’s prior approval. IHFA will review its determination of the payment standard annually after publication of the FMRs. IHFA will consider vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program. If it is determined that success rates will suffer or that families have to rent low quality units or pay over 40% of income for rent, the payment standard may be raised to the level judged necessary to alleviate these hardships. This will be accomplished by the Rental Assistance Programs Department upon request from the branch office supervisor.

IHFA may establish a higher payment standard (of up to 120% of the published fair market rent) as a reasonable accommodation for a family that includes people with disabilities. Branch office supervisors may approve, as a reasonable accommodation, up to 120% of the FMR. Denials of such requests must be sent to the Boise office for review.

Payment standards will not be raised solely to allow the renting of luxury quality units. If success levels are projected to be extremely high and rents are projected to be at or below 30% of income, IHFA will reduce the payment standard. Payment standards for each bedroom size are evaluated separately so that the payment standard for one bedroom size may increase or decrease while another remains unchanged. IHFA may consider adjusting payment standards at times other than the annual review when circumstances warrant.

Before increasing any payment standard, the Rental Assistance Programs Department of IHFA will conduct a financial feasibility test to ensure that in using the higher standard, adequate funds will continue to be available to assist families in the program.

**Exception Payment Standards [24 CFR 982.503(c)(5), Notice PIH 2018-01]**

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.

**Voluntary Use of Small Area FMRs [24 CFR 982.503, Notice PIH 2018-01]**

PHAs that administer vouchers in a metropolitan area where the adoption of SAFMRs is not required may request approval from HUD to voluntarily adopt SAFMRs. SAFMRs may be voluntarily adopted for one or more zip code areas.

*IHFA Policy (Updated 2022)*

At this time, IHFA will not voluntarily adopt SAFMRs.

**Unit-by-Unit Exceptions [24 CFR 982.503(b), 24 CFR 982.505(d), Notice PIH 2010-26]**

Unit-by-unit exceptions to the PHA’s payment standards generally are not permitted. However, an exception may be made as a reasonable accommodation for a family that includes a person with disabilities. (See Chapter 2 for a discussion of reasonable accommodations.) This type of exception does not affect the PHA’s payment standard schedule.

When needed as a reasonable accommodation, the PHA may make an exception to the payment standard without HUD approval if the exception amount does not exceed 120 percent of the applicable FMR for the unit size [24 CFR 982.503(b)]. The PHA may request HUD approval for an exception to the payment standard for a particular family if the required amount exceeds 120 percent of the FMR.

*IHFA Policy (Updated 2022) (Also see Chapter 2)*

A family that requires a reasonable accommodation may request a higher payment standard at the time the Request for Tenancy Approval (RTA/RFTA) is submitted. The family must document the need for the exception. In order to approve an exception, or request an exception from HUD, IHFA must determine that:

- There is a shortage of affordable units that would be appropriate for the family;
- The family's TTP would otherwise exceed 40 percent of adjusted monthly income;
- The rent for the unit is reasonable; and
- There must be an identifiable connection, or nexus between the requested accommodation and the individual’s disability.

"Success Rate" Payment Standard Amounts [24 CFR 982.503(e)]

If a substantial percentage of families have difficulty finding a suitable unit, the PHA may request a “success rate payment standard” that applies to the entire jurisdiction. If approved by HUD, a success rate payment standard allows the PHA to set its payment standards at 90-110 percent of a higher FMR (the 50th, rather than the 40th percentile FMR). To support the request, the PHA must demonstrate that during the most recent six (6) month period for which information is available:
- Fewer than seventy-five (75) percent of families who were issued vouchers became participants;
- The PHA had established payment standards for all unit sizes, and for the entire jurisdiction, at 110 percent of the published FMR; and
- The PHA had a policy of allowing voucher holders who made sustained efforts to locate units at least ninety (90) days to search for a unit.

Although HUD approves the success rate payment standard for all unit sizes in the FMR area, the PHA may choose to adjust the payment standard for only some unit sizes in all, or a designated part, of the PHA’s jurisdiction within the FMR area.

**Decreases in the Payment Standard below the Basic Range [24 CFR 982.503(d)]**

The PHA must request HUD approval to establish a payment standard amount that is lower than the basic range. At HUD’s sole discretion, HUD may approve establishment of a payment standard lower than the basic range. HUD will not approve a lower payment standard if the family share for more than forty (40) percent of program participants exceeds thirty (30) percent of adjusted monthly income.

**16-II.C. UTILITY ALLOWANCES [24 CFR 982.517]**

A PHA-established utility allowance schedule is used in determining family share and PHA subsidy. The PHA must maintain a utility allowance schedule for (1) all participant-paid utilities, (2) the cost of participant-supplied refrigerators and ranges, and (3) other participant-paid housing services such as trash collection.

The utility allowance schedule must be determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the PHA must use normal patterns of consumption for the community as a whole, and current utility rates.

The utility allowance must include the utilities and services that are necessary in the locality to provide housing that complies with housing quality standards. Costs for telephone, cable/satellite television, and internet services are not included in the utility allowance schedule.

In the utility allowance schedule, the PHA must classify utilities and other housing services according to the following general categories: space heating; air conditioning; cooking; water heating; water; sewer; trash collection; other electric; cost of participant-supplied refrigerator; cost of participant-supplied range; and other specified housing services.

The cost of each utility and housing service must be stated separately by unit size and type. Chapter 18 of the *HCV Guidebook* provides detailed guidance to the PHA about establishing utility allowance schedules.

**Air Conditioning**

An allowance for air-conditioning must be provided when the majority of housing units in the market have central air-conditioning or are wired for participant-installed air conditioners.

**IHFA Policy** *(Updated 2022)*

IHFA does not currently allow a separate utility allowance for air conditioning.
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).

Utility Allowance Revisions

The PHA must review its schedule of utility allowances each year, and must revise the schedule if there has been a change of 10 percent or more in any utility rate since the last time the allowance for that utility was revised.

The PHA must maintain information supporting its annual review of utility allowance and any revisions made in its utility allowance schedule.
PART III: INFORMAL REVIEWS AND HEARINGS

16-III.A. OVERVIEW

Both applicants and participants have the right to disagree with, and appeal, certain decisions of
the PHA that may adversely affect them. PHA decisions that may be appealed by applicants and
participants are discussed in this section.

The process for applicant appeals of PHA decisions is called the “Informal Review.” For
participants (or applicants denied admission because of citizenship issues), the appeal process is
called an “Informal Hearing.” PHAs are required to include Informal Review procedures for
applicants and Informal Hearing procedures for participants in their administrative plans [24
CFR 982.54(d)(12) and (13)].

IHFA Policy

IHFA will give an applicant for participation in the HCV program prompt notice of a
decision denying assistance to the applicant.

When a negative action is anticipated, a participant/applicant will be given the
opportunity to meet with the Branch Office Supervisor to address the issue and attempt to
reach a satisfactory resolution. By participating in this conference the
participant/applicant does not give up their right to an Informal Review or Informal
Hearing. If a resolution is not achieved at this Supervisor’s Conference, a Notice of
Right to an Informal Hearing for a participant or a Notice of Right for an Informal
Review for an applicant will be issued and sent to the participant/applicant. Under
certain circumstances, and only when warranted, the Branch Office Supervisor may elect
to forgo the Supervisor’s Conference and refer the issue directly to an Informal
Review/Hearing.

16-III.B. INFORMAL REVIEWS

Informal Reviews are provided for program applicants. An applicant is someone who has applied
for admission to the program, but is not yet a participant in the program. Informal Reviews are
intended to provide a “minimum hearing requirement” [24 CFR 982.554], and need not be as
elaborate as the Informal Hearing requirements [Federal Register 60, no. 127 (3 July 1995):
34690].

Decisions Subject to Informal Review [24 CFR 982.554(a) and (c)]

The PHA must give an applicant the opportunity for an Informal Review of a decision denying
assistance [24 CFR 982.554(a)]. Denial of assistance may include any or all of the following [24
CFR 982.552(a)(2)]:

- Denying listing on the PHA waiting list
- Denying or withdrawing a voucher
- Refusing to enter into a HAP contract or approve a lease
- Refusing to process or provide assistance under portability procedures
Informal Reviews are *not* required for the following reasons [24 CFR 982.554(c)]:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- A determination of the family unit size under the PHA subsidy standards
- A PHA determination not to approve an extension of a voucher term
- A PHA determination not to grant approval of the tenancy
- A PHA determination that the unit is not in compliance with the HQS
- A PHA determination that the unit is not in accordance with the HQS due to family size or composition

**IHFA Policy** *(Updated 2022)*

IHFA will only offer an Informal Review to applicants for whom assistance is being denied. Denial of assistance includes: denying listing on IHFA’s waiting list; denying or withdrawing a voucher; refusing to enter into a HAP contract or approve a lease; refusing to process or provide assistance under portability procedures.

**Notice to the Applicant [24 CFR 982.554(a)]**

The PHA must give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for the PHA decision, and must also state that the applicant may request an Informal Review of the decision. The notice must describe how to obtain the Informal Review.

**Scheduling an Informal Review**

**IHFA Policy** *(Updated 2022)*

IHFA will give an applicant for participation in the HCV program prompt notice of a decision denying assistance to the applicant. The notice will contain a brief statement of the reasons for IHFA’s decision. The notice will state that the applicant may request an Informal Review within **ten (10) business days** of the denial and will describe how to obtain the Informal Review.

- Once the applicant requests the Informal Review, the branch office **must** contact the Hearing Officer **within ten (10) business days** to schedule the Informal Review.
- The review will be conducted by IHFA’s Hearing Officer, within **thirty (30) days** after being contacted by the branch office. If circumstances warrant, IHFA may appoint another individual to conduct an Informal Review.

IHFA’s Informal Review will be conducted remotely, at the time IHFA notifies the family of the Informal Review, the family will be informed:
- Regarding the processes to conduct a remote Informal Review;
- That, if needed, IHFA will provide technical assistance prior to and during the Informal Review; and
• That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote Informal Review, the family may inform IHFA and IHFA will assist the family in either resolving the issues or allow the family to participate in an in-person Informal Review, as appropriate.

The family may request to reschedule a review for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. **Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.** Requests to reschedule a review must be made orally or in writing prior to the review date. At its discretion, IHFA may request documentation of the “good cause” prior to rescheduling the review.

If the family does not appear within **twenty (20) minutes** of the scheduled time, and was unable to reschedule the review in advance due to the nature of the conflict, the family must contact IHFA within **twenty-four (24) hours** of the scheduled review date, excluding weekends and holidays. IHFA will reschedule the review only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities. If the family cannot show good cause for the failure to appear, or a rescheduling is not needed as a reasonable accommodation, IHFA’s decision will stand.

**Informal Review Procedures [24 CFR 982.554(b)]**

The Informal Review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person.

The applicant must be provided an opportunity to present written or oral objections to the decision of the PHA.

**Remote Informal Reviews [Notice PIH 2020-32]**

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.

IHFA **Policy** *(Updated 2022)*

IHFA has the sole discretion to require that Informal Reviews be conducted remotely.

Informal Reviews will be conducted via video-teleconferencing (Zoom or GotoMeeting), unless there are extenuating circumstances, or as an accommodation for persons with disabilities, or in the event the participant does not have technology to conduct a remote Review.

**Ensuring Accessibility for Persons with Disabilities and LEP Individuals**

As with in-person Informal Reviews, the platform for conducting remote Informal Reviews must be accessible to persons with disabilities and the Informal Review must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any
information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote Informal Hearings.

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.

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 his or her 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.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote Informal Reviews, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote Informal Reviews.

**Conducting Remote Informal Reviews**

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.

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.

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.

**IHFA Policy (Updated 2022)**

Informal Reviews will be conducted via video-teleconferencing (Zoom or GotoMeeting), unless there are extenuating circumstances, or as an accommodation for persons with disabilities, or in the event the applicant does not have technology to conduct a remote Review.
The Notice of Right to an Informal Review will inform the applicant that if they are not able to video conference, and need to have the Review conducted by phone, or if they request the Review to be conducted in person, they must contact the branch office within **five (5) business days** prior to the Informal Review to arrange for a phone or in-person Review.

Persons with disabilities who require a reasonable accommodation to participate in the Review; those having a visual, hearing, mental or manual impairment and need an alternate form of communication or an auxiliary aid; or Persons with limited English proficiency who require an interpreter or other translation service, must contact the branch office **five (5) business days** prior to the Review so arrangements for these accommodations can be made.

The Branch Office Supervisor/Housing Specialist will survey the family (either by phone, email or other means) prior to scheduling the Review, to determine their ability to participate in the Review. They will ask if the family has a computer, phone, tablet or laptop, with a camera and internet access. Alternately, if the family does not have any of those available, they will be asked if there is another person or place they can go with sufficient privacy and internet access.

If a phone (voice-only) Review will be held, a signed consent form notifying them of accessibility options for persons with disabilities or LEP persons, must be in the file. It may be necessary for the Housing Specialist to read the notice to the applicant/participant if requested and note on the release that it was orally presented to the family, including the date and HS’s signature.

If the family does not have video-teleconferencing technology or a phone Review is not an option, and no alternative place can be identified, an in-person Review will be conducted at the branch office, using the branch office technology to video-conference with the Hearing Officer remotely.

In the event the family cannot physically attend a Review, due to distance or other factors, the branch office will attempt to contact a community agency/partner to determine if they have space and technology available to use, or if an in-home Review can be conducted using the community agency/partner’s technology (phone, iPad, laptop, etc.). If those options are not available, the Review will be postponed until such time as another option for conducting the Review is available.

The Informal Review packet will be mailed or emailed to the applicant per their choice, at least **five (5) business days** prior to the scheduled Review date. The applicant must immediately contact the branch office if they do not receive the packet within **three (3) business days** of the Review date, to make arrangements to receive another. IHFA 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. To ensure confidentiality of all PII information contained in the packet, emails containing PII will be encrypted. The family will be informed of how the presentation will be conducted on the scheduling letter.
The video teleconferencing email will provide the family with login information and/or conferencing call-in information and will be sent via email. The notice will advise the family of technological requirements for the Review and request the family notify IHFA of any known barriers.

Documents will be shared electronically whenever possible. IHFA will require the family to provide any documents they want to submit directly relevant to the Informal Review to be received at least twenty-four (24) hours before the scheduled Review by mail or email. IHFA will scan or email copies of these documents to the IHFA Hearing Officer the same day.

IHFA will attempt follow up with a phone call and/or email to contact the applicant at least one (1) business day prior to the remote Informal Review to ensure that the applicant received all information and they are comfortable accessing the video conferencing or call-in platform.

Informal Review Decision [24 CFR 982.554(b)]

The PHA must notify the applicant of the Hearing Officer’s final decision, including a brief statement of the reasons for the final decision.

IHFA Policy (Updated 2022)

In rendering a decision, the Hearing Officer will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the notice to the family.

- The validity of the grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance may be overturned.

- The validity of the evidence. The Hearing Officer will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, or the denial is required by HUD, the Hearing Officer will uphold the decision to deny assistance.

- If the facts prove the grounds for denial, and the denial is discretionary, the Hearing Officer may consider the Branch Office recommendation in making the final decision whether to deny assistance.

The Hearing Officer will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within thirty (30) business days of the Informal Review, to the applicant and his or her representative, if any, along with proof of mailing.

If the decision to deny is overturned as a result of the Informal Review, processing for admission will resume.

If the family fails to appear for their Informal Review, the denial of admission will stand and the family will be so notified.
16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555]

PHAs must offer an Informal Hearing for certain PHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the PHA’s HCV program and is currently assisted in the program. The purpose of the Informal Hearing is to consider whether the PHA’s decisions related to the family’s circumstances are in accordance with the law, HUD regulations and PHA policies.

The PHA is not permitted to terminate a family’s assistance until the time allowed for the family to request an Informal Hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

Decisions Subject to Informal Hearing

Circumstances for which the PHA must give a participant family an opportunity for an Informal Hearing are as follows:

- A determination of the family’s annual or adjusted income, and the use of such income to compute the housing assistance payment
- A determination of the appropriate utility allowance (if any) for participant-paid utilities from the PHA utility allowance schedule
- A determination of the family unit size under the PHA’s subsidy standards
- A determination to terminate assistance for a participant family because of the family’s actions or failure to act
- A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
- A determination to terminate a family’s Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family’s escrow account [24 CFR 984.303(i)]

Circumstances for which an Informal Hearing is not required are as follows:

- Discretionary administrative determinations by the PHA
- General policy issues or class grievances
- Establishment of the PHA schedule of utility allowances for families in the program
- A PHA determination not to approve an extension of a voucher term
- A PHA determination not to approve a unit or tenancy
- A PHA determination that a unit selected by the applicant is not in compliance with the HQS
- A PHA determination that the unit is not in accordance with HQS because of family size
- A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract
IHFA Policy (Updated 2022)

IHFA will only offer participants the opportunity for an Informal Hearing when required to by the regulations, and if IHFA denies a request for a reasonable accommodation (see Chapter 2).

Remote Informal Hearings [Notice PIH 2020-32]

There is no requirement that Informal Hearings be conducted in-person, and as such, HUD allows PHAs to conduct all or a portion of their Informal Hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If the PHA chooses to conduct remote Informal Hearings, participants may still request an in-person Informal Hearing, as applicable.

IHFA Policy (Updated 2022)

IHFA has the sole discretion to require that Informal Hearings be conducted remotely.

Informal Hearings will be conducted via video-teleconferencing (Zoom or GotoMeeting), unless there are extenuating circumstances, or as an accommodation for persons with disabilities, or in the event the participant does not have technology to conduct a remote Hearing.

Ensuring Accessibility for Persons with Disabilities and LEP Individuals

As with in-person Informal Hearings, the platform for conducting remote Informal Hearings must be accessible to persons with disabilities and the Informal Hearings must be conducted in accordance with Section 504 and accessibility requirements. This includes ensuring any information, websites, emails, digital notifications, and other virtual platforms are accessible for persons with vision, hearing, and other disabilities. Further, providing effective communication in a digital context may require the use of individualized auxiliary aids or services, such as audio description, captioning, sign language and other types of interpreters, keyboard accessibility, accessible documents, screen reader support, and transcripts. Auxiliary aids or services must be provided in accessible formats, in a timely manner, and in such a way to protect the privacy and independence of the individual. PHAs may never request or require that individuals with disabilities provide their own auxiliary aids or services, including for remote Informal Hearings.

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 Hearing process. See Chapter 2 for a more detailed discussion of reasonable accommodation requirements.

If no method of conducting a remote Informal Hearings is available that appropriately accommodates an individual’s disability, the PHA may not hold against the individual his or her inability to participate in the remote Informal Hearing, and the PHA should consider whether postponing the remote hearing to a later date is appropriate or whether there is a suitable alternative.

Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation will depend on the specific circumstances and requirements.
As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote Informal Hearings, including the use of interpretation services and document translation. See Chapter 2 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote Informal Hearings.

**Conducting Informal Hearings Remotely**

The PHA must ensure that the lack of technology or inability to use technology for remote Informal Hearings does not pose a disadvantage to families that may not be apparent to the PHA. The PHA should determine through a survey or other means if these barriers exist prior to conducting the remote Informal Hearing and, if the family does not have the proper technology to fully participate, either postpone the Informal Hearing or provide an alternative means of access.

As with in-person Informal Hearings, the PHA must provide all materials presented, whether paper or electronic, to the family prior to the remote Informal Hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

The PHA’s essential responsibility is to ensure Informal Hearings meet the requirements of due process and comply with HUD regulations. Therefore, all PHA policies and processes for remote Informal Hearings will be conducted in accordance with due process requirements, and will be in compliance with HUD regulations at 24 CFR 982.555 and the guidance for conducting remote hearings specified in Notice PIH 2020-32.

**IHFA Policy** *(Updated 2022)*

Informal Hearings will be conducted via video-teleconferencing (Zoom or GotoMeeting), unless there are extenuating circumstances, or as an accommodation for persons with disabilities, or in the event the participant does not have technology to conduct a remote Hearing.

The Notice of Right to an Informal Hearing will inform the participant that if they are not able to video conference, and need to have the hearing conducted by phone, or if they request the hearing to be conducted in person, they must contact the branch office within **five (5) business days** prior to the Informal Hearing to arrange for a phone or in-person hearing.

Persons with disabilities who require a reasonable accommodation to participate in the hearing; those having a visual, hearing, mental or manual impairment and need an alternate form of communication or an auxiliary aid; or Persons with limited English proficiency who require an interpreter or other translation service, must contact the branch office **five (5) business days** prior to the hearing so arrangements for these accommodations can be made.

The Branch Office Supervisor/Housing Specialist will survey the family (either by phone, email or other means) prior to scheduling the Informal Hearing to determine their ability to participate in the Hearing. They will ask if the family has a computer, phone, tablet or laptop, with a camera and internet access. Alternately, if the family does not have any of those available, they will be asked if there is another person or place they can go with sufficient privacy and internet access.
If a phone (voice-only) Hearing will be held, a signed consent form notifying them of accessibility options for persons with disabilities or LEP persons, must be in the file. It may be necessary for the Housing Specialist to read the notice to the family if requested and note on the release that it was orally presented to the family, including the date and HS’s signature.

If the family does not have video-teleconferencing technology or a phone Hearing is not an option, and no alternative place can be identified, an in-person Hearing will be conducted at the branch office, using the branch office technology to video-conference with the Hearing Officer remotely.

In the event the family cannot physically attend a Hearing, due to distance or other factors, the branch office will attempt to contact a community agency/partner to determine if they have space and technology available to use, or if an in-home hearing can be conducted using the community agency/partner’s technology (phone, iPad, laptop, etc.). As a last measure, the Hearing will be postponed until such time as another option for conducting the Hearing is available.

The Informal Hearing packet will be mailed or emailed to the participant per their choice, at least five (5) business days prior to the scheduled Hearing date. The participant must immediately contact the branch office if they do not receive the packet within three (3) business days of the hearing date, to make arrangements to receive another. IHFA will ensure that all electronic information stored or transmitted with respect to the Informal Hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP. To ensure confidentiality of all PII information contained in the packet, emails containing PII will be encrypted. The family will be informed of how the presentation will be conducted on the Informal Hearing scheduling letter.

The video tele-conferencing (Zoom) email will provide the family with login information and/or conferencing call-in information and will be sent via email. The notice will advise the family of the technological requirements for the Hearing and request the family notify IHFA of any known barriers.

Documents will be shared electronically whenever possible. IHFA will require the family to provide any documents they want to submit directly relevant to the Informal Hearing, to be received at least twenty-four (24) hours before the scheduled Hearing, by mail or email. IHFA will scan or email copies of these documents to the IHFA Hearing Officer the same day.

IHFA will attempt follow up with a phone call and/or email to contact the participant at least one (1) business day prior to the remote Informal Hearing to ensure that the participant received all information and they are comfortable accessing the video conferencing or call-in platform.

**Informal Hearing Procedures**

*Notice to the Family [24 CFR 982.555(c)]*
When the PHA makes a decision that is subject to Informal Hearing procedures, the PHA must inform the family of its right to an Informal Hearing at the same time that it informs the family of the decision.

For decisions related to the family’s annual or adjusted income, the determination of the appropriate utility allowance, and the determination of the family unit size, the PHA must notify the family that they may ask for an explanation of the basis of the determination, and that if they do not agree with the decision, they may request an Informal Hearing on the decision.

For decisions related to the termination of the family’s assistance, or the denial of a family’s request for an exception to the PHA’s subsidy standards, the notice must contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision, the family may request an Informal Hearing on the decision, and a statement of the deadline for the family to request an Informal Hearing.

**IHFA Policy (Updated 2022)**

In cases where IHFA makes a decision for which an Informal Hearing must be offered, the notice to the family will include all of the following:

- The proposed action or decision of IHFA.
- A brief statement of the reasons for the decision, including the regulatory reference.
- The date the proposed action will take place.
- A statement of the family’s right to an explanation of the basis for IHFA’s decision.
- A statement that if the family does not agree with the decision the family may request an Informal Hearing of the decision.
- A deadline for the family to request the Informal Hearing.
- To whom the hearing request should be addressed.
- A copy of IHFA’s hearing procedures.

**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.

**IHFA Policy (Updated 2022)**

A request for an Informal Hearing must be made in writing and delivered to IHFA either in person or by first class mail or email, by the close of the business day, no later than ten (10) business days from the date of IHFA’s decision or notice to terminate assistance.

IHFA must schedule and send written notice of the Informal Hearing to the family within ten (10) business days of the family’s request.

IHFA Hearings will be conducted remotely, at the time the notice is sent to the family, the family will be notified:

- Regarding the processes involved in a remote Informal Hearing;
That IHFA will provide technical assistance prior to and during the Informal Hearing, if needed; and

That if the family or any individual witness has any technological, resource, or accessibility barriers, the family may inform IHFA and IHFA will assist the family in either resolving the issue or allow the family to participate in an in-person hearing, as appropriate.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, IHFA may request documentation of the “good cause” prior to rescheduling the hearing.

If the family does not appear within twenty (20) minutes of the scheduled time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact IHFA within twenty-four (24) hours of the scheduled hearing date, excluding weekends and holidays. IHFA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities. If the family cannot show good cause for the failure to appear, or a rescheduling is not needed as a reasonable accommodation, IHFA’s decision will stand.

Pre-Hearing Right to Discovery [24 CFR 982.555(e)]

Participants and the PHA are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any PHA documents that are directly relevant to the hearing. The family must be allowed to copy any such documents at their own expense. If the PHA does not make the document available for examination on request of the family, the PHA may not rely on the document at the hearing.

For the purpose of Informal Hearings, documents include records and regulations.

IHFA Policy (Updated 2022)

For remote Hearings, IHFA will compile a hearing packet, consisting of all documents IHFA intends to present at the Informal Hearing. The hearing packet will be mailed and/or emailed to the family and the hearing officer at least five (5) business days before the scheduled remote Informal Hearing. At the request of the family, the branch office will mail and/or email copies of the hearing packet to the family’s representative, if any. The original hearing packet will be in the possession of IHFA representative and retained by IHFA.

For in-person hearings; IHFA will provide one copy of all relevant documents. Any subsequent copies will be at a cost of five (5) cents per page. IHFA will email the packet at no charge. The family must request discovery of IHFA documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date.

Documents will be shared electronically whenever possible.
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.

IHFA Policy (Updated 2022)

For in-person hearings, IHFA will require pre-hearing discovery by IHFA of family documents directly relevant to the hearing. IHFA will be allowed to copy any such document at IHFA’s expense. If the family does not make the document(s) available for examination on request of IHFA, the family may not rely on the document(s) at the hearing.

If the Informal Hearing is to be conducted remotely, IHFA will require the family to provide any documents directly relevant to the Informal Hearing to be received at least twenty-four (24) hours before the scheduled hearing through the mail, or via email. IHFA will scan and email copies of these documents to the hearing officer and IHFA representative the same day. Documents will be shared electronically whenever possible.

Participant’s Right to Bring Counsel [24 CFR 982.555(e)(3)]

At its own expense, the family may be represented by a lawyer or other representative at the Informal Hearing.

Informal Hearing Officer [24 CFR 982.555(e)(4)]

Informal Hearings will be conducted by a person or persons approved by the PHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

Attendance at the Informal Hearing

IHFA Policy (Updated 2022)

Hearings may be attended by a hearing officer and the following applicable persons:

- An IHFA representative(s) and any witnesses for IHFA
- The participant and any witnesses for the participant
- The participant’s counsel or other representative
- An interpreter
- Any other person approved by IHFA as a reasonable accommodation for a person with a disability

Witnesses will be excluded from the hearing proceedings until such time as their testimony is needed.

Conduct at Hearings [24 CFR 982.555(4)(ii)]

The person who conducts the hearing may regulate the conduct of the hearing in accordance with the PHA’s hearing procedures.
The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

Evidence [24 CFR 982.555(e)(5)]

The PHA and the family must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an Informal Hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence.

- **Oral evidence**: the testimony of witnesses
- **Documentary evidence**: a writing which is relevant to the case, for example, a letter written to IHFA. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof.
- **Demonstrative evidence**: Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram.
- **Real evidence**: A tangible item relating directly to the case.

Hearsay Evidence is evidence based not on a witness’ personal knowledge. In and of itself, hearsay evidence carries no weight when making a finding of fact. The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence. Even though hearsay evidence is generally admissible in a hearing, the hearing officer will not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party seeking the change has met the burden of proof.

If either IHFA (or the family, if required in a remote hearing) fail to comply with the discovery requirements described above, the hearing officer will refuse to admit such evidence.

Other than the failure of a party to comply with discovery, the hearing officer has the authority to overrule any objections to evidence.

Procedures for Rehearing or Further Hearing

The hearing officer may ask the family for additional information and/or might adjourn the hearing in order to reconvene at a later date, before reaching a decision. If the family
If a family member misses an appointment or deadline ordered by the hearing officer, the action of IHFA will take effect and another hearing will not be granted.

**Hearing Officer’s Decision [24 CFR 982.555(e)(6)]**

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing.

**IHFA Policy (Updated 2022)**

In rendering a decision, the hearing officer will consider the following matters:

- **IHFA Notice to the Family:** The hearing officer will determine if the reasons for IHFA’s decision are factually stated in the Notice.

- **Discovery:** The hearing officer will determine if IHFA and the family were given the opportunity to examine any relevant documents in accordance with IHFA policy.

- **IHFA Evidence to Support IHFA Decision:** The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support IHFA’s conclusion.

- **Validity of Grounds for Termination of Assistance (when applicable):** The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and IHFA policies. If the grounds for termination are not specified in the regulations or in compliance with IHFA policies, then the decision of IHFA may be overturned.

The hearing officer will issue a written decision to the family and IHFA no later than thirty (30) business days after the hearing. The report will contain the following information:

- **Hearing information:**
  - Name of the participant;
  - Date, time and place of the hearing;
  - Name of the hearing officer;
  - Name of the IHFA representative; and
  - Name of family representative (if any).

- **Background:** A brief, impartial statement of the reason for the hearing.

- **Summary of the Evidence:** The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of his/her testimony and that are admitted into evidence.

- **Findings of Fact:** The hearing officer will include all findings of fact, based on a preponderance of the evidence. *Preponderance of the evidence* is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.
Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold IHFA’s decision.

Order: The hearing report will include a statement of whether IHFA’s decision is upheld or overturned. If it is overturned, the hearing officer will instruct IHFA to change the decision in accordance with the hearing officer’s determination. In the case of termination of assistance, the hearing officer will instruct IHFA to restore the participant’s program status.

Issuance of Decision [24 CFR 982.555(e)(6)]

A copy of the hearing must be furnished promptly to the family.

IHFA Policy (Updated 2022)

The hearing officer will mail a “Notice of Hearing Decision” to the appropriate IHFA branch office and to the participant on the same day. This notice will be sent by first-class mail. If the denial is upheld, the Hearing Officer will also send a copy of the hearing decision via certified mail. The participant will be mailed the original “Notice of Hearing Decision”. A copy of the proof of mailing, if denial upheld, and a copy of the “Notice of Hearing Decision” will be maintained in IHFA’s file.

The Hearing Officer will generally issue a written decision within thirty (30) business days from the date of the hearing, stating briefly the reasons for the decision.

The audio recording of the Informal Hearing will be kept in the Boise office for a period of six (6) months. A copy of the written hearing decision will be kept in the Boise office and will be purged after a period of three (3) years from the date of the hearing. A copy of the hearing decision will also be kept as a permanent part of the participant’s file.

Effect of Final Decision [24 CFR 982.555(f)]

The PHA is not bound by the decision of the hearing officer for matters in which the PHA is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to federal, state, or local laws.

If the PHA determines it is not bound by the hearing officer’s decision in accordance with HUD regulations, the PHA must promptly notify the family of the determination and the reason for the determination.

IHFA Policy

IHFA is not bound by a hearing decision:

1. Concerning a matter for which IHFA is not required to provide an opportunity for an Informal Hearing under this Section or that otherwise exceeds the authority of the person conducting the hearing under IHFA hearing procedures

2. Contrary to HUD regulations or requirements, or otherwise contrary to Federal, State or local law

If IHFA determines that it is not bound by a hearing decision, IHFA will notify the
family within **thirty (30) business days** of the determination, and of the reasons for the determination.

### 16-III.D. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an Informal Hearing, not an Informal Review.

Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process. Assistance to a family may not be terminated or denied while the PHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the Informal Hearing.

A decision against a family member, issued in accordance with the USCIS appeal process or the PHA Informal Hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

#### Notice of Denial or Termination of Assistance [24 CFR 5.514(d)]

The notice of denial or termination of assistance for noncitizens must advise the family:

- That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance.
- The family may be eligible for proration of assistance.
- In the case of a participant, the criteria and procedures for obtaining relief under the provisions for preservation of families [24 CFR 5.514 and 5.518].
- That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal.
- That the family has a right to request an Informal Hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.
- For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the Informal Hearing process.

#### USCIS Appeal Process [24 CFR 5.514(e)]

When the PHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, the PHA must notify the family of the results of the USCIS verification. The family will have **thirty (30) days** from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide the PHA with a copy of the written request for appeal and the proof of mailing.

**IHFA Policy**  
*(Updated 2022)*

IHFA will notify the family in writing of the results of the USCIS secondary verification within **ten (10) business days** of receiving the results.
The family must provide IHFA with a copy of the written request for appeal and proof of mailing within **ten (10) business days** of sending the request to the USCIS.

The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

The USCIS will notify the family, with a copy to the PHA, of its decision. When the USCIS notifies the PHA of the decision, the PHA must notify the family of its right to request an Informal Hearing.

**IHFA Policy** *(Updated 2022)*

IHFA will send written notice to the family of its right to request an Informal Hearing within **ten (10) business days** of receiving notice of the USCIS decision regarding the family’s immigration status.

**Informal Hearing Procedures for Applicants [24 CFR 5.514(f)]**

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the PHA provide a hearing. The request for a hearing must be made either within **thirty (30) days** of receipt of the PHA notice of denial, or within **thirty (30) days** of receipt of the USCIS appeal decision.

The Informal Hearing procedures for applicant families are described below.

**Informal Hearing Officer**

The PHA must provide an Informal Hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision. See Section 16-III.C. for a listing of positions that serve as Informal Hearing officers.

**Evidence**

The family must be provided the opportunity to examine and copy at the family’s expense, at a reasonable time in advance of the hearing, any documents in the possession of the PHA pertaining to the family’s eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

**IHFA Policy** *(Updated 2022)*

The family will be given the opportunity to examine, before the hearing, any IHFA documents that are directly relevant to the hearing. The family will be allowed to copy any such document at the family’s expense (One copy of all relevant documents will be provided at no charge. Any subsequent copies will be at a cost of five (5) cents per page copied). If IHFA does not make the document(s) available for examination on request of the family, IHFA may not rely on the document at the hearing.

The family must request discovery of IHFA documents no later than 12:00 p.m. on the business day prior to the hearing.
The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The family must also be provided the opportunity to refute evidence relied upon by the PHA, and to confront and cross-examine all witnesses on whose testimony or information the PHA relies.

**Representation and Interpretive Services**

The family is entitled to be represented by an attorney or other designee, at the family’s expense, and to have such person make statements on the family’s behalf.

The family is entitled to request an interpreter. Upon request, the PHA will provide competent interpretation services, free of charge.

**Recording of the Hearing**

The family is entitled to have the hearing recorded by audiotape. The PHA may, but is not required to provide a transcript of the hearing.

IHFA Policy (Updated 2022)

IHFA will not provide a written transcript of an audio recorded hearing. However, upon request, IHFA may provide an audio copy of the recorded hearing. The audio recording of the Informal Hearing will be kept in the Boise office for a period of six (6) months.

**Hearing Decision**

The PHA must provide the family with a written final decision, based solely on the facts presented at the hearing, within thirty (30) business days of the date of the Informal Hearing. The decision must state the basis for the decision.

**Informal Hearing Procedures for Residents [24 CFR 5.514(f)]**

After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that the PHA provide a hearing. The request for a hearing must be made either within thirty (30) days of receipt of the PHA notice of termination, or within thirty (30) days of receipt of the USCIS appeal decision.

For the Informal Hearing procedures that apply to participant families whose assistance is being terminated based on immigration status, see Section 16-III.C.

**Retention of Documents [24 CFR 5.514(h)]**

The PHA must retain for a minimum of five (5) years the following documents that may have been submitted to the PHA by the family, or provided to the PHA as part of the USCIS appeal or the PHA Informal Hearing process:

- The application for assistance
- The form completed by the family for income reexamination
- Photocopies of any original documents, including original USCIS documents
- The signed verification consent form
- The USCIS verification results
- The request for a USCIS appeal
- The final USCIS determination
- The request for an Informal Hearing
- The final Informal Hearing decision
PART IV: OWNER OR FAMILY DEBTS TO THE PHA

16-IV.A. OVERVIEW

PHAs are required to include in the administrative plan, policies concerning repayment by a family of amounts owed to the PHA [24 CFR 982.54]. This part describes the PHA’s policies for recovery of monies owed to the PHA by families or owners.

IHFA Policy (Updated 2022) (Also see Chapter 14)
When an action or inaction of an owner or participant results in the overpayment of housing assistance, IHFA holds the owner or participant liable to return any overpayments to IHFA.

For participants, IHFA will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments. When a participant refuses to repay monies owed to IHFA, IHFA may utilize other available collection alternatives including but not limited to, the following:

- Termination of assistance
- Denial of Moves or Ports with continued assistance
- Denial of future admission to IHFA rental assistance programs

For owners, IHFA generally requires owners to reimburse over paid HAP payments within thirty (30) business days, which will be reimbursed either by check or deduction from ongoing HAP payments for other units. After unsuccessful attempts to collect the monies owed, IHFA will turn the debt owed over to a collection agency (see 16-IV.B. below). Depending on the amount owed and the reason for the debt, IHFA may utilize other collection alternatives, such as, but not limited to the following:

- Small claims court
- Civil law suit or criminal prosecution, if fraud related
- State income tax set-off program

16-IV.B. REPAYMENT POLICY

Owner Debts to the PHA

IHFA Policy (Updated 2022)
Any amount due to IHFA by an owner must be repaid by the owner within thirty (30) business days of IHFA determination of the debt.

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

If the owner is not entitled to future HAP payments, IHFA branch office staff will send a collection letter requiring payment within thirty (30) business days. If there is no response and the debt remains unpaid, a second letter will be sent by the Boise Rental Assistance (RA) Coordinator. If the debt continues to be unpaid, a third letter will be sent
by the Boise RA Coordinator advising the owner that failure to pay the debt by the due date on the letter will result in the debt being sent to a collection agency. IHFA uses CDI Affiliated Service, Inc. for this purpose. IHFA may under extreme extenuating circumstances, and at its sole discretion, offer to enter into a repayment agreement on terms prescribed by IHFA. These requests must be approved by the Boise Office.

If the owner refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, IHFA will ban the owner from future participation in the program and pursue other modes of collection.

Family Debts to the PHA

IHFA Policy (Updated 2022)

Any amount owed to IHFA by an HCV family must be repaid by the family. If the family is unable to repay the debt within thirty (30) business days, IHFA will offer to enter into a repayment agreement in accordance with the policies below.

If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, IHFA will terminate assistance in accordance with the policies in Chapter 12 and may pursue other modes of collection.

Repayment Agreement [24 CFR 792.103]

The term repayment agreement refers to a formal written document signed by a participant or owner and provided to the PHA in which a participant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

General Repayment Agreement Guidelines for Families

Down Payment Requirement

IHFA Policy (Updated 2022)

At this time, IHFA does not require a down payment for a repayment agreement.

Payment Thresholds

Notice PIH 2017-12 recommends that the total amount that a family must pay each month—the family’s monthly share of rent plus the monthly debt repayment amount—should not exceed 40 percent of the family’s monthly adjusted income. However, a family may already be paying 40 percent or more of its monthly adjusted income in rent. Moreover, Notice PIH 2017-12 acknowledges that PHAs have the discretion to establish “thresholds and policies” for repayment agreements with families [24 CFR 982.552(c)(1)(vii)].

IHFA Policy (Updated 2022)

Any repayment amount of $50 or less is due and payable in full within thirty (30) business days and does not require a repayment agreement. Any amount that exceeds $50 will require the participant to enter into a repayment agreement to reimburse the amount to IHFA that was incorrectly paid on the participant’s behalf. Repayment agreements are established based upon ten (10) percent of the families’ adjusted monthly income or a minimum of $25 per month. However, exceptions can be made
for extreme extenuating circumstances which must be reviewed and approved by the Branch Office Supervisor.

In making its determination, IHFA will consider all relevant information, including the following:

- The amount owed by the family to IHFA
- The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family’s control
- The family’s current and potential income and expenses
- The family’s current family share, as calculated under 24 CFR 982.515
- The family’s history of meeting its financial responsibilities

**Execution of the Agreement**

IHFA Policy (Updated 2022)

Any repayment agreement between IHFA and a family must be signed and dated by IHFA and by the head of household and/or spouse/cohead (if applicable).

**Due Dates**

IHFA Policy (Updated 2022)

All payments are due by the last calendar day of each month.

**Late or Missed Payments**

IHFA Policy (Updated 2022)

If the payment is not received by the due date, and prior approval for the missed payment has not been given by IHFA, it will be considered a breach of the agreement and IHFA may terminate assistance for default in accordance with the policies in Chapter 12.

- Current Participants: Monthly notices are sent by IHFA’s Boise office to participants who have an established repayment agreement. Notices will be sent as long as they are a current participant and have an active repayment agreement. IHFA considers the Repayment Agreement to be in default when two (2) payments are delinquent and when in default, all money will be due in full. Participants who owe a debt may not be allowed to move or port out of IHFA’s jurisdiction with continued assistance.
- Past Participants: Notices will be sent for one (1) year from when the charge was added. However, if they are making regular monthly payments, notices will continue to be sent until the debt is paid or they stop making regular payments. If a participant leaves the program owing a debt to IHFA, the participant will be flagged in the system (IHFA’s and HUD’s EIV Debts Owed system) and will not be allowed to participate in IHFA’s or any other PHA’s voucher program until the debt is satisfied.
No Offer of Repayment Agreement

IHFA Policy (Updated 2022)

If IHFA determines the amount warrants pursuing prosecution through the courts and/or HUD Office of Inspector General (OIG), a repayment agreement will not be offered to the participant.

Repayment Agreements Involving Improper Payments

Notice PIH 2017-12 requires certain provisions to be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

- A reference to the items in the family briefing packet that state the family’s obligation to provide true and complete information at every reexamination and the grounds on which the PHA may terminate assistance because of a family’s action or failure to act
- A statement clarifying that each month the family not only must pay to the PHA the monthly payment amount specified in the agreement but must also pay to the owner the family’s monthly share of the rent to owner
- A statement that the terms of the repayment agreement may be renegotiated if the family’s income decreases or increases
- A statement that late or missed payments constitute default of the repayment agreement and may result in termination of assistance
PART V: SECTION 8 MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

16-V.A. OVERVIEW

The Section 8 Management Assessment Program (SEMAP) is a tool that allows HUD to measure PHA performance in key areas to ensure program integrity and accountability. SEMAP scores translate into a rating for each PHA as high performing, standard, or troubled. Scores on individual SEMAP indicators, as well as overall SEMAP ratings, can affect the PHA in several ways.

- High-performing PHAs can be given a competitive advantage under notices of funding availability [24 CFR 985.103].
- PHAs with deficiencies on one or more indicators are required to correct the deficiencies and report to HUD [24 CFR 985.106].
- PHAs with an overall rating of “troubled” are subject to additional HUD oversight, including on-site reviews by HUD staff, a requirement to develop a corrective action plan, and monitoring to ensure the successful implementation of the corrective action plan. In addition, PHAs that are designated “troubled” may not use any part of the administrative fee reserve for other housing purposes [24 CFR 985.107].
- HUD may determine that a PHA’s failure to correct identified SEMAP deficiencies or to prepare and implement a corrective action plan required by HUD constitutes a default under the ACC [24 CFR 985.109].

16-V.B. SEMAP CERTIFICATION [24 CFR 985.101]

PHAs must submit the HUD-required SEMAP certification form within sixty (60) calendar days after the end of its fiscal year. The certification must be approved by PHA board resolution and signed by the PHA executive director. If the PHA is a unit of local government or a state, a resolution approving the certification is not required, and the certification must be executed by the Director of Rental Assistance or other authorized IHFA official.

PHAs with less than 250 voucher units are only required to be assessed every other PHA fiscal year. HUD will assess such PHAs annually if the PHA elects to have its performance assessed on an annual basis; or is designated as “troubled” [24 CFR 985.105].

Failure of a PHA to submit its SEMAP certification within the required time frame will result in an overall performance rating of “troubled.”

A PHA’s SEMAP certification is subject to HUD verification by an on-site confirmatory review at any time.

Upon receipt of the PHA’s SEMAP certification, HUD will rate the PHA’s performance under each SEMAP indicator in accordance with program requirements.

HUD Verification Method

Several of the SEMAP indicators are scored based on a review of a quality control sample selected for this purpose. The PHA or the Independent Auditor must select an unbiased sample that provides an adequate representation of the types of information to be assessed, in accordance with SEMAP requirements [24 CFR 985.2].
If the HUD verification method for the indicator relies on data in the Form-50058 module (formerly known as MTCS) in the PIH Information Center (PIC), and HUD determines that those data are insufficient to verify the PHA’s certification on the indicator due to the PHA’s failure to adequately report family data, HUD will assign a zero rating for the indicator [24 CFR 985.3].

### 16-V.C. SEMAP INDICATORS [24 CFR 985.3 and form HUD-52648]

The table below lists each of the SEMAP indicators, contains a description of each indicator, and explains the basis for points awarded under each indicator. A PHA that expends less than $300,000 in Federal awards and whose HCV programs are not audited by an independent auditor, is not be rated under SEMAP indicators 1-7.

<table>
<thead>
<tr>
<th>SEMAP Indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Indicator 1: Selection from the waiting list</strong></td>
</tr>
<tr>
<td><strong>Maximum Score: 15</strong></td>
</tr>
<tr>
<td>• This indicator shows whether the PHA has written policies in its administrative plan for selecting applicants from the waiting list and whether the PHA follows these policies when selecting applicants for admission from the waiting list.</td>
</tr>
<tr>
<td>• Points are based on the percent of families that are selected from the waiting list in accordance with the PHA’s written policies, according to the PHA’s quality control sample.</td>
</tr>
</tbody>
</table>

| **Indicator 2: Rent reasonableness**                   |
| **Maximum Score: 20**                                 |
| • This indicator shows whether the PHA has and implements a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based on current rents for comparable unassisted units. |
| • Points are based on the percent of units for which the PHA follows its written method to determine reasonable rent and has documented its determination that the rent to owner is reasonable, according to the PHA’s quality control sample. |

| **Indicator 3: Determination of adjusted income**      |
| **Maximum Score: 20**                                 |
| • This indicator measures whether the PHA verifies and correctly determines adjusted income for each assisted family, and where applicable, uses the appropriate utility allowances for the unit leased in determining the gross rent. |
| • Points are based on the percent of files that are calculated and verified correctly, according to the PHA’s quality control sample. |

| **Indicator 4: Utility allowance schedule**            |
| **Maximum Score: 5**                                  |
| • This indicator shows whether the PHA maintains an up-to-date utility allowance schedule. |
| • Points are based on whether the PHA has reviewed the utility allowance schedule and adjusted it when required, according to the PHA’s certification. |

| **Indicator 5: HQS quality control inspections**       |
| **Maximum Score: 5**                                  |
| • This indicator shows whether a PHA supervisor reinspects a sample of units under contract during the PHA fiscal year, which meets the minimum sample size requirements for quality |
control of HQS inspections.

- Points are based on whether the required quality control reinspections were completed, according to the PHA’s certification.

**Indicator 6: HQS enforcement**

**Maximum Score: 10**

- This indicator shows whether, following each HQS inspection of a unit under contract where the unit fails to meet HQS, any cited life-threatening deficiencies are corrected within **twenty-four (24) hours** from the inspection and all other deficiencies are corrected within no more than **thirty (30) calendar days** from the inspection or any PHA-approved extension.
- Points are based on whether the PHA corrects all HQS deficiencies in accordance with required time frames, according to the PHA’s certification.

**Indicator 7: Expanding housing opportunities**

**Maximum Points: 5**

- Only applies to PHAs with jurisdiction in metropolitan FMR areas.
- This indicator shows whether the PHA has adopted and implemented a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration; informs voucher holders of the full range of areas where they may lease units both inside and outside the PHA’s jurisdiction; and supplies a list of landlords or other parties who are willing to lease units or help families find units, including units outside areas of poverty or minority concentration.
- Points are based on whether the PHA has adopted and implemented written policies in accordance with SEMAP requirements, according to the PHA’s certification.

**Indicator 8: FMR limit and payment standards**

**Maximum Points: 5 points**

- This indicator shows whether the PHA has adopted a payment standard schedule that establishes payment standard amounts by unit size for each FMR area in the PHA’s jurisdiction, that are within the basic range of 90 to 110 percent of the published FMR.
- Points are based on whether the PHA has appropriately adopted a payment standard schedule(s), according to the PHA’s certification.

**Indicator 9: Annual reexaminations**

**Maximum Points: 10**

- This indicator shows whether the PHA completes a reexamination for each participating family at least every **twelve (12) months.**
- Points are based on the percent of reexaminations that are more than **two (2) overdue,** according to data from PIC.

**Indicator 10: Correct participant rent calculations**

**Maximum Points: 5**

- This indicator shows whether the PHA correctly calculates the family’s share of the rent to owner.
- Points are based on the percent of correct calculations of family share of the rent, according to data from PIC.

**Indicator 11: Pre-contract HQS inspections**

**Maximum Points: 5**
- This indicator shows whether newly leased units pass HQS inspection on or before the effective date of the assisted lease and HAP contract.
- Points are based on the percent of newly leased units that passed HQS inspection prior to the effective date of the lease and HAP contract, according to data from PIC.

**Indicator 12: Annual HQS inspections**  
**Maximum Points: 10**
- This indicator shows whether the PHA inspects each unit under contract at least biennially.
- Points are based on the percent of annual HQS inspections of units under contract that are more than two (2) months overdue, according to data from PIC.

**Indicator 13: Lease-up**  
**Maximum Points: 20 points**
- This indicator shows whether the PHA enters HAP contracts for at least 98 percent of the number of the PHA’s baseline voucher units in the ACC for the calendar year ending on or before the PHA’s fiscal year, or whether the PHA has expended at least 98 percent of its allocated budget authority for the same calendar year. The PHA can receive 15 points if 95 to 97 percent of vouchers are leased or budget authority is utilized.
- Points are based on utilization of vouchers and HAP expenditures as reported in the voucher management system (VMS) for the most recently completed calendar year.

**Indicator 14: Family self-sufficiency (FSS) enrollment and escrow account balances**  
**Maximum Points: 10  (IHFA no longer has mandatory FSS slots)**
- Only applies to PHAs with mandatory FSS programs.
- This indicator shows whether the PHA has enrolled families in the FSS program as required, and measures the percent of current FSS participants that have had increases in earned income which resulted in escrow account balances.
- Points are based on the percent of mandatory FSS slots that are filled and the percent of families with escrow account balances, according to data from PIC.

**Success Rate of Voucher Holders**  
**Maximum Points: 5**
- Only applies to PHAs that have received approval to establish success rate payment standard amounts, and isn’t effective until the second full PHA fiscal year following the date of HUD approval of success rate payment standard amounts.
- This indicator shows whether voucher holders were successful in leasing units with voucher assistance.
- Points are based on the percent of families that were issued vouchers, and that became participants in the voucher program.

**Deconcentration Bonus Indicator**  
**Maximum Points: 5**
- Submission of data for this indicator is mandatory for a PHA using one or more payment standard amount(s) that exceed(s) 100 percent of the published FMR set at the 50 percentile rent, starting with the second full PHA fiscal year following initial use of payment standard amounts based on the FMRs set at the 50th percentile.
- Additional points are available to PHAs that have jurisdiction in metropolitan FMR areas and that choose to submit the required data.
- Points are based on whether the data that is submitted meets the requirements for bonus points.
PART VI: RECORD KEEPING

16-VI.A. OVERVIEW

The PHA must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request.

In addition, the PHA must ensure that all applicant and participant files are maintained in a way that protects an individual’s privacy rights.

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

During the term of each assisted lease, and for at least three (3) years thereafter, the PHA must keep:

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

In addition, the PHA must keep the following records for at least three (3) years:

- Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;
- An application from each ineligible family and notice that the applicant is not eligible;
- HUD-required reports;
- Unit inspection reports;
- Lead-based paint records as required by 24 CFR 35, Subpart B.
- Accounts and other records supporting PHA budget and financial statements for the program;
- Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
- Other records specified by HUD.

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.

The PHA must keep confidential records of all emergency transfer requested by victims of domestic violence, dating violence, sexual assault, and stalking under the PHA’s Emergency Transfer Plan, as well as the outcomes of such requests, and retain the records for a period of three (3) years [24 CFR 5.2002(e)(12)].

If an Informal Hearing to establish a family’s citizenship status is held, longer retention requirements apply for some types of documents. For specific requirements, see Section 16-III.D., Retention of Documents.
16-VI.C. RECORDS MANAGEMENT

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

**IHFA Policy (Updated 2022)**

All applicant and participant information will be kept in a secure location and access will be limited to authorized IHFA staff.

IHFA staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

**Privacy Act Requirements [24 CFR 5.212 and Form-9886]**

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD or the PHA may release the information collected.

**Upfront Income Verification (UIV) Records**

PHAs that access UIV data through HUD’s Enterprise Income Verification (EIV) system are required to adopt and follow specific security procedures to ensure that all EIV data is protected in accordance with federal laws, regardless of the media on which the data is recorded (e.g. electronic, paper). These requirements are contained in the HUD-issued document, *Enterprise Income Verification (EIV) System, Security Procedures for Upfront Income Verification data.*

**IHFA Policy (Updated 10/2022)**

Prior to utilizing HUD’s EIV system, IHFA adopted and implement EIV security procedures required by HUD.

**Penalties for Improper Use/Handling of EIV Information:**

Civil and criminal penalties may be imposefor improper use/handling of information received through HUD’s EIV/UIV system. A participant may take legal action against HUD or IHFA for the following actions:

1. Refusal to grant a participant access to a his/her record
2. Refusal to amend or correct a participant’s record
3. Failure to maintain a record with accuracy, relevancy, timeliness or completeness
4. Failure to comply with any other provision of the privacy Act, where there is an adverse effect on the participant
5. Unauthorized disclosure of a participant’s records to an unauthorized source
6. Unauthorized inspection of the date contained in HUD’s EIV/UIV system

Each IHFA employee granted access to HUD’s EIV/UIV system has signed the Rules of Behavior and User Agreement. Failure to comply with this agreement or mishandling of EIV data is prohibited. Penalties are as follows:

1. IHFA may impose disciplinary action up to and including termination of employment
2. Felony conviction with a fine of up to $5000 and/or imprisonment up to five (5) years
3. Misdemeanor conviction with a fine of up to $1000 and/or imprisonment up to one (1) year

Roles of IHFA Staff:

User Administrator
The User Administrator will be responsible the following:

1. Assigning and deactivating roles for authorized users
2. Providing each authorized user with the HUD/PHA Access Authorization Form, the Rules of Behavior and User Agreement Form
3. Setting up Users in HUD’s system
4. Deactivating Users who no longer need access or no longer work for IHFA

Authorized User
Each authorized user will apply for a User ID and Password. Authorized users must safeguard and ensure the confidentiality of User Codes and Passwords.

Security Administrator
The Security Administrator will be responsible for ensuring that all authorized users are utilizing and safeguarding the EIV/UIV information. This includes, but is not limited to:

1. Maintaining a log of all authorized users. This log will be updated quarterly or on a more frequent basis as needed for staff turnover
2. Conducting staff training with program managers and/or perform a review of the EIV/UIV security procedures at least annually, and keep a log of all personnel who have attended
3. Distributing user guides and security procedures to personnel using the EIV/UIV system
4. Recording and reporting improper disclosure in accordance with procedure
5. Insuring and monitoring that storage files have locking drawers
6. Insuring the confidentiality of information displayed on monitors and printed reports
7. Monitoring the disposal of EIV information
Disclosure of EIV/UIV System to the Participant
At initial lease up and at each annual recertification, IHFA will disclose to the participant its use of the EIV/UIV system. This disclosure will be contained in the initial briefing and in written material in the annual recertification paperwork that is provided to the participant.
All participant files will contain a current, signed Authorization for Release of Information and Privacy Act Notice (HUD-9886 Form).

Security
The information in the EIV/UIV system contains confidential information in addition to income information, such as Social Security Numbers, Address and Employment information.

IHFA will ensure that information being displayed on computer monitors is only active when the information is being utilized and no unauthorized persons are within viewing distance. In the event that the workstation is exited even for a short period of time, the employee will either lock the workstation, or close and lock the door to their office. EIV/UIV information will never be saved to a computer hard drive, or any external drives. Passwords used to access the EIV system will not be shared with non-users or other unauthorized users.

Information received from the EIV/UIV system will be printed out, removed immediately from the printer, and placed in the participant’s file. To ensure confidentiality, all files that contain EIV/UIV information should be handled in a manner so that the file does not become misplaced or made available to unauthorized persons. Every file must be stamped with the word “Confidential” on the outside of the file.

When the participant has requested a copy of their EIV/UIV report, the copy will be stamped as “copy” and only released to the appropriate family member. This information is protected at an individual level. Information pertaining to one family member cannot be given to or discussed in the presence of other family members.

Files will not be left out in plain sight when unauthorized personnel or other participants are present. Prior to leaving the office for the night, files will be placed in file cabinets and the cabinets locked.

When the EIV/UIV information is no longer needed because the participant has been deactivated, and the information has been stored for the appropriate length of time, the EIV/UIV information will be disposed of by crosscut shredding. A log will be kept by each Branch Office Supervisor of the date and time that these documents were destroyed.

Reporting Improper Disclosure
Any evidence of unauthorized access or know security breaches must be reported in writing to the Security Officer. All violations of security regardless of whether the violation was intentional or unintentional must be reported.
Criminal Records
The PHA may only disclose the criminal conviction records which the PHA receives from a law enforcement agency to officers or employees of the PHA, or to authorized representatives of the PHA who have a job-related need to have access to the information [24 CFR 5.903(e)].

The PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation [24 CFR 5.903(g)].

The PHA must establish and implement a system of records management that ensures that any sex offender registration information received by the PHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained [Notice PIH 2012-28]. This requirement does not apply to information that is public information, or is obtained by a PHA other than under 24 CFR 5.905.

Medical/Disability Records
PHAs are not permitted to inquire about the nature or extent of a person’s disability. The PHA may not inquire about a person’s diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA should not place this information in the participant file. The PHA should destroy the document.

Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
For requirements and PHA policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, or stalking, see section 16-IX.E.
PART VII: REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL

16-VII.A. OVERVIEW

The PHA has certain responsibilities relative to children with elevated blood lead levels that are receiving HCV assistance. The notification, verification, and hazard reduction requirements are discussed in Chapter 8. This part deals with the reporting requirements, and data collection and record keeping responsibilities that the PHA is subject to.

16-VII.B. REPORTING REQUIREMENT [24 CFR 35.1225(e); Notice PIH 2017-13]

The owner must report the name and address of a child identified as having an elevated blood lead level to the public health department within five (5) business days of being so notified by any other medical health care professional. The owner must also notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child’s address within five (5) business days. The PHA may collaborate with the owner on the notification process, such as by agreeing with the owner to provide the required notifications on the owner’s behalf.

IHFA Policy  (Updated 2022)

Upon notification by the owner, IHFA will provide the public health department written notice of the name and address of any child identified as having an elevated blood lead level within five (5) business days.

Upon notification by the owner, IHFA will notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child’s address within five (5) business days.

16-VII.C. DATA COLLECTION AND RECORD KEEPING [24 CFR 35.1225(f)]

At least quarterly, the PHA must attempt to obtain from the public health department(s) with a similar area of jurisdiction, the names and/or addresses of children less than six (6) years old with an elevated blood lead level.

If the PHA obtains names and addresses of elevated blood lead level children from the public health department(s), the PHA must match this information with the names and addresses of families receiving HCV assistance, unless the public health department performs such a procedure. If a match occurs, the PHA must carry out the notification, verification, and hazard reduction requirements discussed in Chapter 8, and the reporting requirement discussed above.

At least quarterly, the PHA must also report an updated list of the addresses of units receiving assistance under the HCV program to the same public health department(s), unless the public health department(s) states that it does not wish to receive such a report.

IHFA Policy  (Updated 2022)

The public health department(s) has stated they do not wish to receive a report of an updated list of the addresses of units receiving assistance under the HCV program, on a quarterly basis. Therefore, IHFA is not providing such a report. Currently the State of Idaho Department of Health and Welfare, Office of Epidemiology and Food Protection is
unable to release this information due to constraints by statewide privacy/disclosure laws and Federal HIPAA laws.
PART VIII: DETERMINATION OF INSUFFICIENT FUNDING

16-VIII.A. OVERVIEW

The HCV regulations allow PHAs to deny families permission to move and to terminate Housing Assistance Payments (HAP) contracts if funding under the consolidated ACC is insufficient to support continued assistance [24 CFR 982.354(e)(1) and 982.454]. If a PHA denies a family a portability move based on insufficient funding, the PHA is required to notify the local HUD office within **ten (10) business days** [24 CFR 982.354]. Insufficient funding may also impact the PHA’s ability to issue vouchers to families on the waiting list. This part discusses the methodology the PHA will use to determine whether or not the PHA has sufficient funding to issue vouchers, approve moves, and to continue subsidizing all families currently under a HAP contract.

16-VIII.B. METHODOLOGY

**IHFA Policy (Updated 2022)**

IHFA will determine whether there is adequate funding to issue vouchers, approve moves to higher cost units and areas, and continue subsidizing all current participants by comparing IHFA’s annual budget authority to the annual total HAP needs on a monthly basis. The total HAP needs for the calendar year will be projected by establishing the actual HAP costs year to date. To that figure, IHFA will add anticipated HAP expenditures for the remainder of the calendar year. Projected HAP expenditures will be calculated by multiplying the projected number of units leased per remaining months by the most current month’s average HAP. The projected number of units leased per month will take into account the average monthly turnover of participant families. If the total annual HAP needs equal or exceed the annual budget authority, or if IHFA cannot support the cost of the proposed subsidy commitment (voucher issuance or move) based on the funding analysis, IHFA will be considered to have insufficient funding.
PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

16-IX.A. OVERVIEW

The Violence against Women Act of 2013 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault and stalking who are applying for or receiving assistance under the housing choice voucher (HCV) program. If your state or local laws provide greater protection for such victims, those laws apply in conjunction with VAWA.

In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and PHA policies in three areas: notification, documentation, and confidentiality. Specific VAWA requirements and PHA policies are located primarily in the following sections: 3-I.C, “Family Breakup and Remaining Member of Participant Family”; 3-III.G, “Prohibition against Denial of Assistance to Victims of Domestic Violence, Dating Violence, and Stalking”; 10-I.A, “Allowable Moves”; 10-I.B, “Restrictions on Moves”; 12-II.E, “Terminations Related to Domestic Violence, Dating Violence, or Stalking”; and 12-II.F, “Termination Notice.”

16-IX.B. DEFINITIONS [24 CFR 5.2003, 42 USC 13925]

As used in VAWA:

* The term **bifurcate** means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain participants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.

* The term **dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship

* The term **domestic violence** includes felony or misdemeanor crimes 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 cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

* The term **affiliated individual** means, with respect to a person:
  - A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or
  - Any other individual, participant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.

* The term **sexual assault** means:
  - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
• The term *stalking* means:
  - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

16-IX.C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

The PHA adopts the following policy to help ensure that all actual and potential beneficiaries of its HCV program are aware of their rights under VAWA.

**IHFA Policy (Updated 2022)**

IHFA branch offices will post that information regarding VAWA is available for review upon request and is available on its website. It will also make the information readily available to anyone who requests it.

A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380, see Exhibit 16-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (see Exhibit 16-2)

A copy of IHFA’s emergency transfer plan (Exhibit 16-3) (in IHFA branch offices)

A copy of HUD’s Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 16-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY) (included in Exhibits 16-1 and 16-2)

Notification to Program Applicants and Participants [24 CFR 5.2005(a)(1)]

PHAs are **required** to inform program applicants and participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

**IHFA Policy (Updated 2022)**

IHFA will provide all applications with information about VAWA during the formal application process prior to voucher issuance (see section 5-I.B). IHFA will also include information about VAWA in notices of termination of assistance, as provided in section 12-II.F.

IHFA will provide all applicants with information about VAWA at the time the family is admitted to the program, as part of the written briefing packet. IHFA will also include information about VAWA in all notices of denial of assistance (see section 3-III.G).
The VAWA information provided to applicants and participants will consist of the notices in Exhibits 16-1 and 16-2.

The PHA is not limited to providing VAWA information at the times specified in the above policy. If the PHA decides to provide VAWA information to a participant following an incident of domestic violence, Notice PIH 2017-08 cautions against sending the information by mail, since the abuser may be monitoring the mail. The notice recommends that in such cases the PHA make alternative delivery arrangements that will not put the victim at risk.

**IHFA Policy (Updated 2022)**

Whenever IHFA has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, IHFA may decide not to send mail regarding VAWA protections to the victim’s unit if IHFA believes the perpetrator may have access to the victim’s mail, unless requested by the victim.

When discussing VAWA with the victim, IHFA may take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

**Notification to Owners and Managers**

While PHAs are no longer required by regulation to notify owners and managers participating in the HCV program of their rights and obligations under VAWA, the PHA may still choose to inform them.

**IHFA Policy (Updated 2022)**

IHFA will provide new owners and managers with information about their rights and obligations under VAWA when they begin their participation in the program.

The VAWA information provided to owners will consist of the notice in Exhibit 16-5 and a copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, and Stalking and Alternate Documentation.

**16-IX.D. DOCUMENTATION [24 CFR 5.2007]**

A PHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least fourteen (14) business days after receipt of the request to submit the documentation. The PHA may extend this time period at its discretion. [24 CFR 5.2007(a)]

The individual may satisfy the PHA’s request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:
(1) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim.

(2) A federal, state, tribal, territorial, or local police report or court record, or an administrative record.

(3) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person’s belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

(4) At IHFA’s discretion, a statement or other evidence provided by the applicant/participant.

The PHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under “Conflicting Documentation,” nor may it require certification in addition to third-party documentation [VAWA final rule].

**IHFA Policy** *(Updated 2022)*

Any request for documentation of domestic violence, dating violence, sexual assault or stalking will be in writing, will specify a deadline of **fourteen (14) business days** following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

IHFA may, in its discretion, extend the deadline for **ten (10) business days**. In determining whether to extend the deadline, IHFA will consider factors that may contribute to the victim’s inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim’s need to address health or safety issues. Any extension granted by IHFA will be in writing.

Once the victim provides documentation, IHFA will acknowledge receipt of the documentation within **ten (10) business days**.

**Conflicting Documentation [24 CFR 5.2007(e)]**

In cases where the PHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, the PHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). The PHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to the PHA. Individuals have **thirty (30) business days** to return third-party verification to the PHA. If the PHA does not receive third-party documentation, and the PHA will deny or terminate assistance as a result, the PHA must hold separate hearings for the participants [Notice PIH 2017-08].
The PHA must honor any court orders issued to protect the victim or to address the distribution of property.

**IHFA Policy (Updated 2022)**

If presented with conflicting certification documents from members of the same household, IHFA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(e) and by following any HUD guidance on how such determinations should be made.

When requesting third-party documents, IHFA will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or participants will be given **thirty (30) business days** from the date of the request to provide such documentation.

If IHFA does not receive third-party documentation within the required timeframe (and any extensions) IHFA will deny VAWA protections and will notify the applicant or participant in writing of the denial. If, as a result, the applicant or participant is denied or terminated from the program, IHFA will hold separate hearings for the applicants or participants.

**Discretion to Require No Formal Documentation [24 CFR 5.2007(d)]**

The PHA has the discretion to provide benefits to an individual based solely on the individual’s statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

**IHFA Policy (Updated 2022)**

If IHFA accepts an individual’s statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault or stalking, IHFA will document acceptance of the statement or evidence in the individual’s file.

**Failure to Provide Documentation [24 CFR 5.2007(c)]**

In order to deny relief for protection under VAWA, a PHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within **fourteen (14) business days** from the date of receipt, or such longer time as the PHA may allow, the PHA may deny relief for protection under VAWA.

**16-IX.E. CONFIDENTIALITY [24 CFR 5.2007(b)(4)]**

All information provided to the PHA regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that the PHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.
IHFA Policy  

(Updated 2022)

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, IHFA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.
EXHIBIT 16-1: SAMPLE NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380

IDAHO HOUSING AND FINANCE ASSOCIATION

Notice of Occupancy Rights under the Violence Against Women Act¹

To all Participants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.² The U.S. Department of Housing and Urban Development (HUD) is the federal agency that oversees that the housing choice voucher program is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

Protections for Applicants

If you otherwise qualify for assistance under the housing choice voucher program, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Participants

If you are receiving assistance under the housing choice voucher program, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under the housing choice voucher program solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, participant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

¹ Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.
The PHA may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If the PHA chooses to remove the abuser or perpetrator, the PHA may not take away the rights of eligible participants to the unit or otherwise punish the remaining participants. If the evicted abuser or perpetrator was the sole participant to have established eligibility for assistance under the program, the PHA must allow the participant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, the PHA must follow federal, state, and local eviction procedures. In order to divide a lease, the PHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, the PHA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, the PHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

1. **You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

2. **You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

3. **You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

   OR

   You are a victim of sexual assault and the assault occurred on the premises during the ninety (90) calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the ninety (90) calendar-day period before you expressly request the transfer.
The PHA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

The PHA’s emergency transfer plan provides further information on emergency transfers, and the PHA must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The PHA can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from the PHA must be in writing, and the PHA must give you at least fourteen (14) business days (Saturdays, Sundays, and federal holidays do not count) from the day you receive the request to provide the documentation. The PHA may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to the PHA as documentation. It is your choice which of the following to submit if the PHA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by the PHA with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.

- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.

- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.

- Any other statement or evidence that the PHA has agreed to accept.

If you fail or refuse to provide one of these documents within the fourteen (14) business days, the PHA does not have to provide you with the protections contained in this notice.

If the PHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), the PHA has the right to request that you provide third-party documentation within thirty (30) business days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, the PHA does not have to provide you with the protections contained in this notice.
Confidentiality
The PHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

The PHA must not allow any individual administering assistance or other services on behalf of the PHA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The PHA must not enter your information into any shared database or disclose your information to any other entity or individual. The PHA, however, may disclose the information provided if:

- You give written permission to the PHA to release the information on a time limited basis.
- The PHA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the PHA or your landlord to release the information.

VAWA does not limit the PHA’s duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Participant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated
You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, the PHA cannot hold participants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to participants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if the PHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1. Would occur within an immediate time frame, and
2. Could result in death or serious bodily harm to other participants or those who work on the property.

If the PHA can demonstrate the above, the PHA should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws
VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.
Non-Compliance with The Requirements of This Notice
You may report a covered housing provider’s violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with [insert contact information for any intermediary, if applicable] or [insert HUD field office].

For Additional Information
You may view a copy of HUD’s final VAWA rule at: https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf.
Additionally, the PHA must make a copy of HUD’s VAWA regulations available to you if you ask to see them.
For questions regarding VAWA, please contact [insert name of program or rental assistance contact information able to answer questions on VAWA].
For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact [Insert contact information for relevant local organizations].
For participants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.
For help regarding sexual assault, you may contact [Insert contact information for relevant organizations]
Victims of stalking seeking help may contact [Insert contact information for relevant organizations].

Attachment: Certification form HUD-5382 [form approved for this program to be included]
EXHIBIT 16-2: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION, FORM HUD-5382

<table>
<thead>
<tr>
<th>CERTIFICATION OF</th>
<th>U.S. Department of Housing and Urban Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>OMB Approval No.</td>
<td>2577-0286</td>
</tr>
<tr>
<td>Exp.</td>
<td>06/30/2017</td>
</tr>
</tbody>
</table>

**Purpose of Form:** The Violence Against Women Act ("VAWA") protects applicants, participants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

1. A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.

2. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

3. At the discretion of the housing provider, a statement or other evidence provided by the applicant or participant.

**Submission of Documentation:** The time period to submit documentation is **fourteen (14) business days** from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within **fourteen (14) business days** of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.
TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: ________________________________

2. Name of victim: ________________________________

3. Your name (if different from victim’s): ________________________________

4. Name(s) of other family member(s) listed on the lease: ________________________________

5. Residence of victim: ________________________________

6. Name of the accused perpetrator (if known and can be safely disclosed): ________________________________

7. Relationship of the accused perpetrator to the victim: ________________________________

8. Date(s) and times(s) of incident(s) (if known): ________________________________

10. Location of incident(s): ________________________________

In your own words, briefly describe the incident(s):
______________________________________________________________________________________
______________________________________________________________________________________
______________________________________________________________________________________
______________________________________________________________________________________
______________________________________________________________________________________

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature ________________________________ Signed on (Date) ________________________________

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average one (1) hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or participant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.
EXHIBIT 16-3: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING
(HCV VERSION)

Attachment: Certification form HUD-5382

IDAHO HOUSING AND FINANCE ASSOCIATION

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Housing Choice Voucher Program

Emergency Transfers
The PHA is concerned about the safety of its participants, and such concern extends to participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), the PHA allows participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the participant’s current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of the PHA to honor such request for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the PHA has another dwelling unit that is available and is safe to offer the participant for temporary or more permanent occupancy.

This plan identifies participants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to participants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that the public housing and housing choice voucher (HCV) programs are in compliance with VAWA.

Eligibility for Emergency Transfers
A participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer if the participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit. If the participant is a victim of sexual assault, the participant may also be eligible to transfer if the sexual assault occurred on the

---

3 Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

4 Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.
premises within the ninety (90) calendar-day period preceding a request for an emergency transfer.

A participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

**Emergency Transfer Request Documentation**

To request an emergency transfer, the participant shall notify the PHA’s management office and submit a written request for a transfer to any PHA office. The PHA will provide reasonable accommodations to this policy for individuals with disabilities. The participant’s written request for an emergency transfer should include either:

1. A statement expressing that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the PHA’s program; OR

2. A statement that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the ninety (90) calendar-day period preceding the participant’s request for an emergency transfer.

**Confidentiality**

The PHA will keep confidential any information that the participant submits in requesting an emergency transfer, and information about the emergency transfer, unless the participant gives the PHA written permission to release the information on a time-limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person or persons that committed an act of domestic violence, dating violence, sexual assault, or stalking against the participant. See the Notice of Occupancy Rights under the Violence against Women Act for All Participants for more information about the PHA’s responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

**Emergency Transfer Timing and Availability**

The PHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The PHA will, however, act as quickly as possible to move a participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a participant reasonably believes a proposed transfer would not be safe, the participant may request a transfer to a different unit. If a unit is available, the transferred participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the participant has been transferred. The PHA may be unable to transfer a participant to a particular unit if the participant has not or cannot establish eligibility for that unit.

If the PHA has no safe and available units for which a participant who needs an emergency transfer is eligible, the PHA will assist the participant in identifying other housing providers who may have safe and available units to which the participant could move. At the participant’s
request, the PHA will also assist participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

**Emergency Transfers: Housing Choice Voucher (HCV) Program**

Participant-based assistance: If you are a participant in the participant-based HCV program and request an emergency transfer as described in this plan, the PHA will assist you to move to a safe unit quickly using your existing voucher assistance. The PHA will make exceptions to program regulations restricting moves as required.

At your request, the PHA will refer you to organizations that may be able to further assist you.

Project-based assistance: If you are assisted under the project-based voucher (PBV) program, you may request an emergency transfer under the following programs for which you are not required to apply:

- Participant-based voucher, if available
- Project-based assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe)
- Project-based assistance in another development owned by the PHA

Emergency transfers under VAWA will take priority over waiting list admissions for these types of assistance.

You may also request an emergency transfer under the following programs for which you are required to apply:

- Public housing program
- PBV assistance in another development not owned by the PHA
- [Insert other programs the PHA provides, such as LIHTC or HOME]

Emergency transfers will not take priority over waiting list admissions for these programs. At your request, the PHA will refer you to organizations that may be able to further assist you.

**Safety and Security of Participants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the participant is urged to take all reasonable precautions to be safe.

Participants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Participants who have been victims of sexual assault may call the Rape, Abuse, and Incest National Network’s National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at: [https://ohl.rainn.org/online/](https://ohl.rainn.org/online/).

Participants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at: [https://www.victimsofcrime.org/our-programs/stalking-resource-center](https://www.victimsofcrime.org/our-programs/stalking-resource-center).

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.
EXHIBIT 16-4: EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, FORM HUD-5383

EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider’s emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.
   If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

(2) You expressly request the emergency transfer. Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider’s emergency transfer plan for more details.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the ninety (90) calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the ninety (90) calendar-day period before you submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.
Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: ________________________________

2. Your name (if different from victim’s) __________________________________________

3. Name(s) of other family member(s) listed on the lease: _____________________________

4. Name(s) of other family member(s) who would transfer with the victim: ______________

5. Address of location from which the victim seeks to transfer: _________________________

6. Address or phone number for contacting the victim: _______________________________

7. Name of the accused perpetrator (if known and can be safely disclosed): _____________

8. Relationship of the accused perpetrator to the victim: _______________________________

9. Date(s), Time(s) and location(s) of incident(s): ________________________________

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past ninety (90) days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. ____________

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

_______________________________________________________________________________

_______________________________________________________________________________

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _________________________________________________________________
This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature ________________________________ Signed on (Date) ___________________________
VAWA provides protections for Section 8 Housing Choice Voucher (HCV) and PBV applicants, participants, and participants from being denied assistance on the basis or as a direct result of being a victim of domestic violence, dating violence, sexual assault and stalking.

**Purpose**

Many of VAWA’s protections to victims of domestic violence, dating violence, sexual assault and stalking involve action by the public housing agency (PHA), but some situations involve action by owners of assisted housing. The purpose of this notice (herein called “Notice”) is to explain your rights and obligations under VAWA, as an owner of housing assisted through [insert name of housing provider] HCV program. Each component of this Notice also provides citations to HUD’s applicable regulations.

**Denial of Tenancy**

*Protections for applicants:* Owners cannot deny tenancy based on the applicant having been or currently being a victim of domestic violence, dating violence, sexual assault, or stalking. However, the applicant must be otherwise eligible for tenancy. (See 24 Code of Federal Regulations (CFR) 982.452(b)(1).)

**Eviction**

*Protections for HCV participants:* Incidents or threats of domestic violence, dating violence, sexual assault, or stalking will not be considered a serious or repeated lease violation by the victim, or good cause to terminate the tenancy of the victim (24 CFR 5.2005(c)). Protection also applies to criminal activity related directly to domestic violence, dating violence, sexual assault, or stalking, conducted by a member of a participant’s household or any guest or other person under the participant’s control, if the participant or an affiliated individual of the participant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking (24 CFR 5.2005(b)(2)).

*Limitations of VAWA protections:*

a. Nothing in the VAWA Final Rule limits the authority of an owner, when notified of a court order, to comply with a court order with respect to (24 CFR 5.2005(d)(1)):

1) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

2) The distribution or possession of property among members of a household in a case.

b. Nothing in the VAWA Final Rule limits an owner from evicting a victim of domestic violence, dating violence, sexual assault, or stalking for a lease violation that is not premised on an act of domestic violence, dating violence, sexual assault, or stalking, as long as the owner does not subject the victim to more demanding standards than other participants when deciding whether to evict. (See 24 CFR 5.2005(d)(2).)

c. Nothing in the VAWA Final Rule limits an owner from evicting a participant (including the victim of domestic violence, dating violence, sexual assault, or stalking) if the owner can demonstrate an actual and imminent threat to other participants or those employed at or providing services to the HCV property would be present if the participant or lawful occupant is not evicted. (See 24 CFR
5.2005(d)(3).)

i. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the following standards: An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur. (See 24 CFR 5.2003.)

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

Documentation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If an applicant or participant requests VAWA protection based on status as a victim of domestic violence, dating violence, sexual assault, or stalking, the owner has the option to request that the victim document or provide written evidence to demonstrate that the violence occurred. However, nothing in HUD’s regulation requires a covered housing provider to request this documentation. (See 24 CFR 5.2007(b)(3).)

If the owner chooses to request this documentation, the owner must make such request in writing. The individual may satisfy this request by providing any one document type listed under 24 CFR 5.2007(b)(1):

a. Form HUD-55383 (Self-Certification Form); or

b. A document: 1) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; 2) Signed by the applicant or participant; and 3) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under 24 CFR part 5, subpart L, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR 5.2003; or

c. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

d. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or participant.

The owner must accept any of the above items (a – c). The owner has discretion to accept a statement or other evidence (d).

The owner is prohibited from requiring third-party documentation of the domestic violence, dating violence, sexual assault, or stalking, unless the submitted documentation contains conflicting information.
If the owner makes a written request for documentation, the owner may require submission of that documentation within fourteen (14) business days after the date that the individual received the written request for documentation. (24 CFR 5.2007(a)(2)). The owner may extend this time period at its discretion. During the fourteen (14) business day period and any granted extensions of that time, no adverse actions, such as evictions or terminations, can be taken against the individual requesting VAWA protection.

Once a victim provides documentation of domestic violence, dating violence, sexual assault, or stalking, the owner is encouraged to acknowledge receipt of the documentation in a timely manner.

If the applicant or participant fails to provide documentation that meets the criteria in 24 CFR 5.2007 within fourteen (14) business days after receiving the written request for that documentation or within the designated extension period, nothing in VAWA Final Rule may be construed to limit the authority of the covered housing provider to:

a. Deny admission by the applicant or participant to the housing or program;
b. Deny assistance under the covered housing program to the applicant or participant;
c. Terminate the participation of the participant in the covered housing program; or

d. Evict the participant, or a lawful occupant that commits a violation of a lease.

An individual’s failure to timely provide documentation of domestic violence, dating violence, sexual assault, or stalking does not result in a waiver of the individual’s right to challenge the denial of assistance or termination, nor does it preclude the individual’s ability to raise an incident of domestic violence, dating violence, sexual assault, or stalking at eviction or termination proceedings.

**Moves**

A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. If a move results in the termination of the Housing Assistance Payment Contract, the lease is automatically terminated.

**Lease Bifurcation**

Owners may choose to bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. (See 24 CFR 5.2009(a).) If an owner chooses to bifurcate the lease, the owner must comply with the reasonable time to establish eligibility under the covered housing program or find alternative housing following lease bifurcation provision in 24 CFR 5.2009(b). VAWA protections, including bifurcation, do not apply to guests or unreported members of a household or anyone else residing in a household who is not a participant.

Eviction, removal, termination of occupancy rights, or termination of assistance must be effected in accordance with the procedures prescribed by federal, state, or local law for termination of leases.

To avoid unnecessary delay in the bifurcation process, HUD recommends that owners seek court-ordered eviction of the perpetrator pursuant to applicable laws. This process results in the underlying lease becoming null and void once the owner regains possession of the unit. The owner would then execute a new lease with the victim.

**Evictions Due to “Actual and Imminent Threat” or Violations Not Premised on Abuse**

The VAWA Final Rule generally prohibits eviction on the basis or as a direct result of the fact that the applicant or participant is or has been a victim of domestic violence, dating
violence, sexual assault, or stalking, if the applicant or participant otherwise qualifies for assistance, participation or occupancy. (See 24 CFR 5.2005.)

However, the VAWA Final Rule does not prohibit an owner from evicting a participant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the participant or an affiliated individual of the participant. Nor does the VAWA Final Rule prohibit an owner from evicting a participant if the owner can demonstrate an actual and imminent threat to other participants or those employed at or providing services to property of the owner would be present if that participant or lawful occupant is not evicted or terminated from assistance. (See 5.2005(d)(2) and (3).)

In order to demonstrate an actual and imminent threat to other participants or employees at the property, the covered housing provider must have objective evidence of words, gestures, actions, or other indicators that meet the standards in the following definition:

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur; and
- The length of time before the potential harm would occur.

(See 24 CFR 5.2003 and 5.2005(d)(2).)

Confidentiality

Any information submitted to a covered housing provider under 24 CFR 5.2007, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, must be maintained in strict confidence by the covered housing provider. (See 24 CFR 5.2007(c).)

Employees of the owner (or those within their employ, e.g., contractors) must not have access to the information unless explicitly authorized by the owner for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law (e.g., the information is needed by an employee to provide the VAWA protections to the victim).

The owner must not enter this information into any shared database, or disclose this information to any other entity or individual, except to the extent that disclosure is:

a. Requested or consented to in writing by the individual (victim) in a time-limited release;
b. Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
c. Otherwise required by applicable law.

When communicating with the victim, owners must take precautions to ensure compliance with these confidentiality requirements.
Service Providers

[insert name of housing provider] has extensive relationships with local service providers. [insert name of housing provider] staff are available to provide referrals to shelters, counselors, and advocates. These resources are also provided in [insert name of housing provider] Annual and 5-Year Plan, Administrative Plan, VAWA Notice of Occupancy Rights, and Emergency Transfer Plan. A list of local service providers is attached to this Notice.

Definitions

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:
(1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
(2) Any individual, participant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain participants or lawful occupants can be evicted or removed and the remaining participants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining participants and lawful occupants.

Dating violence means violence committed by a person:
(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
   (i) The length of the relationship;
   (ii) The type of relationship; and
   (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of 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 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. The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. Fear for the person’s individual safety or the safety of others; or
2. Suffer substantial emotional distress.


Attached:
Legal services and the domestic violence resources for the Metro area
Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
[insert name of housing provider] VAWA Notice of Occupancy Rights
Chapter 17

PROJECT-BASED VOUCHERS

INTRODUCTION

This chapter describes HUD regulations and PHA policies related to the project-based voucher (PBV) program in nine parts:

Part I: General Requirements. This part describes general provisions of the PBV program including maximum budget authority requirements, relocation requirements, and equal opportunity requirements.

Part II: PBV Owner Proposals. This part includes policies related to the submission and selection of owner proposals for PBV assistance. It describes the factors the PHA will consider when selecting proposals, the type of housing that is eligible to receive PBV assistance, the cap on assistance at projects receiving PBV assistance, subsidy layering requirements, site selection standards, and environmental review requirements.

Part III: Dwelling Units. This part describes requirements related to housing quality standards, the type and frequency of inspections, and housing accessibility for persons with disabilities.

Part IV: Rehabilitated and Newly Constructed Units. This part describes requirements and policies related to the development and completion of rehabilitated and newly constructed housing units that will be receiving PBV assistance.

Part V: Housing Assistance Payments Contract. This part discusses HAP contract requirements and policies including the execution, term, and termination of the HAP contract. In addition, it describes how the HAP contract may be amended and identifies provisions that may be added to the HAP contract at the PHA’s discretion.

Part VI: Selection of PBV Program Participants. This part describes the requirements and policies governing how the PHA and the owner will select a family to receive PBV assistance.

Part VII: Occupancy. This part discusses occupancy requirements related to the lease and describes under what conditions families are allowed or required to move. In addition, exceptions to the occupancy cap (which limits PBV assistance to twenty-five (25) percent of the units in any project) are also discussed.

Part VIII: Determining Rent to Owner. This part describes how the initial rent to owner is determined, and how rent will be redetermined throughout the life of the HAP contract. Rent reasonableness requirements are also discussed.

Part IX: Payments to Owner. This part describes the types of payments owners may receive under this program.
PART I: GENERAL REQUIREMENTS

17-I.A. OVERVIEW [24 CFR 983.5; FR Notice 1/18/17; Notice PIH 2017-21]
The project-based voucher (PBV) program allows PHAs that already administer a tenant-based voucher program under an annual contributions contract (ACC) with HUD to take up to twenty (20) percent of its authorized units and attach the funding to specific units rather than using it for tenant-based assistance [24 CFR 983.6]. PHAs may only operate a PBV program if doing so is consistent with the PHA’s Annual Plan, and the goal of deconcentrating poverty and expanding housing and economic opportunities [42 U.S.C. 1437f(o)(13)].

IHFA Policy (Updated 2022)
IHFA will operate a project-based voucher program using up to twenty (20) percent of its authorized units for project-based assistance.

See Section 17-VI.C. for information on projects to which IHFA has attached PBV assistance.

PBV assistance may be attached to existing housing or newly constructed or rehabilitated housing [24 CFR 983.52]. If PBV units are already selected for project-based assistance either under an agreement to enter into HAP Contract (Agreement) or a HAP contract, the PHA is not required to reduce the number of these units if the number of authorized units is subsequently reduced. However, the PHA is responsible for determining the amount of budget authority that is available for project-based vouchers and ensuring that the amount of assistance that is attached to units is within the amounts available under the ACC, regardless of whether the PHA has vouchers available for project-basing [FR Notice 1/18/17].

Additional Project-Based Units [FR Notice 1/18/17; Notice PIH 2017-21]
The PHA may project-base an additional ten (10) percent of its units above the twenty (20) percent program limit. The units may be distributed among one, all, or a combination of the categories as long as the total number of units does not exceed the ten (10) percent cap. Units qualify under this exception if the units:

- Are specifically made available to house individuals and families that meet the definition of homeless under section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302) and contained in the Continuum of Care Interim Rule at 24 CFR 578.3.

- Are specifically made available to house families that are comprised of or include a veteran. Veteran means an individual who has served in the United States Armed Forces.

- Provide supportive housing to persons with disabilities or elderly persons as defined in 24 CFR 5.403.

- Are located in a census tract with a poverty rate of twenty (20) percent or less, as determined in the most recent American Community Survey Five-Year Estimates.

Only units that that are under a HAP contract that was first executed on or after April 18, 2017, are covered by the ten (10) percent exception.
IHFA Policy (Updated 2022)
IHFA may project-base up to an additional ten (10) percent of its authorized units, up to thirty (30) percent, in accordance with HUD regulations and requirements.

Units Not Subject to the PBV Program Limitation [FR Notice 1/18/17]

PBV units under the RAD program and HUD-VASH PBV set-aside vouchers do not count toward the twenty (20) percent limitation when PBV assistance is attached to them.

In addition, units that were previously subject to certain federal rent restrictions or were receiving another type of long-term housing subsidy provided by HUD are not subject to the cap. The unit must be covered under a PBV HAP contract that first became effective on or after April 18, 2017.

IHFA Policy (Updated 2022)
IHFA may project-base units not subject to the twenty (20) percent cap in accordance with HUD regulations and requirements.

17-I.B. TENANT-BASED VS. PROJECT-BASED VOUCHER ASSISTANCE [24 CFR 983.2]

Much of the tenant-based voucher program regulations also apply to the PBV program. Consequently, many of the PHA policies related to tenant-based assistance also apply to PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR 983.2.

IHFA Policy
Except as otherwise noted in this chapter, or unless specifically prohibited by PBV program regulations, IHFA policies for the Housing Choice Voucher (HCV) program contained in this administrative plan also apply to the PBV program and its participants.

17-I.C. RELOCATION REQUIREMENTS [24 CFR 983.7]

Any persons displaced as a result of implementation of the PBV program must be provided relocation assistance in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA)[42 U.S.C. 4201-4655] and implementing regulations at 49 CFR part 24.

The cost of required relocation assistance may be paid with funds provided by the owner, local public funds, or funds available from other sources. PHAs may not use voucher program funds to cover relocation costs, except that PHAs may use their administrative fee reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes must also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR 982.155 and other official HUD issuances.

The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. It is the responsibility of the PHA to ensure the owner complies with these requirements.
17-I.D. EQUAL OPPORTUNITY REQUIREMENTS [24 CFR 983.8]

The PHA must comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR 5.105(a). In addition, the PHA must comply with the PHA Plan certification on civil rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR 903.7(o).
PART II: PBV OWNER PROPOSALS

17-II.A. OVERVIEW

With certain exceptions, the PHA must describe the procedures for owner submission of PBV proposals and for PHA selection of PBV proposals [24 CFR 983.51]. Before selecting a PBV proposal, the PHA must determine that the PBV proposal complies with HUD program regulations and requirements, including a determination that the property is eligible housing [24 CFR 983.53 and 983.54], complies with the cap on the number of PBV units per project [24 CFR 983.56], and meets the site selection standards [24 CFR 983.57]. The PHA may not commit PBVs until or unless it has followed the proposal selection requirements defined in 24 CFR 983.51 [Notice PIH 2011-54].

17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51(b)]

The PHA must select PBV proposals in accordance with the selection procedures in the PHA administrative plan. The PHA must select PBV proposals by either of the following two methods.

- PHA request for PBV Proposals. The PHA may solicit proposals by using a request for proposals to select proposals on a competitive basis in response to the PHA request. The PHA may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.

- The PHA may select proposal that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition in accordance with the requirements of the applicable program, community development program, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded LIHTCs have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three (3) years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV assistance. The PHA need not conduct another competition.

Units Selected Non-Competitively [FR Notice 1/18/17; Notice PIH 2017-21; 24 CFR 983.51(b)]

For certain public housing projects where the PHA has an ownership interest or control, the PHA may attach PBV assistance non-competitively without following one of the two processes above. 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 (5) years of the date on which the PHA entered into the AHAP or HAP.

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

The PHA must include in the administrative plan what work it plans to do on the property or site and how many PBV units will be added to the site.

**IHFA Policy (Updated 2022)**

At this time, IHFA does not own or administer any public or private housing units and will not attach PBVs to projects owned by IHFA as described above.

**Solicitation and Selection of PBV Proposals [24 CFR 983.51(c)]**

PHA procedures for selecting PBV proposals must be designed and actually operated to provide broad public notice of the opportunity to offer PBV proposals for consideration by the PHA. The public notice procedures may include publication of the public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice. The public notice of the PHA request for PBV proposals must specify the submission deadline. Detailed application and selection information must be provided at the request of interested parties.

**IHFA Policy (Updated 2022)**

**IHFA Request for Proposals for Rehabilitated and Newly Constructed Units**

IHFA will advertise its request for proposals (RFP) for rehabilitated and newly constructed housing in the following newspapers and trade journals:


The advertisement will state the number of vouchers available to be project-based, the type of units that will be considered, the submission deadline, and will note how to obtain the full RFP with information on the application and selection process. Advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.

In addition, IHFA will post the RFP and proposal submission and rating and ranking procedures on its website.

IHFA will publish its advertisement in the newspapers and trade journals mentioned above for at least one (1) day per week for three (3) consecutive weeks. The advertisement will specify the number of units IHFA estimates that it will be able to assist under the funding IHFA is making available. Proposals will be due in IHFA office by close of business thirty (30) calendar days from the date of the last publication.

In order for the proposal to be considered, the owner must submit the proposal to IHFA by the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.
IHFA will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

- Owner experience and capability to build or rehabilitate housing as identified in the RFP;
- Extent to which the project furthers IHFA’s goal of deconcentrating poverty and expanding housing and economic opportunities;
- If applicable, the extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and
- In order to promote partially assisted projects, projects where less than twenty-five (25) percent of the units will be assisted will be rated higher than projects where twenty-five (25) percent or more of the units will be assisted. In the case of projects for occupancy by the elderly, persons with disabilities or families needing other services, IHFA will rate partially assisted projects on the percentage of units assisted. Projects with the lowest percentage of assisted units will receive the highest score.

IHFA Requests for Proposals for Existing Housing Units

IHFA will advertise its request for proposals (RFP) for existing housing in the following newspapers and trade journals:


The advertisement will state the number of vouchers available to be project-based, the type of units that will be considered, the submission deadline, and will note how to obtain the full RFP with information on the application and selection process. Advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.

In addition, IHFA will post the notice inviting such proposal submission and the rating and ranking procedures on its website.

IHFA will periodically publish its advertisement in the newspapers and trade journals mentioned above for at least one (1) day per week for three (3) consecutive weeks. The advertisement will specify the number of units IHFA estimates that it will be able to assist under the funding IHFA is making available. Owner proposals will be accepted on a first-come first-served basis and will be evaluated using the following criteria:

- Experience as an owner in the tenant-based voucher program and owner compliance with the owner’s obligations under the tenant-based program;
- Extent to which the project furthers IHFA’s goal of deconcentrating poverty and expanding housing and economic opportunities;
- If applicable, extent to which services for special populations are provided on site or in the immediate area for occupants of the property; and
• Extent to which units are occupied by families that are eligible to participate in the PBV program.

IHFA Selection of Proposals Subject to a Previous Competition under a Federal, State, or Local Housing Assistance Program

IHFA will accept proposals for PBV assistance from owners that were competitively selected under another federal, state or local housing assistance program, including projects that were competitively awarded Low-Income Housing Tax Credits on an ongoing basis.

IHFA may periodically advertise that it is accepting proposals, in the following newspapers and trade journals:


The advertisement will state the number of vouchers available to be project-based, the type of units that will be considered, the submission deadline, and will note how to obtain the full RFP with information on the application and selection process. Advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.

In addition to, or in place of advertising, IHFA may also directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

Proposals will be reviewed on a first-come first-served basis. IHFA will evaluate each proposal on its merits using the following factors:

• Extent to which the project furthers IHFA’s goal of deconcentrating poverty and expanding housing and economic opportunities; and

• Extent to which the proposal complements other local activities such as the redevelopment of a public housing site under the HOPE VI program, the HOME program, CDBG activities, other development activities in a HUD-designated Enterprise Zone, Economic Community, Choice Neighborhood, or Renewal Community.

PHA-Owned Units [24 CFR 983.51(e), 983.59, FR Notice 1/18/17, and Notice PIH 2017-21]

A PHA-owned unit may be assisted under the PBV program only if the HUD field office or HUD-approved independent entity reviews the selection process and determines that the PHA-owned units were appropriately selected based on the selection procedures specified in the PHA administrative plan. This also applies to noncompetitive selections. If the PHA selects a proposal for housing that is owned or controlled by the PHA, the PHA must identify the entity that will review the PHA proposal selection process and perform specific functions with respect to rent determinations, the term of the HAP contract, and inspections.

In the case of PHA-owned units, the term of the HAP contract and any HAP contract renewal must be agreed upon by the PHA and a HUD-approved independent entity. In addition, an
independent entity must determine the initial rent to owner, the redetermined rent to owner, and reasonable rent. Housing quality standards inspections must also be conducted by an independent entity.

The independent entity that performs these program services may be the unit of general local government for the PHA jurisdiction (unless the PHA is itself the unit of general local government or an agency of such government) or another HUD-approved public or private independent entity.

IHFA Policy

IHFA will not submit proposals for project-based housing that is owned or controlled by IHFA.

The PHA may only compensate the independent entity from PHA ongoing administrative fee income (including amounts credited to the administrative fee reserve). The PHA may not use other program receipts to compensate the independent entity for its services. The PHA and independent entity may not charge the family any fee for the appraisal or the services provided by the independent entity.

PHA Notice of Owner Selection [24 CFR 983.51(d)]

The PHA must give prompt written notice to the party that submitted a selected proposal and must also give prompt public notice of such selection. Public notice procedures may include publication of public notice in a local newspaper of general circulation and other means designed and actually operated to provide broad public notice.

IHFA Policy

Within ten (10) business days of IHFA making the selection, IHFA will notify the selected owner in writing of the owner’s selection for the PBV program. IHFA will also notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

In addition, IHFA will publish its notice for selection of PBV proposals for two (2) consecutive days in the same newspapers and trade journals IHFA used to solicit the proposals. The announcement will include the name of the owner that was selected for the PBV program. IHFA will also post the notice of owner selection on its electronic web site.

IHFA will make available to any interested party its rating and ranking sheets and documents that identify IHFA’s basis for selecting the proposal. These documents will be available for review by the public and other interested parties for one (1) month after publication of the notice of owner selection. IHFA will not make available sensitive owner information that is privileged, such as financial statements and similar information about the owner.

IHFA will make these documents available for review at IHFA during normal business hours. The cost for reproduction of allowable documents will be $.25 per page.
17-II.C. HOUSING TYPE [24 CFR 983.52]

The PHA may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that was executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of PHA selection, the units substantially comply with HQS. Units for which new construction or rehabilitation began after the owner's proposal submission but prior to the execution of the HAP do not subsequently qualify as existing housing. Units that were newly constructed or rehabilitated in violation of program requirements also do not qualify as existing housing.

The PHA must decide what housing type, new construction, rehabilitation, or existing housing, will be used to develop project-based housing. The PHA choice of housing type must be reflected in its solicitation for proposals.

17-II.D. PROHIBITION OF ASSISTANCE FOR CERTAIN UNITS

Ineligible Housing Types [24 CFR 983.53]

The PHA may not attach or pay PBV assistance to shared housing units; units on the grounds of a penal reformatory, medical, mental, or similar public or private institution; nursing homes or facilities providing continuous psychiatric, medical, nursing services, board and care, or intermediate care (except that assistance may be provided in assisted living facilities); units that are owned or controlled by an educational institution or its affiliate and are designated for occupancy by students; manufactured homes; and transitional housing. In addition, the PHA may not attach or pay PBV assistance for a unit occupied by an owner and the PHA may not select or enter into an AHAP contract (AHAP) or HAP contract for a unit occupied by a family ineligible for participation in the PBV program. A member of a cooperative who owns shares in the project assisted under the PBV program is not considered an owner for purposes of participation in the PBV program. Finally, PBV assistance may not be attached to units for which construction or rehabilitation has started after the proposal submission and prior to the execution of an AHAP.

Subsidized Housing [24 CFR 983.54]

A PHA may not attach or pay PBV assistance to units in any of the following types of subsidized housing:

- A public housing unit;
- A unit subsidized with any other form of Section 8 assistance;
- A unit subsidized with any governmental rent subsidy;
- A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;
- A unit subsidized with Section 236 rental assistance payments (except that a PHA may attach assistance to a unit subsidized with Section 236 interest reduction payments);
- A Section 202 project for non-elderly with disabilities;
- Section 811 project-based supportive housing for persons with disabilities;
- Section 202 supportive housing for the elderly;
• A Section 101 rent supplement project;
• A unit subsidized with any form of tenant-based rental assistance;
• A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or the PHA in accordance with HUD requirements.

The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state, or local agencies, including assistance such as tax concessions or tax credits.

HUD requires new construction and rehabilitation housing that will include forms of governmental assistance other than PBVs to undergo a subsidy layering review (SLR) prior to entering into an Agreement to Enter into Housing Assistance Payments Contract (AHAP). Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.

When 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 2/28/20 contains a list of all required documentation.

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.

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.

The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT [24 CFR 983.56, FR Notice 1/18/17, and Notice PIH 2017-21]

Twenty-Five (25) Percent per Project Cap
In general, the PHA may not select a proposal to provide PBV assistance for units in a project or enter into an AHAP or a HAP contract to provide PBV assistance for units in a project, if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than the greater of twenty-five (25) units or twenty-five (25) percent of the number of dwelling units (assisted or unassisted) in the project.
Exceptions to Twenty-Five (25) Percent per Project Cap

As of April 18, 2017, units are not counted against the twenty-five (25) percent or twenty-five (25) unit per project cap if:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project
  - If the project is located in a census tract with a poverty rate of twenty (20) percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the greater of twenty-five (25) units or forty (40) percent (instead of twenty-five (25) percent) of the units in the project [FR Notice 7/14/17].

The Housing Opportunity Through Modernization Act of 2016 (HOTMA) eliminated the project cap exemption for projects that serve disabled families and modified the exception for supportive services. Projects where these caps were implemented prior to HOTMA (HAP contracts executed prior to April 18, 2017) may continue to use the former exceptions and may renew their HAP contracts under the old requirements, unless the PHA and owner agree to change the conditions of the HAP contract. However, this change may not be made if it would jeopardize an assisted family’s eligibility for continued assistance in the project.

Supportive Services

PHAs must include in the PHA administrative plan the type of services offered to families for a project to qualify for the exception and the extent to which such services will be provided. As of April 18, 2017, the project must make supportive services available to all families receiving PBV assistance in the project, but the family does not actually have to accept and receive supportive services for the exception to apply to the unit, although the family must be eligible to receive the supportive services. It is not necessary that the services be provided at or by the project, but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible A PHA may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered.

IHFA Policy

Excepted units will be limited to units for elderly families or units where supportive services are made available to all families receiving PBV.

Examples of qualifying supportive services are:

- Participation in IHFA’s Housing Choice Voucher FSS program;
- Child Care – child care of a type that provides sufficient hours of operation and serves an appropriate range of ages;
- Transportation – transportation necessary to enable a participating family to receive available services, or to commute to their places of employment;
- Education – remedial education, education for completion of secondary or post-secondary schooling, English as a Second Language (ESL) classes;
• Employment – job training, preparation, and counseling; job development and placement; and follow-up assistance after job placement and completion of the contract of participation;

• Personal welfare – substance/alcohol abuse treatment and counseling;

• General health care and services – mental health services; HIV/AIDS related services; behavior assessments;

• Household skills and management – training in homemaking and parenting skills; household management; money management; nutrition; obtaining and retaining government, financial, and medical benefits; family counseling;

• Legal services;

• Other services – any other services and resources, including case management, or reasonable accommodations for individuals with disabilities, that IHFA determines to be appropriate in assisting families to achieve economic independence and self-sufficiency.

Projects not Subject to a Project Cap [FR Notice 1/18/17; Notice PIH 2017-21]

PBV units that were previously subject to certain federal rent restrictions or receiving another type of long-term housing subsidy provided by HUD are exempt from the project cap. In other words, 100 percent of the units in these projects may receive PBV assistance.

IHFA Policy

IHFA does not have any PBV units that are subject to the per project cap exception.

Promoting Partially Assisted Projects [24 CFR 983.56(c)]

A PHA may establish local requirements designed to promote PBV assistance in partially assisted projects. A partially assisted project is a project in which there are fewer units covered by a HAP contract than residential units [24 CFR 983.3].

A PHA may establish a per-project cap on the number of units that will receive PBV assistance or other project-based assistance in a multifamily project containing excepted units or in a single-family building. A PHA may also determine not to provide PBV assistance for excepted units, or the PHA may establish a per-project cap of less than twenty-five (25) units or twenty-five (25) percent of units.

IHFA Policy

IHFA will provide assistance for excepted units. Beyond that, IHFA will not impose any further cap on the number of PBV units assisted per project.

17-ILG. SITE SELECTION STANDARDS

Compliance with PBV Goals, Civil Rights Requirements, and HQS Site Standards [24 CFR 983.57(b)]

The PHA may not select a proposal for existing, newly constructed, or rehabilitated PBV housing on a site or enter into an AHAP contract or HAP contract for units on the site, unless the PHA has determined that PBV assistance for housing at the selected site is consistent with the
goal of deconcentrating poverty and expanding housing and economic opportunities. The standard for deconcentrating poverty and expanding housing and economic opportunities must be consistent with the PHA Plan under 24 CFR 903 and the PHA administrative plan.

In addition, prior to selecting a proposal, the PHA must determine that the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable Civil Rights Laws, regulations, and Executive Orders, and that the site meets the HQS site and neighborhood standards at 24 CFR 982.401(l).

**IHFA Policy**

It is IHFA’s goal to select sites for PBV housing that provide for deconcentrating poverty and expanding housing and economic opportunities. In complying with this goal, IHFA will limit approval of sites for PBV housing in census tracts that have poverty concentrations of twenty (20) percent or less.

However, IHFA will grant exceptions to the twenty (20) percent standard where IHFA determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with poverty concentrations greater than twenty (20) percent, such as sites in:

- A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, Choice Neighborhood, or Renewal Community;
- A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition and HOPE VI redevelopment;
- A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area;
- A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area;
- A census tract where there has been an overall decline in the poverty rate within the past five (5) years; or
- A census tract where there are meaningful opportunities for educational and economic advancement.

**Existing and Rehabilitated Housing Site and Neighborhood Standards [24 CFR 983.57(d)]**

The PHA may not enter into an AHAP contract nor enter into a HAP contract for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards. The site must:

- Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;
- Have adequate utilities and streets available to service the site;
• Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;

• Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and

• Be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

**New Construction Site and Neighborhood Standards [24 CFR 983.57(e)]**

In order to be selected for PBV assistance, a site for newly constructed housing must meet the following HUD required site and neighborhood standards:

• The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;

• The site must have adequate utilities and streets available to service the site;

• The site must not be located in an area of minority concentration unless the PHA determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;

• The site must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

• The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;

• The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;

• The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and

• Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

**17-II.H. ENVIRONMENTAL REVIEW [24 CFR 983.58]**

The PHA activities under the PBV program are subject to HUD environmental regulations in 24 CFR parts 50 and 58. The Responsible Entity is responsible for performing the federal environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). The PHA may not enter into an AHAP contract nor enter into a HAP contract until it has complied with the environmental review requirements.
In the case of existing housing, the responsible entity that is responsible for the environmental review under 24 CFR part 58 must determine whether or not PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR 58.5.

The PHA may not enter into an AHAP contract or a HAP contract with an owner, and the PHA, the owner, and its contractors may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct real property or commit or expend program or local funds for PBV activities under this part, until the environmental review is completed.

The PHA must supply all available, relevant information necessary for the responsible entity to perform any required environmental review for any site. The PHA must require the owner to carry out mitigating measures required by the responsible entity (or HUD, if applicable) as a result of the environmental review.
PART III: DWELLING UNITS

17-III.A. OVERVIEW
This part identifies the special housing quality standards that apply to the PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

17-III.B. HOUSING QUALITY STANDARDS [24 CFR 983.101]
The housing quality standards (HQS) for the tenant-based program, including those for special housing types, generally apply to the PBV program. HQS requirements for shared housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

The physical condition standards at 24 CFR 5.703 do not apply to the PBV program.

Lead-based Paint [24 CFR 983.101(c)]

17-III.C. HOUSING ACCESSIBILITY FOR PERSONS WITH DISABILITIES
The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8. The PHA must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR 100.205, as applicable. (24 CFR 983.102)

17-III.D. INSPECTING UNITS
Pre-selection Inspection [24 CFR 983.103(a)]
The PHA must examine the proposed site before the proposal selection date. If the units to be assisted already exist, the PHA must inspect all the units before the proposal selection date, and must determine whether the units substantially comply with HQS. To qualify as existing housing, units must substantially comply with HQS on the proposal selection date. However, the PHA may not execute the HAP contract until the units fully comply with HQS.

Pre-HAP Contract Inspections [24 CFR 983.103(b), FR Notice 1/18/17, and Notice PIH 2017-20]
The PHA must inspect each contract unit before execution of the HAP contract. The PHA may not provide assistance on behalf of the family until the unit fully complies with HQS, unless the
PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions, or if the unit passed an alternative inspection.

**IHFA Policy**

IHFA will not provide assistance on behalf of the family until the unit fully complies with HQS.

**Turnover Inspections [24 CFR 983.103(c)]**

Before providing assistance to a new family in a contract unit, the PHA must inspect the unit. The PHA may not provide assistance on behalf of the family until the unit fully complies with HQS.

**Annual/Biennial Inspections [24 CFR 983.103(d); FR Notice 6/25/14]**

At least once every **twenty-four (24) months** during the term of the HAP contract, the PHA must inspect a random sample consisting of at least twenty (20) percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement.

**IHFA Policy**

IHFA will inspect on an annual basis a random sample consisting of at least twenty (20) percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS.

If more than twenty (20) percent of the sample of inspected contract units in a building fail the initial inspection, the PHA must reinspect 100 percent of the contract units in the building.

**Other Inspections [24 CFR 983.103(e)]**

The PHA must inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. The PHA must take into account complaints and any other information coming to its attention in scheduling inspections.

The PHA must conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

In conducting PHA supervisory quality control HQS inspections, the PHA should include a representative sample of both tenant-based and project-based units.

**Inspecting PHA-Owned Units [24 CFR 983.103(f)]**

In the case of PHA-owned units, the inspections must be performed by an independent entity designated by the PHA and approved by HUD. The independent entity must furnish a copy of each inspection report to the PHA and to the HUD field office where the project is located. The PHA must take all necessary actions in response to inspection reports from the independent entity, including exercise of contractual remedies for violation of the HAP contract by the PHA-owner.
PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS

17-IV.A. OVERVIEW [24 CFR 983.151]

There are specific requirements that apply to PBV assistance for newly constructed or rehabilitated housing that do not apply to PBV assistance in existing housing. This part describes the requirements unique to this type of assistance.

Housing selected for this type of assistance may not at a later date be selected for PBV assistance as existing housing.

17-IV.B. AGREEMENT TO ENTER INTO HAP CONTRACT (AHAP)

In order to offer PBV assistance in rehabilitated or newly constructed units, the PHA must enter into an Agreement to enter into HAP contract (AHAP or Agreement) with the owner of the property. The AHAP must be in the form required by HUD [24 CFR 983.152(b)]. The PHA may not enter into an AHAP if commencement of construction or rehabilitation has commenced after proposal submission [24 CFR 983.152(c)]. Construction begins when excavation or site preparation (including clearing of the land) begins for the housing. Rehabilitation begins with the physical commencement of rehabilitation activity on the housing.

In the AHAP the owner agrees to develop the PBV contract units to comply with HQS, and the PHA agrees that upon timely completion of such development in accordance with the terms of the AHAP, the PHA will enter into a HAP contract with the owner for the contract units [24 CFR 983.152(a)].

Content of the AHAP [24 CFR 983.152(d)]

At a minimum, the AHAP must describe the following features of the housing to be developed and assisted under the PBV program:

- Site and the location of the contract units;
- Number of contract units by area (size) and number of bedrooms and bathrooms;
- Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner and utility services to be paid by the tenant;
- An indication of whether or not the design and construction requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973 apply to units under the AHAP. If applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the AHAP;
- Estimated initial rents to owner for the contract units;
- Description of the work to be performed under the AHAP. For rehabilitated units, the description must include the rehabilitation work write up and, where determined necessary by the PHA, specifications and plans. For new construction units, the description must include the working drawings and specifications.
- Any additional requirements for quality, architecture, or design over and above HQS.
Execution of the AHAP [24 CFR 983.153]

The AHAP must be executed promptly after PHA notice of proposal selection to the selected owner. The PHA may not enter into the AHAP if construction or rehabilitation has started after proposal submission. Generally, the PHA may not enter into the AHAP with the owner until the subsidy layering review is completed. Likewise, the PHA may not enter into the AHAP until the environmental review is completed and the PHA has received environmental approval. However, the PHA does not need to conduct a subsidy layering review in the case of a HAP contract for existing housing or if the applicable state or local agency has conducted such a review. Similarly, environmental reviews are not required for existing structures unless otherwise required by law or regulation.

IHFA Policy

IHFA will enter into the AHAP with the owner within ten (10) business days of receiving both environmental approval and notice that subsidy layering requirements have been met, and before construction or rehabilitation work is started.

17-IV.C. CONDUCT OF DEVELOPMENT WORK

Labor Standards [24 CFR 983.154(b)]

If an AHAP covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner’s contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the AHAP will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.

The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations. The PHA must monitor compliance with labor standards.

Owner Disclosure [24 CFR 983.154(d) and (e)]

The AHAP and HAP contract must include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

The owner must also disclose any possible conflict of interest that would be a violation of the AHAP, the HAP contract, or HUD regulations.

17-IV.D. COMPLETION OF HOUSING

The AHAP must specify the deadlines for completion of the housing, and the owner must develop and complete the housing in accordance with these deadlines. The AHAP must also specify the deadline for submission by the owner of the required evidence of completion.

Evidence of Completion [24 CFR 983.155(b)]

At a minimum, the owner must submit the following evidence of completion to the PHA in the form and manner required by the PHA:
• Owner certification that the work has been completed in accordance with HQS and all requirements of the AHAP; and
• Owner certification that the owner has complied with labor standards and equal opportunity requirements in development of the housing.

At the PHA’s discretion, the AHAP may specify additional documentation that must be submitted by the owner as evidence of housing completion.

IHFA Policy

IHFA will determine the need for the owner to submit additional documentation as evidence of housing completion on a case-by-case basis depending on the nature of the PBV project. IHFA will specify any additional documentation requirements in the AHAP.

PHA Acceptance of Completed Units [24 CFR 983.156]

Upon notice from the owner that the housing is completed, the PHA must inspect to determine if the housing has been completed in accordance with the AHAP, including compliance with HQS and any additional requirements imposed under the AHAP. The PHA must also determine if the owner has submitted all required evidence of completion.

If the work has not been completed in accordance with the AHAP, the PHA must not enter into the HAP contract.

If the PHA determines the work has been completed in accordance with the AHAP and that the owner has submitted all required evidence of completion, the PHA must submit the HAP contract for execution by the owner and must then execute the HAP contract.
PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

17-V.A. OVERVIEW
The PHA must enter into a HAP contract with an owner for units that are receiving PBV assistance. The purpose of the HAP contract is to provide housing assistance payments for eligible families. Housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term. With the exception of single-family scattered-site projects, a HAP contract shall cover a single project. If multiple projects exist, each project is covered by a separate HAP contract. The HAP contract must be in the form required by HUD [24 CFR 983.202(a)].

17-V.B. HAP CONTRACT REQUIREMENTS

Contract Information [24 CFR 983.203]
The HAP contract must specify the following information:

- The total number of contract units by number of bedrooms;
- The project’s name, street address, city or county, state and zip code, block and lot number (if known), and any other information necessary to clearly identify the site and the building;
- The number of contract units in each building, the location of each contract unit, the area of each contract unit, and the number of bedrooms and bathrooms in each contract unit;
- Services, maintenance, and equipment to be supplied by the owner and included in the rent to owner;
- Utilities available to the contract units, including a specification of utility services to be paid by the owner (included in rent) and utility services to be paid by the tenant;
- Features provided to comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR part 8;
- The HAP contract term;
- The number of units in any project that will exceed the twenty-five (25) percent per project cap, which will be set aside for occupancy by qualifying families (elderly and/or disabled families and families receiving supportive services (Note: HOTMA Notice PIH 2017-21 removed ‘disabled’ from the 25% per project cap); and
- The initial rent to owner for the first twelve (12) months of the HAP contract term.

Execution of the HAP Contract [24 CFR 983.204]
The PHA may not enter into a HAP contract until each contract unit has been inspected and the PHA has determined that the unit complies with the Housing Quality Standards (HQS), unless the PHA has adopted a policy to enter into a HAP contract for units that fail the initial HQS inspection as a result of only non-life-threatening conditions. For existing housing, the HAP contract must be executed promptly after the PHA selects the owner proposal and inspects the housing units. For newly constructed or rehabilitated housing the HAP contract must be executed after the PHA has inspected the completed units and has determined that the units have been completed in accordance with the AHAP, and the owner furnishes all required evidence of completion.
IHFA Policy

For existing housing, the HAP contract will be executed within ten (10) business days of IHFA determining that all units pass HQS.

For rehabilitated or newly constructed housing, the HAP contract will be executed within ten (10) business days of IHFA determining that the units have been completed in accordance with the AHAP, all units meet HQS, and the owner has submitted all required evidence of completion.

Term of HAP Contract [24 CFR 983.205, FR Notice 1/18/17, and Notice PIH 2017-21]

The PHA may enter into a HAP contract with an owner for an initial term of no less than one (1) year and no more than twenty (20) years for each contract unit. The length of the term of the HAP contract for any contract unit may not be less than one (1) year, nor more than twenty (20) years. In the case of PHA-owned units, the term of the HAP contract must be agreed upon by the PHA and the independent entity approved by HUD [24 CFR 983.59(b)(2)].

IHFA Policy

The term of all PBV HAP contracts will be negotiated with the owner on a case-by-case basis.

At the time of the initial HAP contract term or any time before expiration of the HAP contract, the PHA may extend the term of the contract for an additional term of up to twenty (20) years if the PHA determines an extension is appropriate to continue providing affordable housing for low-income families. A HAP contract extension may not exceed twenty (20) years. A PHA may provide for multiple extensions; however, in no circumstances may such extensions exceed twenty (20) years, cumulatively. Extensions after the initial extension are allowed at the end of any extension term, provided that not more than twenty-four (24) months prior to the expiration of the previous extension contract the PHA agrees to extend the term, and that such extension is appropriate to continue providing affordable housing for low-income families or to expand housing opportunities. Extensions after the initial extension shall not begin prior to the expiration date of the previous extension term. Subsequent extensions are subject to the same limitations. All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension. In the case of PHA-owned units, any extension of the term of the HAP contract must be agreed upon by the PHA and the independent entity approved by HUD [24 CFR 983.59(b)(2)].

IHFA Policy

When determining whether or not to extend an expiring PBV contract, IHFA will consider several factors including, but not limited to:

- The cost of extending the contract and the amount of available budget authority;
- The condition of the contract units;
- The owner’s record of compliance with obligations under the HAP contract and lease(s);
• Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities; and
• Whether the funding could be used more appropriately for tenant-based assistance.

Termination by PHA [24 CFR 983.205(c) and FR Notice 1/18/17]

The HAP contract must provide that the term of the PHA’s contractual commitment is subject to the availability of sufficient appropriated funding as determined by HUD or by the PHA in accordance with HUD instructions. For these purposes, sufficient funding means the availability of appropriations, and of funding under the ACC from such appropriations, to make full payment of housing assistance payments payable to the owner for any contract year in accordance with the terms of the HAP contract.

In times of insufficient funding, HUD requires that PHAs first take all cost-saving measures prior to failing to make payments under existing PBV HAP contracts.

If it is determined that there may not be sufficient funding to continue housing assistance payments for all contract units and for the full term of the HAP contract, the PHA may terminate the HAP contract by notice to the owner. The termination must be implemented in accordance with HUD instructions.

Termination by Owner [24 CFR 983.205(d)]

If in accordance with program requirements the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to the PHA. In this case, families living in the contract units must be offered tenant-based assistance.

Statutory Notice Requirements: Contract Termination or Expiration [24 CFR 983.206, FR Notice 1/18/17, and Notice PIH 2017-21]

Not less than one (1) year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify the PHA and assisted tenants of the termination. The notice must be provided in the form prescribed by HUD. If the owner does not give timely notice, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent. An owner may renew the terminating contract for a period of time sufficient to give tenants one (1) year advance notice under such terms as HUD may require.

Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher. Tenant-based assistance would not begin until the owner’s required notice period ends. The PHA must provide the family with a voucher and the family must also be given the option by the PHA and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness requirements. The family must pay their total tenant payment (TTP) and any additional amount if the gross rent exceeds the applicable payment standard. The family has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance. The owner may not terminate the tenancy of a family that exercises its right to remain
except for serious or repeated lease violations or other good cause. Families that receive a tenant-based voucher at the expiration or termination of the PBV HAP contract are not new admissions to the PHA HCV tenant-based program and are not subject to income eligibility requirements or any other admission requirements. If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed forty (40) percent of the family’s adjusted monthly income.

**Remedies for HQS Violations [24 CFR 983.208(b)]**

The PHA may not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS. If the PHA determines that a contract does not comply with HQS, the PHA may exercise any of its remedies under the HAP contract, for any or all of the contract units. Available remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP contract.

**IHFA Policy**

IHFA will abate and terminate PBV HAP contracts for non-compliance with HQS in accordance with the policies used in the tenant-based voucher program. These policies are contained in Section 8-II.G., Enforcing Owner Compliance.

**17-V.C. AMENDMENTS TO THE HAP CONTRACT**

**Substitution of Contract Units [24 CFR 983.207(a)]**

At the PHA’s discretion and subject to all PBV requirements, the HAP contract may be amended to substitute a different unit with the same number of bedrooms in the same project for a previously covered contract unit. Before any such substitution can take place, the PHA must inspect the proposed unit and determine the reasonable rent for the unit.

**Addition of Contract Units [FR Notice 1/18/17 and Notice PIH 2017-21]**

The PHA and owner may amend the HAP contract to add additional PBV contract units in projects that already have a HAP contract without having to fulfill the selection requirements found at 24 CFR 983.51(b) for those additional PBV units, regardless of when the HAP contract was signed. The additional PBV units, however, are still subject to the PBV program cap and individual project caps. Prior to attaching additional units without competition, the PHA must submit to the local field office information outlined in FR Notice 1/18/17. The PHA must also detail in the administrative plan their intent to add PBV units and the rationale for adding units to the specific PBV project.

**IHFA Policy (Updated 2022)**

IHFA will consider adding contract units to a HAP contract when it is determined additional housing is needed to serve eligible low-income families. IHFA will add units to the contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps.
17-V.D. HAP CONTRACT YEAR, ANNIVERSARY AND EXPIRATION DATES [24 CFR 983.207(b) and 983.302(e)]

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

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

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

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

When the owner executes the HAP contract they certify that at such execution and at all times during the term of the HAP contract:

- All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
- The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and the leases;
- Each contract unit for which the owner is receiving HAP, is leased to an eligible family referred by the PHA, and the lease is in accordance with the HAP contract and HUD requirements;
- To the best of the owner’s knowledge the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family’s only residence;
- The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit;
- The amount of the HAP the owner is receiving is correct under the HAP contract;
- The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;
- Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit;
- The family does not own or have any interest in the contract unit (does not apply to family’s membership in a cooperative); and
- Repair work on the project selected as an existing project that is performed after HAP execution within such post-execution period as specified by HUD may constitute development activity, and if determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.
17-V.F. ADDITIONAL HAP REQUIREMENTS

Housing Quality and Design Requirements [24 CFR 983.101(e) and 983.208(a)]

The owner is required to maintain and operate the contract units and premises in accordance with HQS, including performance of ordinary and extraordinary maintenance. The owner must provide all the services, maintenance, equipment, and utilities specified in the HAP contract with the PHA and in the lease with each assisted family. In addition, maintenance, replacement and redecoration must be in accordance with the standard practice for the building as established by the owner.

The PHA may elect to establish additional requirements for quality, architecture, or design of PBV housing. Any such additional requirements must be specified in the AHAP contract and the HAP contract. These requirements must be in addition to, not in place of, compliance with HQS.

IHFA Policy

IHFA will identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. IHFA will specify any special design standards or additional requirements in the invitation for PBV proposals, the AHAP contract, and the HAP contract.

Vacancy Payments [24 CFR 983.352(b)]

At the discretion of the PHA, the HAP contract may provide for vacancy payments to the owner for a PHA-determined period of vacancy extending from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the move-out month. The amount of the vacancy payment will be determined by the PHA and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner (including amounts available from the tenant’s security deposit).

IHFA Policy

IHFA will decide on a case-by-case basis if IHFA will provide vacancy payments to the owner. The HAP contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments.
PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS

17-VI.A. OVERVIEW

Many of the provisions of the tenant-based voucher regulations [24 CFR 982] also apply to the PBV program. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

17-VI.B. ELIGIBILITY FOR PBV ASSISTANCE [24 CFR 983.251(a) and (b)]

The PHA may select families for the PBV program from those who are participants in the PHA’s tenant-based voucher program and from those who have applied for admission to the voucher program. For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. For all others, eligibility for admission must be determined at the commencement of PBV assistance.

Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and the PHA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR 982.201(a) and 24 CFR 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR 5.216 and 5.218] and consent to the PHA’s collection and use of family information regarding income, expenses, and family composition [24 CFR 5.230]. The PHA may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

IHFA Policy

IHFA will determine an applicant family’s eligibility for the PBV program in accordance with the policies in Chapter 3.

In-Place Families [24 CFR 983.251(b)]

An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by the PHA is considered an “in-place family.” These families are afforded protection from displacement under the PBV rule. If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on the PHA’s waiting list. Once the family’s continued eligibility is determined (the PHA may deny assistance to an in-place family for the grounds specified in 24 CFR 982.552 and 982.553), the family must be given an absolute selection preference and the PHA must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.
This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

17-VI.C. ORGANIZATION OF THE WAITING LIST [24 CFR 983.251(e)]

The PHA may establish a separate waiting list for PBV units or it may use the same waiting list for both tenant-based and project-based assistance. The PHA may also merge the PBV waiting list with a waiting list for other assisted housing programs offered by the PHA. If the PHA chooses to offer a separate waiting list for PBV assistance, the PHA must offer to place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

If a PHA decides to establish a separate PBV waiting list, the PHA may use a single waiting list for the PHA’s whole PBV program, or it may establish separate waiting lists for PBV units in particular projects or buildings or for sets of such units.

IHFA Policy

IHFA will establish and manage separate waiting lists for individual projects or buildings that are receiving PBV assistance. IHFA currently has waiting lists for the following PBV projects:

- CLUB Canyon House – Twin Falls, Idaho; 8 SRO units
  Five Year Contract: February 1, 2019 through January 31, 2024

17-VI.D. SELECTION FROM THE WAITING LIST [24 CFR 983.251(c)]

Applicants who will occupy units with PBV assistance must be selected from the PHA’s waiting list. The PHA may establish selection criteria or preferences for occupancy of particular PBV units. The PHA may place families referred by the PBV owner on its PBV waiting list.

Income Targeting [24 CFR 983.251(c)(6)]

At least 75 percent of the families admitted to the PHA’s tenant-based and project-based voucher programs during the PHA fiscal year from the waiting list must be extremely low-income families. The income targeting requirement applies to the total of admissions to both programs.

Units with Accessibility Features [24 CFR 983.251(c)(7)]

When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, the PHA must first refer families who require such features to the owner.

Preferences [24 CFR 983.251(d), FR Notice 11/24/08]

The PHA may use the same selection preferences that are used for the tenant-based voucher program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. The PHA must provide an absolute selection preference for eligible in-place families as described in Section 17-VI.B. above.

The PHA may establish a selection preference for families who qualify for voluntary services, including disability-specific services, offered in conjunction with assisted units, provided that preference is consistent with the PHA plan. The PHA may not, however, grant a preference to a person with a specific disability [FR Notice 1/18/17].
In advertising such a project, the owner may advertise the project as offering services for a particular type of disability; however, the project must be open to all otherwise eligible disabled persons who may benefit from services provided in the project. In these projects, disabled residents may not be required to accept the particular services offered as a condition of occupancy.

If the PHA has projects with “excepted units” for elderly families or supportive services, the PHA must give preference to such families when referring families to these units [24 CFR 983.261(b); FR Notice 1/18/17].

**IHFA Policy**

IHFA will provide a selection preference when required by the regulation (e.g., eligible in-place families, elderly families or units with supportive services, or mobility impaired persons for accessible units).

IHFA may establish specific selection preferences by project, but will follow its regular HCV preferences absent project-specific preference.

17-VIE. OFFER OF PBV ASSISTANCE

Refusal of Offer [24 CFR 983.251(e)(3)]

The PHA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

- Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
- Deny any admission preference for which the applicant qualifies;
- Change the applicant’s place on the waiting list based on preference, date, and time of application, or other factors affecting selection under the PHA’s selection policy;
- Remove the applicant from the tenant-based voucher waiting list.

Disapproval by Landlord [24 CFR 983.251(e)(2)]

If a PBV owner rejects a family for admission to the owner’s units, such rejection may not affect the family’s position on the tenant-based voucher waiting list.

Acceptance of Offer [24 CFR 983.252]

Family Briefing

When a family accepts an offer for PBV assistance, the PHA must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, the PHA must provide a briefing packet that explains how the PHA determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

Persons with Disabilities

If an applicant family’s head or spouse is disabled, the PHA must assure effective communication, in accordance with 24 CFR 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available (see
Chapter 2). In addition, the PHA must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

**Persons with Limited English Proficiency**

The PHA should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

**17-VI.F. OWNER SELECTION OF TENANTS**

The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection [24 CFR 983.253(a)(2) and (a)(3)].

**Leasing [24 CFR 983.253(a)]**

During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by the PHA from the PHA’s waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on the PHA’s subsidy standards.

**Filling Vacancies [24 CFR 983.254(a)]**

The owner must promptly notify the PHA of any vacancy or expected vacancy in a contract unit. After receiving such notice, the PHA must make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. The PHA and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

**IHFA Policy**

The owner must notify IHFA in writing (mail, fax, or email) within five (5) business days of learning about any vacancy or expected vacancy.

IHFA will make every reasonable effort to refer families to the owner within ten (10) business days of receiving such notice from the owner. In the case of a project where the selection preference is based solely on referrals from a partnering agency (for exception families), IHFA will make every reasonable effort to process the referral in a timely manner to minimize vacancy time.

**Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]**

If any contract units have been vacant for 120 or more days since owner notice of the vacancy, the PHA may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (according to the bedroom size) that have been vacant for this period.

**IHFA Policy**

If any contract units have been vacant for 120 days, IHFA will give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have
been vacant for this period. IHFA will provide the notice to the owner within ten (10) business days of the 120th day of the vacancy. The amendment to the HAP contract will be effective the 1st day of the month following the date of IHFA’s notice.

17-VI.G. TENANT SCREENING [24 CFR 983.255]

PHA Responsibility

The PHA is not responsible or liable to the owner or any other person for the family’s behavior or suitability for tenancy. However, the PHA may opt to screen applicants for family behavior or suitability for tenancy and may deny applicants based on such screening.

**IHFA Policy**

IHFA will not conduct screening to determine a PBV applicant family’s suitability for tenancy.

The PHA must provide the owner with an applicant family’s current and prior address (as shown in PHA records) and the name and address (if known by the PHA) of the family’s current landlord and any prior landlords.

In addition, the PHA may offer the owner other information the PHA may have about a family, including information about the tenancy history of family members or about drug trafficking and criminal activity by family members. The PHA must provide applicant families a description of the PHA policy on providing information to owners, and the PHA must give the same types of information to all owners.

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

**IHFA Policy**

IHFA will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. IHFA may provide additional information to the owner, such as tenancy history, criminal history, etc.

Owner Responsibility

The owner is responsible for screening and selection of the family to occupy the owner’s unit. When screening families the owner may consider a family’s background with respect to the following factors:

- Payment of rent and utility bills;
- Caring for a unit and premises;
- Respecting the rights of other residents to the peaceful enjoyment of their housing;
- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and
- Compliance with other essential conditions of tenancy.
PART VII: OCCUPANCY

17-VII.A. OVERVIEW

After an applicant has been selected from the waiting list, determined eligible by the PHA, referred to an owner and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

17-VII.B. LEASE [24 CFR 983.256]

The tenant must have legal capacity to enter a lease under state and local law. Legal capacity means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

Form of Lease [24 CFR 983.256(b)]

The tenant and the owner must enter into a written lease agreement that is signed by both parties. If an owner uses a standard lease form for rental units to unassisted tenants in the locality or premises, the same lease must be used for assisted tenants, except that the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as a PHA model lease.

The PHA may review the owner’s lease form to determine if the lease complies with state and local law. If the PHA determines that the lease does not comply with state or local law, the PHA may decline to approve the tenancy.

IHFA Policy

IHFA will not review the owner’s lease for compliance with state or local law.

Lease Requirements [24 CFR 983.256(c)]

The lease for a PBV unit must specify all of the following information:

- The names of the owner and the tenant;
- The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
- The term of the lease (initial term and any provision for renewal);
- The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;
- A specification of the services, maintenance, equipment, and utilities that will be provide by the owner; and
- The amount of any charges for food, furniture, or supportive services.

Tenancy Addendum [24 CFR 983.256(d)]

The tenancy addendum in the lease must state:

- The program tenancy requirements;
• The composition of the household as approved by the PHA (the names of family members and any PHA-approved live-in aide);
• All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

Initial Term and Lease Renewal [24 CFR 983.256(f)]
The initial lease term must be for at least one (1) year. The lease must provide for automatic renewal after the initial term of the lease in either successive definitive terms (e.g. month-to-month or year-to-year) or an automatic indefinite extension of the lease term. For automatic indefinite extension of the lease term, the lease terminates if any of the following occur:
• The owner terminates the lease for good cause
• The tenant terminates the lease
• The owner and tenant agree to terminate the lease
• The PHA terminates the HAP contract
• The PHA terminates assistance for the family

Changes in the Lease [24 CFR 983.256(e)]
If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give the PHA a copy of all changes.

The owner must notify the PHA in advance of any proposed change in the lease regarding the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by the PHA and in accordance with the terms of the lease relating to its amendment. The PHA must redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

Owner Termination of Tenancy [24 CFR 983.257]
With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see Section 12-III.B. and 24 CFR 982.310). In the PBV program, terminating tenancy for “good cause” does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

Tenant Absence from the Unit [24 CFR 983.256(g) and 982.312(a)]
The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by PHA policy. According to program requirements, the family’s assistance must be terminated if they are absent from the unit for more than 180 consecutive days. PHA termination of assistance actions due to family absence from the unit are subject to 24 CFR 982.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.
Continuation of Housing Assistance Payments [24 CFR 982.258]

Housing assistance payments shall continue until the tenant rent equals the rent to owner. The cessation of housing assistance payments at such point will not affect the family's other rights under its lease, nor will such cessation preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within 180 days following the date of the last housing assistance payment by the PHA. After the 180-day period, the unit shall be removed from the HAP contract pursuant to 24 CFR 983.211.

**IHFA Policy**

If a participating family receiving zero assistance experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify IHFA of the change and request an interim reexamination before the expiration of the 180-day period.

Security Deposits [24 CFR 983.259]

The owner may collect a security deposit from the tenant. The PHA may prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

**IHFA Policy**

IHFA will allow the owner to collect a security deposit amount the owner determines is appropriate, so long as the deposit does not exceed private market practice or the amount charged by the owner to unassisted tenants.

When the tenant moves out of a contract unit, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts owed by the tenant under the lease.

The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.

If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance from the tenant. The PHA has no liability or responsibility for payment of any amount owed by the family to the owner.

17-VII.C. MOVES

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.260]

If the PHA determines that a family is occupying the wrong sized unit, based on the PHA’s subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, the PHA must promptly notify the family and the owner of this determination, and the PHA must offer the family the opportunity to receive continued housing assistance in another unit.
IHFA Policy

IHFA will notify the family and the owner of the family’s need to move based on the occupancy of the wrong-size or accessible unit within ten (10) business days of IHFA’s determination. IHFA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project;
- PBV assistance in another project; and
- Tenant-based voucher assistance.

If the PHA offers the family a tenant-based voucher, the PHA must terminate the housing assistance payments for a wrong-sized or accessible unit at the earlier of the expiration of the term of the family’s voucher (including any extension granted by the PHA) or the date upon which the family vacates the unit. If the family does not move out of the wrong-sized unit or accessible unit by the expiration of the term of the family’s voucher, the PHA must remove the unit from the HAP contract.

If the PHA offers the family another form of assistance that is not a tenant-based voucher, and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by the PHA, or both, the PHA must terminate the housing assistance payments for the unit at the expiration of a reasonable period as determined by the PHA and remove the unit from the HAP contract.

IHFA Policy

When IHFA offers a family another form of assistance that is not a tenant-based voucher, the family will be given thirty (30) calendar days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this thirty (30) calendar day time frame, IHFA will terminate the housing assistance payments at the expiration of this thirty (30) calendar day period.

IHFA may make exceptions to this thirty (30) calendar day period if needed for reasons beyond the family’s control such as death, serious illness, or other medical emergency of a family member.

Family Right to Move [24 CFR 983.261]

The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to the PHA. 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 these 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 voucher or other comparable tenant-based assistance is not immediately available upon termination of the family’s lease in the PBV unit, the PHA must give the family priority to receive the next available opportunity for continued tenant-based assistance.
If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

**Emergency Transfers under VAWA [Notice PIH 2017-08]**

Except where special consideration is needed for the project-based voucher program, the PHA will follow VAWA policies as outlined in Chapter 16 Part IX of this administrative plan, including using the Emergency Transfer Plan as the basis for PBV transfers under VAWA (Exhibit 16-4).

HUD requires that the PHA include policies that address when a victim has been living in a unit for less than a year or when a victim seeks to move sooner than a tenant-based voucher is available.

**IHFA Policy** *(Updated 2022)*

When the victim of domestic violence, dating violence, sexual assault, or stalking has lived in the unit for less than one (1) year, IHFA will provide several options for continued assistance.

IHFA will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where IHFA has PBV units. IHFA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to either tenant-based rental assistance (HCV) program. Such a decision will be made by IHFA based on the availability of tenant-based vouchers.

If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, IHFA will offer the participant an internal transfer to another PBV unit in the same development or a transfer to a different development where IHFA has PBV units. IHFA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

**17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.262]**

As of April 17, 2018, the PHA may not pay housing assistance under a PBV HAP contract for more than the greater of twenty-five (25) units or twenty-five (25) percent of the number of dwelling units in a project unless:

- The units are exclusively for elderly families
- The units are for households eligible for supportive services available to all families receiving PBV assistance in the project

If the project is located in a census tract with a poverty rate of twenty (20) percent or less, as determined in the most recent American Community Survey Five-Year estimates, the project cap is the greater of twenty-five (25) units or forty (40) percent (instead of 25 percent) of the units in the project [FR Notice 7/14/17].
If a family at the time of initial tenancy is receiving and while the resident of an excepted unit has received Family Self-Sufficiency (FSS) supportive services or any other service as defined by the PHA and successfully completes the FSS contract of participation or the supportive services requirement, the unit continues to count as an excepted unit for as long as the family resides in the unit. However, if the FSS family fails to successfully complete the FSS contract of participation or supportive services objective and consequently is no longer eligible for the supportive services, the family must vacate the unit within a reasonable period of time established by the PHA, and the PHA shall cease paying HAP on behalf of the family.

Further, when a family (or remaining members of a family) residing in an excepted unit no longer meets the criteria for a “qualifying family” because the family is no longer an elderly family due to a change in family composition, the PHA has the discretion to allow the family to remain in the excepted unit. If the PHA does not exercise this discretion, the family must vacate the unit within a reasonable period of time established by the PHA, and the PHA must cease paying housing assistance payments on behalf of the non-qualifying family.

Individuals in units with supportive services who choose to no longer participate in a service or who no longer qualify for services they qualified for at the time of initial occupancy cannot subsequently be denied continued housing opportunity because of this changed circumstance. A PHA or owner cannot determine that a participant’s needs exceed the level of care offered by qualifying services or require that individuals be transitioned to different projects based on service needs.

If the family fails to vacate the unit within the established time, the unit must be removed from the HAP contract unless the project is partially assisted, and it is possible for the HAP contract to be amended to substitute a different unit in the building in accordance with program requirements; or the owner terminates the lease and evicts the family. The housing assistance payments for a family residing in an excepted unit that is not in compliance with its family obligations to comply with supportive services requirements must be terminated by the PHA.

The PHA may allow a family that initially qualified for occupancy of an excepted unit based on elderly family status to continue to reside in a unit, where through circumstances beyond the control of the family (e.g., death of the elderly family member or long-term or permanent hospitalization or nursing care), the elderly family member no longer resides in the unit. In this case, the unit may continue to be counted as an excepted unit for as long as the family resides in that unit. Once the family vacates the unit, in order to continue as an excepted unit under the HAP contract, the unit must be made available to and occupied by a qualified family.

**IHFA Policy**

IHFA will allow families who initially qualified to live in an excepted unit to remain when circumstances change due to circumstances beyond the remaining family members’ control.

In all other cases, IHFA will provide written notice to the family and owner within ten (10) business days of making the determination. The family will be given thirty (30) calendar days from the date of the notice to move out of the PBV unit. If the family does not move out within this thirty (30) calendar day time frame, IHFA will terminate the housing assistance payments at the expiration of this thirty (30) calendar day period.
IHFA may make exceptions to this **thirty (30) calendar day period** if needed for reasons beyond the family’s control such as death, serious illness, or other medical emergency of a family member.
PART VIII: DETERMINING RENT TO OWNER

17-VIII.A. OVERVIEW

The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP contract term. Although for rehabilitated or newly constructed housing, the AHAP states the estimated amount of the initial rent to owner, the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.

During the term of the HAP contract, the rent to owner is redetermined at the owner’s request in accordance with program requirements, and at such time that there is a five percent or greater decrease in the published FMR.

17-VIII.B. RENT LIMITS [24 CFR 983.301]

Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

- An amount determined by the PHA, not to exceed 110 percent of the applicable fair market rent (or any HUD-approved exception payment standard) for the unit bedroom size minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

Certain Tax Credit Units [24 CFR 983.301(c)]

For certain tax credit units, the rent limits are determined differently than for other PBV units. Different limits apply to contract units that meet all of the following criteria:

- The contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986;
- The contract unit is not located in a qualified census tract;
- There are comparable tax credit units of the same bedroom size as the contract unit in the same project, and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and
- The tax credit rent exceeds 110 percent of the fair market rent or any approved exception payment standard;

For contract units that meet all of these criteria, the rent to owner must not exceed the lowest of:

- The tax credit rent minus any utility allowance;
- The reasonable rent; or
- The rent requested by the owner.

Definitions

A qualified census tract is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least fifty (50) percent of households have an income of less than sixty (60) percent of Area Median Gross Income (AMGI), or where the poverty rate is at least twenty-five (25) percent and where the census tract is designated as a qualified census tract by HUD.
**Tax credit rent** is the rent charged for comparable units of the same bedroom size in the project that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

**Reasonable Rent [24 CFR 983.301(e) and 983.302(c)(2)]**

The PHA must determine reasonable rent in accord with 24 CFR 983.303. The rent to owner for each contract unit may at no time exceed the reasonable rent, except in cases where the PHA has elected within the HAP contract not to reduce rents below the initial rent to owner and, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent. However, the rent to owner must be reduced in the following cases:

- To correct errors in calculations in accord with HUD requirements
- If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to 24 CFR 983.55
- If a decrease in rent to owner is required based on changes in the allocation of the responsibility for utilities between owner and tenant

If the PHA has not elected within the HAP contract to establish the initial rent to owner as the rent floor, the rent to owner shall not at any time exceed the reasonable rent.

**IHFA Policy**

IHFA will elect within the HAP contract not to reduce rents below the initial level, with the exception of circumstances listed in 24 CFR 983.302(c)(2). If, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent, IHFA will use the higher initial rent to owner amount.

**Use of FMRs, Exception Payment Standards, and Utility Allowances [24 CFR 983.301(f)]**

When determining the initial rent to owner, the PHA must use the most recently published FMR in effect and the utility allowance schedule in effect at execution of the HAP contract. When redetermining the rent to owner, the PHA must use the most recently published FMR and the utility allowance schedule in effect at the time of redetermination. At its discretion, the PHA may for initial rent, use the amounts in effect at any time during the thirty (30) day period immediately before the beginning date of the HAP contract, or for redeterminations of rent, the thirty (30) day period immediately before the redetermination date.

Any HUD-approved exception payment standard amount under the tenant-based voucher program also applies to the project-based voucher program. HUD will not approve a different exception payment standard amount for use in the PBV program.

Likewise, the PHA may not establish or apply different utility allowance amounts for the PBV program. The same utility allowance schedule applies to both the tenant-based and project-based voucher programs.
**IHFA Policy**

Upon written request by the owner, IHFA will consider using the FMR or utility allowances in effect during the **thirty (30) day** period before the start date of the HAP, or redetermination of rent. The owner must explain the need to use the previous FMRs or utility allowances and include documentation in support of the request. IHFA will review and make a decision based on the circumstances and merit of each request.

In addition to considering a written request from an owner, IHFA may decide to use the FMR or utility allowances in effect during the **thirty (30) day** period before the start date of the HAP, or redetermination of rent, if IHFA determines it is necessary due to IHFA budgetary constraints.

**Use of Small Area FMRs (SAFMRs) [24 CFR 888.113(h)]**

While small area FMRs (SAFMRs) do not apply to PBV projects, PHAs that operate a tenant-based program under SAFMRs may apply SAFMRs to all future PBV HAP contracts. If the PHA adopts this policy, it must apply to all future PBV projects and the PHA’s entire jurisdiction. The PHA and owner may not subsequently choose to revert back to use of the FMRs once the SAFMRs have been adopted, even if the PHA subsequently changes its policy.

Further, the PHA may apply SAFMRs to current PBV projects where the notice of owner selection was made on or before the effective date of PHA implementation, provided the owner is willing to mutually agree to doing so and the application is prospective. The PHA and owner may not subsequently choose to revert back to use of the FMRs once the SAFMRs have been adopted, even if the PHA subsequently changes its policy. If rents increase as a result of the use of SAFMRs, the rent increase may not be effective until the first anniversary of the HAP contract.

**IHFA Policy**

IHFA will not apply SAFMRs to IHFA’s PBV program.

**Redetermination of Rent [24 CFR 983.302]**

The PHA must redetermine the rent to owner upon the owner’s request or when there is a ten (10) percent or greater decrease in the published FMR.

**Rent Increase**

If an owner wishes to request an increase in the rent to owner from the PHA, it must be requested at the annual anniversary of the HAP contract (see Section 17-V.D.). The request must be in writing and in the form and manner required by the PHA. The PHA may only make rent increases in accordance with the rent limits described previously. There are no provisions in the PBV program for special adjustments (e.g., adjustments that reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs).

**IHFA Policy**

An owner’s request for a rent increase must be submitted to IHFA **sixty (60) days** prior to the anniversary date of the HAP contract and must include the new rent amount the owner is proposing.
The PHA may not approve and the owner may not receive any increase of rent to owner until and unless the owner has complied with requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

Rent Decrease

If there is a decrease in the rent to owner, as established in accordance with program requirements such as a change in the FMR or exception payment standard, or reasonable rent amount, the rent to owner must be decreased regardless of whether the owner requested a rent adjustment, except where the PHA has elected within the HAP contract to not reduce rents below the initial rent under the initial HAP contract.

Notice of Rent Change

The rent to owner is redetermined by written notice by the PHA to the owner specifying the amount of the redetermined rent. The PHA notice of rent adjustment constitutes an amendment of the rent to owner specified in the HAP contract. The adjusted amount of rent to owner applies for the period of twelve (12) calendar months from the annual anniversary of the HAP contract.

IHFA Policy

IHFA will provide the owner with at least fifteen (15) days written notice of any change in the amount of the rent to the owner.

PHA-Owned Units [24 CFR 983.301(g)]

For PHA-owned PBV units, the initial rent to owner and the annual redetermination of rent at the anniversary of the HAP contract are determined by the independent entity approved by HUD. The PHA must use the rent to owner established by the independent entity.

17-VIII.C. REASONABLE RENT [24 CFR 983.303]

At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by the PHA, except where the PHA has elected within the HAP contract to not reduce rents below the initial rent under the initial HAP contract.

When Rent Reasonable Determinations Are Required

The PHA must redetermine the reasonable rent for a unit receiving PBV assistance whenever any of the following occur:

- There is a ten (10) percent or greater decrease in the published FMR in effect sixty (60) days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR that was in effect one (1) year before the contract anniversary date;
- The PHA approves a change in the allocation of responsibility for utilities between the owner and the tenant;
- The HAP contract is amended to substitute a different contract unit in the same building or project; or
- There is any other change that may substantially affect the reasonable rent.
How to Determine Reasonable Rent

The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, the PHA must consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

Comparability Analysis

For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by the PHA. The comparability analysis may be performed by PHA staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

PHA-Owned Units

For PHA-owned units, the amount of the reasonable rent must be determined by an independent agency approved by HUD in accordance with PBV program requirements. The independent entity must provide a copy of the determination of reasonable rent for PHA-owned units to the PHA and to the HUD field office where the project is located.

Owner Certification of Reasonable Rent

By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for other comparable unassisted units in the premises. At any time, the PHA may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere.

17-VIII.D. EFFECT OF OTHER SUBSIDY AND RENT CONTROL

In addition to the rent limits discussed in Section 17-VIII.B above, other restrictions may limit the amount of rent to owner in a PBV unit. In addition, certain types of subsidized housing are not even eligible to receive PBV assistance (see Section 17-II.D).

Other Subsidy [24 CFR 983.304]

To comply with HUD subsidy layering requirements, at the discretion of HUD or its designee, a PHA shall reduce the rent to owner because of other governmental subsidies, including tax credits or tax exemptions, grants, or other subsidized funding.

For units receiving assistance under the HOME program, rents may not exceed rent limits as required by that program.

For units in any of the following types of federally subsidized projects, the rent to owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program:
• An insured or non-insured Section 236 project;
• A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;
• A Section 221(d)(3) below market interest rate (BMIR) project;
• A Section 515 project of the Rural Housing Service;
• Any other type of federally subsidized project specified by HUD.

Combining Subsidy
Rent to owner may not exceed any limitation required to comply with HUD subsidy layering requirements.

Rent Control [24 CFR 983.305]
In addition to the rent limits set by PBV program regulations, the amount of rent to owner may also be subject to rent control or other limits under local, state, or federal law.
PART IX: PAYMENTS TO OWNER

17-IX.A. HOUSING ASSISTANCE PAYMENTS [24 CFR 983.351]

During the term of the HAP contract, the PHA must make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and the PHA agree on a later date.

Except for discretionary vacancy payments, the PHA may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

The amount of the housing assistance payment by the PHA is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

17-IX.B. VACANCY PAYMENTS [24 CFR 983.352]

If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if the PHA determines that the vacancy is the owner’s fault.

IHFA Policy

If IHFA determines that the owner is responsible for a vacancy and, as a result, is not entitled to keep the housing assistance payment, IHFA will notify the landlord of the amount of housing assistance payment that the owner must repay. IHFA will require the owner to repay the amount owed in accordance with the policies in Section 16-IV.B.

At the discretion of the PHA, the HAP contract may provide for vacancy payments to the owner. The PHA may only make vacancy payments if:

- The owner gives the PHA prompt, written notice certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner’s knowledge);
- The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
- The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
- The owner provides any additional information required and requested by the PHA to verify that the owner is entitled to the vacancy payment.

The owner must submit a request for vacancy payments in the form and manner required by the PHA and must provide any information or substantiation required by the PHA to determine the amount of any vacancy payment.
IHFA Policy

If an owner’s HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified IHFA of the vacancy in accordance with the policy in Section 17-VI.F. regarding filling vacancies.

In order for a vacancy payment request to be considered, it must be made within ten (10) business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and IHFA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by IHFA within ten (10) business days of IHFA’s request, no vacancy payments will be made.

17-IX.C. TENANT RENT TO OWNER [24 CFR 983.353]

The tenant rent is the portion of the rent to owner paid by the family. The amount of tenant rent is determined by the PHA in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in the PHA notice to the family and owner.

The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The amount of the tenant rent determined by the PHA is the maximum amount the owner may charge the family for rental of a contract unit. The tenant rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not demand or accept any rent payment from the tenant in excess of the tenant rent as determined by the PHA. The owner must immediately return any excess payment to the tenant.

Tenant and PHA Responsibilities

The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by the PHA.

Likewise, the PHA is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. The PHA is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. The PHA may not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

Utility Reimbursements

If the amount of the utility allowance exceeds the total tenant payment, the PHA must pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero.

The PHA may pay the utility reimbursement directly to the family or to the utility supplier on behalf of the family. If the PHA chooses to pay the utility supplier directly, the PHA must notify the family of the amount paid to the utility supplier.

IHFA Policy

IHFA will make utility reimbursements to the family.
17-IX.D. OTHER FEES AND CHARGES [24 CFR 983.354]

Meals and Supportive Services
With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

Other Charges by Owner
The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.
EXHIBIT 17-1: PBV DEVELOPMENT INFORMATION
(Fill out one for each development)

Date: [Enter the date on which this form was completed]

DEVELOPMENT INFORMATION

Development Name: [Insert name of PBV development]
Address: [Insert full address of PBV development]
Owner Information: [Insert PBV development owner name and contact information. If development is PHA-owned, enter “PHA-owned.”]
Property Management Company: [Insert property management company name and contact information, or enter “None”]
PHA-Owned: [Enter “Yes” or “No.” If yes, enter name of independent entity]
Mixed Finance Development: [Enter “Yes” or “No.” If yes, list other types of funding and units to which other funding applies.]

HAP CONTRACT

Effective Date of Contract: [Enter start date of HAP contract]
HOTMA Requirements: [If HAP contract was signed prior to April 18, 2017, enter “Pre-HOTMA.” If HAP contract was signed on or after April 18, 2017, enter “Post-HOTMA.”]
Term of HAP Contract: [Enter term from HAP contract]
Expiration Date of Contract: [Enter expiration date from HAP contract]

PBV UNITS

<table>
<thead>
<tr>
<th></th>
<th>0 BR</th>
<th>1 BR</th>
<th>2 BR</th>
<th>3 BR</th>
<th>4 BR</th>
<th>5 BR</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td># of Units</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial Contract Rent</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Accessible Units and Features: [Identify which units are accessible and describe accessibility features or enter “None”]
Target Population: [Describe targeted population in accordance with HAP contract or enter “None”]
Excepted Units: [Identify excepted unit types below or enter “None”]
Supportive Services: [Enter “Yes, see Exhibit D of HAP Contract” or enter “No”]
Elderly Units: [Enter “Yes” or “No.” If yes, identify which units are elderly units.]
Disabled Units (only for HAP contracts executed prior to April 18, 2017) [Enter “Yes” or “No.”]
If yes, identify which units are for persons with disabilities.

Are units excepted because they are located in a low-poverty census tract area?: [Enter “Yes” or “No”]

WAITING LIST AND SELECTION

Waiting List Type: [Enter “Site-based waiting list,” “Combined with HCV,” “Waiting list for entire PBV program,” or “Merged with another assisted housing program”]

Preferences: [Enter “Same as HCV; see Chapter 4” or describe preferences offered. If different from HCV, also note in Section 17.1.B of this policy.]

Preference Verification: [Enter “Same as HCV; see Chapter 7” or describe for each preference listed above. If different from HCV, note in Section 17.1.B of this policy.]

For the PBV program, is the income limit the same as the HCV program? (Note: In mixed finance developments, other income limits may also apply.) [Enter “Same as HCV; see Chapter 3” or clearly describe. If different from HCV, note in Section 17.1.B of this policy.]

OCCUPANCY

Subsidy Standards: [Enter “Same as HCV; see Chapter 5” or describe. If different from HCV, note in Section 17.1.B of this policy]

Utilities: [Enter in accordance with HAP contract Exhibit C]

Vacancy Payments: [Enter in accordance with HAP contract Part 1, e, 2 and Section 17-V.F. within this chapter]
EXHIBIT 17-2: Special Provisions Applying to TPVs Awarded as Part of a Voluntary Conversion of Public Housing Units in Projects that Include RAD PBV Units


Under certain circumstances, HUD allows small PHAs to reposition a public housing project (or portion of a project) by voluntarily converting units to tenant-based housing choice voucher (HCV) assistance. In order to preserve affordable housing for residents of the project, the PHA is given priority to receive replacement tenant protection vouchers (TPVs). As part of the voluntary conversion, the PHA has the option to continue to operate it as rental housing. If so, the PHA or subsequent owner must allow existing families to remain in their units using the TPV in the form of tenant-based assistance. In this situation, however, the PHA may choose to project-base these TPVs in the former public housing project. Families must still be provided with the option to remain in their unit using tenant-based assistance. In order for the PHA to project-base the assistance and include these units on the PBV HAP contract, the family must voluntarily consent in writing to PBV assistance following the requirements in Appendix A of Notice PIH 2019-05. If the family fails to consent to PBV assistance and chooses to remain using tenant-based assistance, the family’s unit is excluded from the PBV HAP contract until the family moves out or consents to switching to PBV assistance. In general, all applicable program regulations and guidance for the standard PBV program apply to these units.

The PHA may also convert units in the same former public housing project to the PBV program under the rental assistance demonstration (RAD) program. The RAD statute authorizes HUD to waive certain statutory and regulatory provisions governing the standard PBV program and specify alternative requirements. In order to facilitate the uniform treatment of residents and units at the project, Notice PIH 2019-23 extended some of the alternative requirements to non-RAD PBV units in the converted project (i.e., the TPV units in the project). As such, while PBV TPV units in the converted project generally follow the requirements for the standard PBV program listed in this chapter, where HUD has specified alternative requirements for non-RAD PBV units in the project, PBV TPV units will instead follow the requirements outlined in Chapter 18 of this policy for the RAD PBV program.

RAD Requirements Applicable to Non-RAD units in the Project

<table>
<thead>
<tr>
<th>Alternative Requirement under RAD as Listed in Notice PIH 2019-23</th>
<th>Standard PBV Policy That Does Not Apply</th>
<th>Applicable Policy in Chapter 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.6.A.4. Site Selection – Compliance with PBV Goals</td>
<td>17-II.G. SITE SELECTION STANDARDS applies with the exception of deconcentration of poverty and expanding housing and economic opportunity requirements.</td>
<td>18-II.F. SITE SELECTION STANDARDS</td>
</tr>
<tr>
<td>1.6.B.5.d. PBV Site-Specific Utility Allowances</td>
<td>Alternative requirement under RAD. No corresponding policy in Chapter 17.</td>
<td>18-VI.C. UTILITY ALLOWANCES</td>
</tr>
<tr>
<td>1.6.C.1. No Rescreening of Tenants upon Conversion</td>
<td>Policies contained in Chapter 3 relating to eligibility do not apply to existing tenants who receive TPVs.</td>
<td>18-V.B. PROHIBITED RESCREENING OF EXISTING TENANTS UPON CONVERSION</td>
</tr>
<tr>
<td>1.6.C.2. Right to Return</td>
<td>Alternative requirement under RAD. No corresponding policy in Chapter 17.</td>
<td>18-I.D. RELOCATION REQUIREMENTS</td>
</tr>
<tr>
<td>1.6.C.3. Phase-in of Tenant Rent Increases</td>
<td>Alternative requirements under RAD. No corresponding policy in Chapter 17.</td>
<td>18-VIII.D. PHASE-IN OF TENANT RENT INCREASES</td>
</tr>
<tr>
<td>1.6.C.4. Family Self Sufficiency (FSS) and Resident Opportunities and Self-Sufficiency Service Coordinator (ROSS-SC) Programs</td>
<td>Not covered in administrative plan.</td>
<td>18-VI.C. PUBLIC HOUSING FSS AND ROSS PARTICIPANTS</td>
</tr>
<tr>
<td>1.6.C.5. Resident Participation and Funding</td>
<td>Alternative requirement under RAD. No corresponding policy in Chapter 17.</td>
<td>18-VI.D. RESIDENT PARTICIPATION AND FUNDING</td>
</tr>
<tr>
<td>1.6.C.6. Resident Procedural Rights</td>
<td>Policies related to hearings in Chapter 16 apply, with added procedural rights and notice requirements as outlined in Chapter 18.</td>
<td>18-VI.H. RESIDENTS' PROCEDURAL RIGHTS</td>
</tr>
<tr>
<td>1.6.C.9. When Total Tenant</td>
<td>Alternative requirements</td>
<td>18-VI.B. LEASE, Continuation</td>
</tr>
</tbody>
</table>
| Payment Exceeds Gross Rent | under RAD for in-place residents.  
New admissions follow policies in 17-VII.B. LEASE, Continuation of Housing Assistance Payments. | of Housing Assistance Payments |
|---------------------------|-------------------------------------------------------------------------------------------------|-------------------------------|
| 1.6.C.10. Under-Occupied Unit | Alternative requirements under RAD for in-place residents.  
New admissions follow 17-VII.C. MOVES, Overcrowded, Under-Occupied, and Accessible Units | 18-VI.E. MOVES, Overcrowded, Under-Occupied, and Accessible Units |
| 1.6.D.4. Establishment of Waiting List | Alternative requirements under RAD for initial establishment of the waiting list.  
Once waiting list is established, follow 17-VI.D. SELECTION FROM THE WAITING LIST | 18-V.D. ORGANIZATION OF THE WAITING LIST |
| 1.6.D.10. Initial Certifications and Tenant Rent Calculations | Alternative requirements under RAD for in-place residents. No corresponding policy in Chapter 17. | 18-VIII.C. TENANT RENT TO OWNER, Initial Certifications |

Note, while Notice PIH 2019-05 states that the PHA must screen families for eligibility for a tenant protection voucher and that families must be below the low-income limit (80 percent of AMI), Notice PIH 2019-23 waives these requirements for residents in projects that include RAD PBV units.
Chapter 18

PROJECT BASED VOUCHERS (PBV) UNDER THE RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM

This Chapter is not applicable since IHFA no longer owns/administers any public housing units (LRPH).

Keep for Historical Information Purposes

IHFA’s Low Rent Public Housing (LRPH) #ID020-000001 Disposition Information:

- Rental Assistance Demonstration (RAD) Disposition – Application #DDA0006067, approved 4/21/2016: The forty-seven (47) LRPH property known as Shoshone Apartments in Kellogg Idaho was disposed of July 1, 2016 utilizing the Section 18 Disposition process as approved by HUD. This property became a Project-Based Rental Assistance (PBRA) property (multifamily). This was given to and is now owned and operated by The Housing Company. LRPH gave The Housing Company $1.4 million dollars to maintain and update the property as perpetually affordable housing.

- Section 32 Homeownership Disposition and Section 18 Disposition: IHFA owned twenty-nine (29) LRPH single-family homes located in Idaho Falls, which were disposed of utilizing the following methods as approved by HUD.
  - Section 32 Homeownership Disposition – Application #DDA0004330, approved March 12, 2013: Twenty-One (21) of the LRPH homes were sold to low-income families at less than fair market value. IHFA first worked with LRPH, FSS, and HCV participants to assist them in becoming successful homeowners. IHFA then offered these homes to other qualified low-income households. The homes were sold from December 11, 2013 through January 19, 2018.
  - Section 18 Disposition – Application #DDA0008369, approved May 22, 2018: six (6) of the remaining eight (8) LRPH homes were sold at fair market value on the open market. The other two (2) homes were donated as follows: one home donated to the Home Partnership Foundation and one home donated to Habitat for Humanity in Idaho Falls.
  - The last home was sold on March 5, 2019.

- HUD approved the complete close out of IHFA’s LRPH program on February 2, 2022 and approved the use of LRPH sales proceeds on September 9, 2022.
Chapter 19

SPECIAL PURPOSE VOUCHERS

INTRODUCTION

Special purpose vouchers are specifically funded by Congress in separate appropriations from regular HCV program funding in order to target specific populations. Special purpose vouchers include vouchers for the following programs:

- Family Unification Program (FUP) – Not Applicable to IHFA
- Foster Youth to Independence (FYI) program – Not Applicable to IHFA
- Veterans Affairs Supportive Housing (VASH)
- Mainstream
- Non-Elderly Disabled (NED)

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

- Part I: Family Unification Program (FUP) (Not Applicable)
- Part II: Foster Youth to Independence (FYI) program (Not Applicable)
- Part III: Veterans Affairs Supportive Housing (VASH)
- Part IV: Mainstream voucher program
- Part V: Non-Elderly Disabled (NED) vouchers

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

IHFA Policy

IHFA administers the following types of special purpose vouchers:

- Mainstream Voucher Program
  - Mainstream – Regular Mainstream vouchers (177 vouchers)
  - Mainstream – Rapid Rehousing/Permanent Supportive Housing (MRR) (38 vouchers)
  - Mainstream – Institution/Homeless – Disabled Family Non-Elderly (DFN) (50 vouchers)
- Non-Elderly Disabled (NED)
- Veteran’s Affairs Supportive Housing (VASH)
- Project-Based Vouchers (PBV)
- Emergency Housing Vouchers (EHV)
- Homeownership
PART I: FAMILY UNIFICATION PROGRAM (FUP)

Not Applicable - IHFA does not administer a FUP Program

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

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

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

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

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

Youth eligible for FUP are those who:

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

FUP youth vouchers are limited by statute to thirty-six (36) months of housing assistance. Supportive services must also be provided to FUP-eligible youth by the Public Child Welfare Agency (PCWA) or by another agency or organization under contract with the PCWA for at least eighteen (18) but up to thirty-six (36) months.

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

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

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

**PHA Policy**

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

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

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

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

**PHA Policy**

The PHA has entered into an MOU with the following partnering organizations [insert names of public child welfare agency (PCWA), continuum of care, and any other partnering organizations].

**19-I.C. FUP FAMILY VOUCHER ELIGIBILITY CRITERIA**

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

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

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

- Living in substandard housing, which refers to a unit that meets any one of the following conditions:
  - Does not have operable indoor plumbing
  - Does not have a usable flush toilet inside the unit for the exclusive use of a family or youth
  - Does not have a usable bathtub or shower inside the unit for the exclusive use of a family or youth
  - Does not have electricity, or has inadequate or unsafe electrical service
  - Does not have a safe or adequate source of heat
  - Should, but does not, have a kitchen
- Has been declared unfit for habitation by an agency or unit of government, or in its present condition otherwise endangers the health, safety, or well-being of the family or youth
- Has one or more critical defects, or a combination of intermediate defects in sufficient number or to the extent that it requires considerable repair or rebuilding. The defects may result from original construction, from continued neglect or lack of repair, or from serious damage to the structure

- Being homeless as defined in 24 CFR 578.3
- Living in a unit where the presence of a household member with certain characteristics (i.e., conviction for certain criminal activities) would result in the imminent placement of the family’s child or children in out-of-home care, or the delay in the discharge of the child or children to the family from out-of-home care
- Living in housing not accessible to the family’s disabled child or children due to the nature of the disability
- Living in an overcrowded unit, which is defined as living in a unit where one of the following conditions has been met:
  - The family is separated from its child or children and the parents are living in an otherwise standard housing unit, but, after the family is reunited, the parents’ housing unit would be overcrowded for the entire family and would be considered substandard; or
  - The family is living with its child or children in a unit that is overcrowded for the entire family and this overcrowded condition may result, in addition to other factors, in the imminent placement of its child or children in out-of-home care.
  - For purposes of this definition, the determination as to whether the unit is overcrowded is made in accordance with the PHA subsidy standards in Chapter 5, Part III of this policy.

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

19-I.D. FUP YOUTH VOUCHER ELIGIBILITY CRITERIA

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

Eligibility Criteria

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

- Is at least eighteen (18) years old and not more than twenty-four (24) years of age (has not yet reached their 25th birthday);
  - The FUP youth must be no more than twenty-four (24) years old at the time the PCWA certifies them as eligible and at the time of HAP contract execution.
- Has left foster care or will leave foster care within ninety (90) days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act;
- Foster care placement can include, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes in accordance with 24 CFR 5.576.

- Is homeless or at risk of becoming homeless at age 16 or older;
  - At risk of being homeless is fully defined at 24 CFR 576.2.
    - 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 a FUP voucher [FUP FAQs].

- Has an annual income at or below 30 percent of area median income; and

- Does not have sufficient resources or support networks (e.g., family, friends, faith-based or other social networks) immediately available to prevent them from moving to a supervised publicly or privately operated shelter designed to provide temporary living arrangements.

**Maximum Assistance Period**

Although there is no time limit on FUP family vouchers, FUP youth vouchers are limited by statute to thirty-six (36) months of housing assistance. At the end of the statutory time period, assistance under the FUP youth voucher must be terminated. However, any period of time for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the thirty-six (36) month limitation.

For PHAs participating in the FUP Family Self Sufficiency (FSS) Demonstration, an exception to the thirty-six (36) month limitation was granted. Participating PHAs must adopt a policy enabling an FUP youth voucher holder that agreed to sign an FSS Contract of Participation to remain on the program for the life of their contract [Notice PIH 2016-01].

**PHA Policy**

The PHA is not participating in the FUP FSS Demonstration. An eligible youth will be assisted for a period not to exceed thirty-six (36) months.

**Supportive Services**

The PCWA must provide supportive services for at least eighteen (18) months to all FUP-eligible youth regardless of their age. The MOU between the PHA and the PCWA should identify the period of time in which supportive services will be provided—from a minimum of eighteen (18) months up to the full thirty-six (36) month program maximum.

**PHA Policy**

The PCWA will provide supportive services for all FUP youth for a period of thirty-six (36) months.

Supportive services may be provided to FUP-eligible youth by the PCWA or by another agency or organization under agreement or contract with the PCWA, including the PHA. The organization providing the services and resources must be identified in the MOU. The following services must be offered:
• Basic life skills information/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 or referrals for assistance on security deposits, utility hook-up fees, and utility deposits;

• Providing such assurances to owners of rental property as are reasonable and necessary to assist an FUP-eligible youth to rent a unit with an FUP 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 or financing of education at a technical school, trade school, or college, including successful work ethic and attitude models.

**PHA Policy**

Additional supportive services will not be offered.

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

**19-I.E. REFERRALS AND WAITING LIST MANAGEMENT**

**Referrals**

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

**PHA Policy**

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

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

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

Waiting List Placement

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

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

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

PHA Policy

Within ten (10) business days of receiving the referral from the PCWA, the PHA 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 family or youth is FUP-eligible.

For those referrals not already on the waiting list, the PHA 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 PHA will place the referral on the HCV waiting list with the date and time of the original referral and an indication that the referral is FUP-eligible.

Waiting List Selection

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

19-I.F. PHA HCV ELIGIBILITY DETERMINATION

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

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

Subject to privacy laws, the PCWA will provide any available information regarding the applicant’s criminal history to the PHA.

The PHA will consider the information in making its eligibility determination in accordance with the PHA’s policies in Chapter 3, Part III.

**Additional FUP Eligibility Factors [FUP FAQs]**

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

- If, after a family is referred by the PCWA but prior to issuing a family FUP voucher, the PHA discovers that the lack of adequate housing is no longer a primary factor for the family not reunifying, the FUP voucher may not be issued to the family.

- Similarly, if the FUP voucher has already been issued before the PHA discovers that the reunification will not happen, but the family has not yet leased up under the voucher, the PHA must not execute the HAP contract, as the family is no longer FUP-eligible.

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

**PHA Policy**

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

**19.I.G. LEASE UP**

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

**PHA Policy**

Eligible applicants will be notified by the PHA in writing following policies in Section 3-III.F. of this administrative plan. FUP families will attend a standard HCV briefing in accordance with PHA policies in Part I of Chapter 5 of this administrative plan. FUP youth will be briefed individually. The PHA will provide all aspects of the written and oral briefing as outlined in Part I of Chapter 5 but will also provide an explanation of the time limit on FUP youth vouchers, as well as discussing supportive services offered by the PCWA.

For both FUP youth and FUP families, vouchers will be issued in accordance with PHA policies in Chapter 5 Part II, except that the PHA will consider one additional thirty (30) day extension beyond the first automatic extension for any reason, not just those listed in the policy in Section 5-II.E.
Once the family or youth locate a unit, the PHA conducts all other processes relating to voucher issuance and administration per HCV program regulations and the PHA’s policies (including, but not limited to: HQS inspection, determination of rent reasonableness, etc.).

19-I.H. TERMINATION OF ASSISTANCE

General Requirements

With the exception of terminations of assistance for FUP youth after thirty-six (36) months of housing assistance, terminations of FUP assistance are handled in the same way as the regular HCV program. Termination of an FUP voucher must be consistent with regulations for termination in 24 CFR Part 982, Subpart L and be in compliance with PHA policies (Chapter 12).

If the person who qualifies for the FUP voucher passes away, the family retains the FUP voucher. In the case of an FUP-youth voucher, assistance will terminate after thirty-six (36) months, even if the FUP-eligible youth is no longer included in the household.

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

FUP Family Vouchers

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

PHA Policy

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

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

FUP Youth Vouchers

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

The PHA may not transfer the assistance of an FUP youth voucher holder to regular HCV assistance upon the expiration of the thirty-six (36) month limit on assistance. However, the PHA may issue a regular HCV to FUP youth if they were selected from the waiting list in accordance with PHA policies and may also adopt a preference for FUP youth voucher holders who are being terminated for this reason.
**PHA Policy**

The PHA will not provide a selection preference on the PHA’s HCV waiting list for FUP youth who are terminated due to the thirty-six (36) month limit on assistance.

Upon the expiration of the thirty-six (36) month limit on assistance, an FUP youth voucher holder who has children and who lacks adequate housing may qualify for an FUP family voucher provided they are referred by the PCWA as an eligible family and meet the eligibility requirements for the PHA’s HCV program.

**9-I.I. FUP PORTABILITY**

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

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

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

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

**Considerations for FUP Youth Vouchers**

If the voucher is an FUP youth voucher and remains such upon lease-up in the receiving PHA’s jurisdiction, termination of assistance must still take place once the youth has received thirty-six (36) months of assistance. Any time period during which no subsidy was paid on behalf of the youth does not count under the thirty-six (36) month limitation. If the receiving PHA is administering the FUP youth voucher on behalf of the initial PHA, the two PHAs must work together to initiate termination upon expiration of the thirty-six (36) month limit.

**19-I.J. PROJECT-BASING FUP VOUCHERS [Notice PIH 2017-21]**

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

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

**PHA Policy**

The PHA will not project-base FUP vouchers. All FUP vouchers will be used to provide tenant-based assistance.
PART II: FOSTER YOUTH TO INDEPENDENCE INITIATIVE

Not Applicable - IHFA does not administer a Foster Youth Program

19-II.A. PROGRAM OVERVIEW [Notice PIH 2020-28]

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 up to thirty-six (36) months.

The program was initially only available to PHAs that did not administer FUP vouchers but has since been expanded to all PHAs with an HCV Annual Contributions Contract (ACC). Funding is available either competitively though an FYI NOFA or noncompetitively on a rolling basis in accordance with the application requirements outlined in Notice PIH 2020-28. Under the noncompetitive process, PHAs are limited to twenty-five (25) vouchers in a fiscal year with the ability to request an additional twenty-five (25) vouchers for those PHAs with 90 percent or greater utilization of these vouchers. For competitive awards, the number of vouchers is dependent on PHA program size and need.

19-II.B. PARTNERING AGENCIES [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar]

Public Child Welfare Agency (PCWA)

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

PHA Policy

The PHA will implement a Foster Youth to Independence (FYI) program in partnership with [insert name(s) of PCWA(s)].

The PCWA is responsible for:

- Identifying FYI-eligible youth;
- Developing a system of prioritization based on the level of need of the youth and the appropriateness of intervention;
- Providing a written certification to the PHA that the youth is eligible; and
- Providing or securing supportive services for thirty-six (36) months.

Continuum of Care (CoC) and Other Partners

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

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].

19-II.C. YOUTH ELIGIBILITY CRITERIA [Notice PIH 2020-28; FYI Q&As; FYI FAQs]

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

- Are at least eighteen (18) years of age and not more than twenty-four (24) years of age (have not yet reached their 25th birthday);
  - Youth must be no more than twenty-four (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 ninety (90) days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act;
  - Placements can include, but are not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes in accordance with 24 CFR 5.576;

- Are homeless or at risk of becoming homeless at age sixteen (16) and older;
  - At risk of being homeless is fully defined at 24 CFR 576.2.
    - 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 FUP voucher [FUP FAQs].

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

19-II.D. SUPPORTIVE SERVICES [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar; FYI Q&As]

Supportive services may be provided by the PHA, PCWA or a third party. The PCWA must provide or secure a commitment to provide supportive services for participating youth for a period of thirty-six (36) months. At a minimum, the following supportive services must be offered:

- Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation, and access to health care (e.g., doctors, medication, and mental and behavioral health services);

- Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance/referrals for assistance on security deposits, utility hook-up fees, and utility deposits;

- Providing such assurances to owners of rental property as are reasonable and necessary to assist eligible youth to rent a unit with a voucher;

- Job preparation and attainment counseling (where to look/how to apply, dress, grooming, relationships with supervisory personnel, etc.); and
• Educational and career advancement counseling regarding attainment of general equivalency diploma (GED) or attendance/financing of education at a technical school, trade school, or college, including successful work ethic and attitude models.

  PHA Policy

  Additional supportive services will not be offered.

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

19-I.E. REFERRALS AND WAITING LIST MANAGEMENT [Notice PIH 2020-28; FYI Updates and Partnering Opportunities Webinar FYI FAQs]

Referrals

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

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

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

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

  PHA Policy

  The PHA 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.

  When vouchers are available, the PHA 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 ten (10) business days from the date the PCWA receives this notification, the PCWA liaison must provide the PHA 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.

  The PHA will maintain a copy of each certification from the PCWA in the participant’s file.

Waiting List Placement [Notice PIH 2020-28 and FYI FAQs]

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

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

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

**PHA Policy**

Within ten (10) business days of receiving the referral from the PCWA, the PHA 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 PHA 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 PHA will place the referral on the HCV waiting list with the date and time of the original referral and an indication that the referral is FYI-eligible.

**Waiting List Selection**

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

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

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

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

**PHA Policy**

Subject to privacy laws, the PCWA will provide any available information regarding the applicant’s criminal history to the PHA.

The PHA will consider the information in making its eligibility determination in accordance with the PHA’s policies in Chapter 3, Part III.
Additional Eligibility Factors

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

PHA Policy

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

19-II.G. LEASE UP

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.

PHA Policy

Eligible applicants will be notified by the PHA in writing following policies in Section 3-III.F. of this policy. FYI youth will be briefed individually. The PHA will provide all aspects of the written and oral briefing as outlined in Part I of Chapter 5 but will also provide an explanation of the time limit on FYI vouchers as well as discussing supportive services offered by the partnering agency.

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

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

Turnover [FYI FAQs]

For PHAs awarded FYI Tenant Protection Vouchers (TPVs) under Notice PIH 2019-20 where the recipient of the FYI TPV leaves the program, the PHA may request an FYI voucher under the requirements of Notice PIH 2020-28.

For PHAs awarded FYI vouchers under Notice PIH 2020-28 where the recipient of the FYI voucher leaves the program, the PHA must continue to use the FYI voucher for eligible youth upon turnover. Where there are more eligible youth than available FYI turnover vouchers, the PHA may request an FYI voucher under the requirements of Notice PIH 2020-28.

19-II.H. MAXIMUM ASSISTANCE PERIOD [Notice PIH 2020-28 and FYI FAQs]

Vouchers are limited by statute to a total of thirty-six (36) 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 thirty-six (36) month limitation. It is not permissible to reissue another FYI TPV to the same youth upon expiration of their thirty-six (36) months of FYI assistance.
Participants do not “age out” of the program. A participant may continue with the program until they have received thirty-six (36) months of assistance. Age limits are only applied for entry into the program.

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

Termination of a FYI voucher is handled in the same way as with any HCV; therefore, termination of a FYI voucher must be consistent with HCV regulations at 24 CFR Part 982, Subpart L and PHA policies in Chapter 12. Given the statutory time limit that requires FYI vouchers sunset after thirty-six (36) months, a PHA must terminate the youth’s assistance once the thirty-six (36) month limit on assistance has expired.

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

The PHA may not transfer the assistance of FYI voucher holders to regular HCV assistance upon the expiration of the thirty-six (36) month 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.

**PHA Policy**

The PHA will not provide a selection preference on the PHA’s HCV waiting list for FYI voucher holders who are terminated due to the thirty-six (36) month limit on assistance.

19-II.J. PORTABILITY [FYI FAQs]

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

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

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

The initial and receiving PHA must work together to initiate termination of assistance upon expiration of the thirty-six (36) month limit.

19-II.K. PROJECT-BASING FYI VOUCHERS [FYI FAQs]

The PHA may project-base certain FYI vouchers without HUD approval in accordance with all applicable PBV regulations and PHA policies in Chapter 17. This includes FYI vouchers awarded under Notice PIH 2020-28. Assistance awarded under Notice PIH 2019-20 is prohibited from being project-based.
PART III: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM

19-III.A. OVERVIEW

Since 2008, HCV program funding has provided rental assistance under a supportive housing program for homeless veterans. The Veterans Affairs Supportive Housing (VASH) program combines HCV rental assistance with case management and clinical services provided by the Department of Veterans Affairs (VA) at VA medical centers (VAMCs) and Community-Based Outpatient Clinics (CBOCs). 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 CBOC’s responsibilities include:

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

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

Generally, the HUD-VASH program is administered in accordance with regular HCV program requirements. However, HUD is authorized to waive or specify alternative requirements to allow PHAs to effectively deliver and administer VASH assistance. Alternative requirements are established in the HUD-VASH Operating Requirements, which were originally published in the Federal Register on May 6, 2008, and updated March 23, 2012. Unless expressly waived by HUD, all regulatory requirements and HUD directives regarding the HCV program are applicable to VASH vouchers, including the use of all HUD-required contracts and other forms, and all civil rights and fair housing requirements. In addition, the PHA may request additional statutory or regulatory waivers that it determines are necessary for the effective delivery and administration of the program.

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

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

19-III.B. REFERRALS [FR Notice 3/23/12 and HUD-VASH Qs and As]

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

IHFA Policy (Updated 2022)

In order to expedite the screening process, IHFA 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 IHFA and submitting an application. When feasible, the VAMC case manager should email or fax copies of all documents to IHFA prior to the meeting in order to allow IHFA time to review them and start a file for the veteran.

When ongoing case management is no longer needed and the participant is otherwise in good standing, IHFA will consider the participant to be continually assisted and may offer a regular HCV voucher. This enables another eligible family to utilize the VASH program.

Because participation in the VASH program is based on referrals from VAMC only, a waiting list will not be maintained by IHFA.

After the VAMC has given IHFA a complete referral, IHFA will perform an eligibility screening within five (5) business days of receipt of a VAMC referral.

19-III.C. HCV PROGRAM ELIGIBILITY [FR Notice 3/23/12]

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

- A VASH Veteran or veteran family refers to either a single veteran or a veteran with a household composed of two or more related persons. It also includes one or more eligible persons living with the veteran who are determined to be important to the veteran’s care or well-being.

- A veteran for the purpose of VASH is a person whose length of service meets statutory requirements, and who served in the active military, naval, or air service, was discharged or released under conditions other than dishonorable, and is eligible for VA health care.
Under VASH, PHAs do not have authority to determine family eligibility in accordance with HCV program rules and PHA policies. The only reasons for denial of assistance by the PHA are failure to meet the income eligibility requirements and/or that a family member is subject to a lifetime registration requirement under a state sex offender registration program. Under portability, the receiving PHA must also comply with these VASH screening requirements.

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

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

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

Photo Identification
A VA-issued identification card must be accepted in lieu of another type of government-issued photo identification.

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.

IHFA Policy (Updated 2022)
While income-targeting requirements will not be considered by IHFA when families are referred by the partnering VAMC, IHFA will include any extremely low-income VASH families that are admitted in its income targeting numbers for the fiscal year in which these families are admitted.

Screening
The PHA may not screen any potentially eligible family members or deny assistance for any grounds permitted under 24 CFR 982.552 and 982.553 with one exception: the PHA 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.

**Denial of Assistance [Notice PIH 2008-37]**

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

**19-III.D. CHANGES IN FAMILY COMPOSITION**

**Adding Family Members [FR Notice 3/23/12]**

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 HCV screening criteria in doing so.

**Remaining Family Members [HUD-VASH Qs and As]**

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

**Family Break Up [HUD-VASH Qs and As]**

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

**19-III.E. LEASING [FR Notice 3/23/12]**

**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.
Voucher Issuance

Unlike the standard HCV program which requires an initial voucher term of at least sixty (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.

IHFA Policy (Updated 2022)

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

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

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

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.

Ineligible Housing [FR Notice 6/18/14]

Unlike in the standard HCV program, VASH families are permitted to live on the grounds of a VA facility in units developed to house homeless veterans. Therefore, 24 CFR 982.352(a)(5) and 983.53(a)(2), which prohibit units on the physical grounds of a medical, mental, or similar public or private institution, do not apply to VASH for this purpose only. Accordingly, PHA policy in 9-I.D., Ineligible Units, does not apply for this purpose only.

HQS Pre-Inspections

To expedite the leasing process, PHAs may pre-inspect available units that veterans may be interested in leasing in order to maintain a pool of eligible units. If a VASH family selects a unit that passed an HQS inspection (without intervening occupancy) within forty-five (45) days of the date of the Request for Tenancy Approval (RTA) (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 his or her unit and cannot be steered to these units.

IHFA Policy (Updated 2022)

To expedite the leasing process, IHFA 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 an HQS pre-inspection (without intervening occupancy) within forty-five (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 his or her unit.

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

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 CBOC 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 CBOC.

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

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

Portability within the Initial VAMC’s Catchment Area

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

- If the receiving PHA has been awarded VASH vouchers, it can choose to either bill the initial PHA or absorb the family if it has a VASH voucher available to do so.
  - If the PHA absorbs the family, the VAMC or CBOC providing the initial case management must agree to the absorption and the transfer of case management.

- If the receiving PHA does not administer a VASH program, it must always bill the initial PHA.

Portability Outside of the Initial VAMC’s Catchment Area

If a family wants to move to another jurisdiction where it will not be possible for the initial PHA’s partnering VAMC or CBOC to provide case management services, the initial VAMC must first confirm that the new VAMC has an available VASH case management slot and the new VAMC’s partner PHA has an available VASH voucher.

After acceptance of the veteran by the new VAMC, the new VAMC will refer the veteran to its partner PHA. 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.

19-III.G. TERMINATION OF ASSISTANCE [FR Notice 3/23/12]

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

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

Cessation of Case Management

As a condition of receiving HCV rental assistance, a HUD-VASH-eligible family must receive case management services from the VAMC or CBOC. 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 CBOC.

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

VAWA [HUD VASH Qs and As and Notice PIH 2017-08]

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

19-III.H. PROJECT-BASING VASH VOUCHERS

General Requirements [Notice PIH 2017-21]

The PHA may administer project-based VASH vouchers under two circumstances. First, 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. Second, 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.

If the PHA project-bases VASH vouchers, the PHA must retain documentation of the partnering VAMC’s support. Policies for VASH PBV units will generally follow PHA policies for the standard PBV program as listed in Chapter 17, with the exception of the moves policy listed below.
Moves [HUD-VASH Qs and As]

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

- If a VASH tenant-based voucher is not available at the time the family wants (and is eligible) to move, the PHA may require the family to wait for a VASH tenant-based voucher for a period not to exceed 180 days;

- If a VASH tenant-based voucher is still not available after that period, the family must be allowed to move with its VASH voucher, and the PHA is required to replace the assistance in the PBV unit with one of its regular vouchers, unless the PHA and owner agree to remove the unit from the HAP contract; and

- If after 180 days, a VASH tenant-based voucher does not become available and the PHA does not have sufficient available funding in its HCV program to attach assistance to the PBV unit, the family may be required to remain in its PBV unit until such funding becomes available. In determining if funding is insufficient, the PHA must take into consideration its available budget authority, which also includes unspent prior year HAP funds in the PHA’s Net Restricted Assets account.
PART IV: MAINSTREAM VOUCHER PROGRAM

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

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

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

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

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

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

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

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

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

The PHA may not implement eligibility screening criteria for Mainstream vouchers that is different from that of the regular HCV program.
19-IV.C. PARTNERSHIP AND SUPPORTIVE SERVICES [Notice PIH 2020-01]

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

**IHFA Policy (Updated 2022)**

IHFA maintains informal partnerships with its local Access Points and other community agencies that serve persons with disabilities.

IHFA has implemented the Mainstream program and within the program are two targeted (limited preference) categories:

- Mainstream for Non-Elderly disabled persons (DFN) coming out of an institution or at risk of placement in an institution and those who are homeless or at risk of homelessness, and
- Mainstream for Non-Elderly disabled persons (MRR) who were previously homeless and now reside in a Permanent Supportive Housing or Rapid Rehousing project.

In its administration of the Mainstream program and the two Mainstream limited preferences, IHFA developed informal partnerships with numerous organizations that assist persons with disabilities, some of these organizations are:

- St. Vincent de Paul, Coeur d’Alene, Idaho – CoC Access Point
- Sojournor’s Alliance, Moscow, Idaho – CoC Access Point
- Salvation Army, Lewiston, Idaho – CoC Access Point
- CLUB, Inc., Idaho Falls, Idaho – CoC Access Point
- South Central Community Action Partnership, Twin Falls, ID – CoC Access Point
- Aid for Friends, Pocatello, Idaho – CoC Access Point
- Union Gospel Mission, Coeur d’Alene, Idaho
- Living Independently for Everyone (Life), Inc., Pocatello, Idaho
- Community Action Partnership, Lewiston, Idaho
- Disability Action Center, Moscow, Idaho
- Crisis Center of South Central Idaho, Twin Falls, Idaho
- Idaho Homelessness Coordinating Committee
- Idaho Department of Health & Welfare, Division of Behavioral Health
- Idaho Department of Health & Welfare, Division of Medicaid
- Living Independence Network Corporation (LINC), Boise, Idaho
- Idaho State Independent Living Council (SILC), Boise, Idaho
19-IV.D. WAITING LIST ADMINISTRATION

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

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

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

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

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

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

IHFA Policy (Updated 2022) (See 4-III.C. for complete list of preferences)

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

Targeted Mainstream Vouchers - Non-elderly (18 years of age or older, but less than 62) disabled member who is:
- homeless, at-risk of homelessness, transitioning out of an institution, or is at-risk of being institutionalized (50 vouchers); or
- currently residing in a Permanent Supportive Housing or Rapid Rehousing project (38 vouchers).

IHFA maintains 177 Mainstream vouchers without targeted preferences.

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

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

The following special considerations for Mainstream vouchers apply under portability:

- If the receiving PHA has a Mainstream voucher available, the participant may remain a Mainstream participant.
  - If the receiving PHA chooses to bill the initial PHA, then the voucher will remain a Mainstream voucher.
If the receiving PHA chooses to absorb the voucher, the voucher will be considered a regular voucher, or a Mainstream voucher if the receiving PHA has a Mainstream voucher available, and the Mainstream voucher at the initial PHA will be freed up to lease to another Mainstream-eligible family.

- If the receiving PHA does not have a Mainstream voucher available, the participant may receive a regular voucher.

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

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

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

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

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

- **Category 1** vouchers enable non-elderly persons or families with disabilities to access affordable housing on the private market. *(Category 1 applies to IHFA)*

- **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. *(Category 2 is not applicable to IHFA)*

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

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

- **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. (Not Applicable)

- **One-Year Mainstream Housing Opportunities for Persons with Disabilities (One-Year Mainstream) vouchers** enable non-elderly disabled families on the PHA’s waiting list to receive a voucher. After initial leasing, turnover vouchers must be issued to non-elderly disabled families from the PHA’s voucher waiting list.

19-V.B. ELIGIBLE POPULATION

**General Requirements [Notice PIH 2013-19]**

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

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

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

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

**NED Category 2 [Notice PIH 2013-19 and NED Category 2 FAQs]** (Not Applicable)

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

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

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

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

General Requirements [Notice PIH 2013-19]

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

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

NED Category 2 Referrals [NED Category 2 FAQs] (Category 2 Not Applicable)

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

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

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

Reissuance of Turnover Vouchers [Notice PIH 2013-19]

All NED turnover vouchers must be reissued to the next NED family on the PHA’s waiting list.

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 practical to assist NED families, the PHA must contact HUD.

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

Briefings

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

IHFA Policy (Updated 2022)

IHFA 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 upon request.
Further, if other governmental or non-governmental agencies provide available resources such as housing search counseling, moving expenses, security deposits, and utility deposits, IHFA will include this information.

IHFA will also offer specialized housing search assistance to families with a disabled person to locate accessible units if requested. Trained IHFA staff or a local supportive service or disability organization may be able to provide this service.

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.

**IHFA Policy (Updated 2022)**

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

The family must submit a Request for Tenancy Approval (RTA) and proposed lease within the **120-day** period unless IHFA grants an extension.

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

Special Housing Types [Notice PIH 2013-19 and NED Category 2 FAQs] (Not Applicable)

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

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

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

19-V.E. PORTABILITY [NED Category 2 FAQs] (Category 2 Not Applicable)

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.
**PHA Policy**

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

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

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated $5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD’s process for allocating approximately 70,000 EHV§s to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHV§s allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHV§s; EHV§s are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHV§s. The policies outlined in this chapter are organized into seven sections, as follows:

Part I: Funding
Part II: Partnering Agencies
Part III: Waiting List Management
Part IV: Family Eligibility
Part V: Housing Search and Leasing
Part VI: Use of Funds, Reporting, and Financial Records

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHV§s.
PART I: FUNDING

TPS-I.A. FUNDING OVERVIEW

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

Housing Assistance Payments (HAP) Funding

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the PHA for the EHV program on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on the PHA’s actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHV renewals are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

Administrative Fee and Funding

The following four types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
  - $400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.
  - This fee may be used for any eligible administrative expenses related to EHV.
  - The fee may also be used to pay for any eligible activities under EHV service fees (TPS-I.B).

- **Placement fees/expedited issuance reporting fees** will support initial lease-up costs and the added cost and effort required to expedite leasing of EHV:
  - $100 for each EHV initially leased, if the PHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within fourteen (14) days of voucher issuance or the date the system becomes available for reporting.
  - Placement fees:
    - $500 for each EHV family placed under a HAP contract effective within four (4) months of the effective date of the ACC funding increment; or
    - $250 for each EHV family placed under a HAP contract effective after four (4) months but less than six (6) months after the effective date of the ACC funding increment.
HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.

- Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.

**Ongoing administrative fees**, which are calculated in the same way as the standard HCV program:

- PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.
- Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.

**Services fees**, which are a one-time fee to support PHAs’ efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):

- The fee is allocated once the PHA’s CACC is amended to reflect EHV funding.
- The amount allocated is $3,500 for each EHV allocated.

## TPS-I.B. SERVICE FEES

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The PHA must establish the eligible uses and the parameters and requirements for service fees in the PHA’s administrative plan.

**IHFA Policy**

The eligible uses for service fees include:

**Housing search assistance**, which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household’s disability-related needs, providing transportation and directions, assisting with the completion of rental applications and IHFA forms, and helping to expedite the EHV leasing process for the family.

**Application fees/non-refundable administrative or processing fees/refundable application deposit assistance.** IHFA may choose to assist the family with some or all these expenses, **not to exceed four (4) application fees**.

**Security deposit assistance.** The amount of the security deposit assistance may not exceed the lesser of two (2) months’ rent to owner, the maximum security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. IHFA will pay the security deposit assistance directly to the owner. Landlords will be notified that IHFA is paying the security deposit and will recoup any unused portion.
Utility deposit assistance/utility arrears. IHFA may provide utility deposit assistance for some or all of the family’s utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. IHFA will pay the utility deposit assistance directly to the utility company. IHFA will require the utility supplier or family to return the utility deposit assistance to IHFA at such time the deposit is returned by the utility supplier (less any amounts retained by the utility supplier). In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. IHFA may also provide the family with assistance to help address these utility arrears to facilitate leasing but only after EHV families have worked with area Service Providers to obtain other utility payment assistance or in cases where other assistance doesn’t pay the arrearages in full. IHFA has established a cap on outstanding balances it will pay to utility companies of no more than $300.00 per household. IHFA will not pay any outstanding balances if the payment doesn’t allow the household to obtain utility service in their name. IHFA may make exceptions for extenuating circumstances but under no case will the amount paid for utility arrearages exceed $500.00 per household. Utility deposit assistance returned to IHFA will be used for either service fee eligible uses or other EHV administrative costs, as required by HUD.

Household Items. IHFA may choose to provide assistance with household items (i.e. dishes, bedding, towels etc.). However, if there are other community resources that would provide this, those services need to be leveraged and used. IHFA can provide assistance of $100 - $200 depending on need but no more than $200. (added 11/8/2022)

Owner recruitment and outreach for EHV. IHFA may use the service fee funding to conduct owner recruitment and outreach specifically for EHV. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

Owner incentive and/or retention payments. IHFA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family. IHFA has established a cap on owner incentives payment of $500.00 for a twelve (12) month lease. After initial term of the lease, IHFA may pay a one-time retention incentive of $250.00 provided the participant remains in place. Incentives are paid for a twelve (12) month lease. Incentives for leases with less than a twelve (12) month lease term will be prorated with a maximum incentive paid of $500.00 and $250.00 respectively.

Payments will be made as a single payment at the beginning of the assisted lease term. Owner incentive and retention payments are not housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable.

Moving expenses (including move-in fees and deposits). IHFA may provide assistance for some or all of the family’s reasonable moving expenses when they initially lease a unit with the EHV. IHFA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., IHFA is terminating the HAP contract because the owner did not
fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, dating violence, sexual assault, or stalking. Moving expenses may be paid to EHV families who lease up in IHFA’s jurisdiction. IHFA has established a cap for moving expenses that will be paid of **$250.00** per household.

Example: moving expenses for a Moving Company or to U-Haul rental etc.

**NOTE:**

1. Money paid for Utility Assistance, Moving Expenses and/or initial Application Fees items will be paid only once per household regardless of the cap, unless there are extenuating circumstances. IHFA retains the right to determine extenuating circumstances on a case-by-case basis.

2. IHFA will not provide assistance for subsequent moves unless:
   a. the family is required to move for reasons other than something the family did or failed to do (e.g., the owner did not fulfill the owner responsibilities under the HAP contract, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or
   b. a family has to move due to domestic violence, dating violence, sexual assault, or stalking.

3. IHFA has established a combined total maximum amount of assistance that each EHV household can receive of no more than **$2,500.00**.

4. IHFA will not pay for services or fees that are normally paid by another partnering agency that the client is working with. For example, if IHFA is working with several direct referral partners and one partner is able to provide security deposit assistance and the other is not, IHFA may provide security deposit assistance for direct referral families from the latter agency but not for families who are already eligible for and receiving security deposit assistance from the partnering agency.

Any services fee assistance that is returned to the PHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the PHA’s EHV program ends must be remitted to HUD.
PART II: PARTNERING AGENCIES

TPS-II.A. CONTINUUM OF CARE (CoC)

PHAs that accept an allocation of EHVs are required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of EHVs.

IHFA Policy

IHFA’s Rental Assistance Department has entered into an MOU with Idaho Balance of State (CoC). See Exhibit TPS-1 for a copy of the MOU.

TPS-II.B. OTHER PARTNERING ORGANIZATIONS

The PHA may, but is not required to, partner with other organizations trusted by persons experiencing homelessness, such as victim services providers (VSPs) and other community partners. If the PHA chooses to partner with such agencies, the PHA must either enter into an MOU with the partnering agency or the partnering agency may be added to the MOU between the PHA and CoC.

IHFA Policy

IHFA may enter into a separate MOU between IHFA and Domestic Violence Agencies as needed if the Domestic Violence agency is not a current Access Point partner. See Exhibit TPS-1 for a copy of additional MOUs.

TPS-II.C. REFERRALS

CoC and Partnering Agency Referrals

The primary responsibility of the CoC under the MOU with the PHA is to make direct referrals of qualifying individuals and families to the PHA. The PHA must generally refer a family that is seeking EHV assistance directly from the PHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHVs. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency’s verification that the family meets one of the four eligible categories for EHV assistance.

IHFA Policy

The CoC or partnering agency must establish and implement a system to identify EHV-eligible individuals and families within the agency’s caseload and make referrals to IHFA. The CoC or other partnering agency must certify that the EHV applicants they refer to IHFA meet at least one of the four EHV eligibility criteria. IHFA will maintain a copy of the referral or certification from the CoC or other partnering agency in the participant’s file along with other eligibility paperwork. Homeless service providers may, but are not required to, use the certification form found in Exhibit TPS-2 of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit TPS-3 of this chapter when identifying eligible families who qualify as victims of human trafficking.
As part of the MOU, IHFA and CoC or other partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

The IHFA liaison responsible for acceptance of referrals will contact the CoC or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five (5) business days from the date the CoC or partnering agency receives this notification, the CoC or partnering agency liaison will provide IHFA with a list of eligible referrals including:

- the name, address, and contact phone number for each adult individual who is being referred;
- a completed release form for each adult family member;
- a written certification for each referral indicating they are EHV-eligible (Homeless Certification form); and
- HMIS documents at entry and exit.

**Offers of Assistance with CoC Referral**

The PHA may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the PHA’s Emergency Transfer Plan (ETP) in Chapter 16.

The PHA must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking or human trafficking.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.
PART III: WAITING LIST MANAGEMENT

TPS-III. A. HCV WAITING LIST

The regulation that requires the PHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 4 does not apply to PHAs operating the EHV program. Direct referrals are not added to the PHA’s HCV waiting list.

The PHA must inform families on the HCV waiting list of the availability of EHVs by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

IHFA Policy

IHFA will post information about the EHV program for families on IHFA’s HCV waiting list on their website. The notice will:

- Describe the eligible populations to which EHVs are limited
- Clearly state that the availability of these EHVs is managed through a direct referral process
- Advise the family to contact the CoC (or any other IHFA referral partner, if applicable) if the family believes they may be eligible for EHV assistance

IHFA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. IHFA will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

TPS-III.B. EHV WAITING LIST

The HCV regulations requiring the PHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHVs available, the PHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to PHA policies in Chapter 4 regarding opening and closing the HCV waiting list. The PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

IHFA Policy (9/20/2021)

Once all allocated EHV have been filled at each IHFA branch office, EHV referrals will be added to IHFA’s EHV waiting list. Whenever an IHFA branch office has an EHV turnover, the next applicant from the appropriate branch office’s EHV waiting list will be pulled. To minimize the number of households on the waiting list, IHFA branch offices will notify their local CoC partners when all EHV voucher slots have been filled and whenever referrals are needed to fill EHV turnover vouchers.
TPS-III.C. PREFERENCES

HCV Waiting List Preferences

If local preferences are established by the PHA for HCV, they do not apply to EHV's. However, if the PHA has a homeless preference or a VAWA preference for the HCV waiting list, the PHA must adopt additional policies related to EHV's in accordance with Notice PIH 2021-15.

IHFA Policy

IHFA does not offer either a homeless or a VAWA preference for the HCV waiting list.

EHV Waiting List Preferences

With the exception of a residency preference, the PHA may choose, in coordination with the CoC and other referral partners, to establish separate local preferences for EHV's. The PHA may, however, choose to not establish any local preferences for the EHV waiting list.

IHFA Policy

No local preferences have been established for the EHV waiting list.
PART IV: FAMILY ELIGIBILITY

TPS-IV.A. OVERVIEW

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the PHA. The PHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

TPS-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBILITY

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR 578.3;
- At risk of homelessness as defined in 24 CFR 578.3;
- Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family’s homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to the PHA of the referring agency’s verification that the family meets one of the four eligible categories for EHV assistance. The PHA must retain this documentation as part of the family’s file.

TPS-IV.C. PHA SCREENING

Overview

HUD waived 24 CFR 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in Chapter 3 of this policy do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular HCV screening criteria in Chapter 3 in doing so.

Mandatory Denials

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:
• 24 CFR 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

• 24 CFR 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The PHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

IHFA Policy

While IHFA may deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, IHFA will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed or emailed to the family.

Permissive Denial

Notice PIH 2021-15 lists permissive prohibitions for which the PHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If the PHA intends to establish permissive prohibition policies for EHV applicants, the PHA must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC’s recommendations into consideration.

IHFA Policy

In consultation with the CoC, IHFA will apply permissive prohibition to the screening of EHV applicants. Determinations using permissive prohibitions will be made based on an individualized assessment of relevant mitigating information in accordance with policies in Section 3-III.E.

IHFA will establish the following permissive prohibitions:

• If IHFA determines that any household member is currently engaged in, or has engaged in within the previous twelve (12) months:
  o Violent criminal activity
  o Other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity

• If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the previous twelve (12) months.

• If the family engaged in or threatened abusive or violent behavior toward IHFA personnel within the previous twelve (12) months.

IHFA will also deny assistance to household members already receiving assistance from another program in accordance with Section 9.h. of Notice PIH 2021-15.
Prohibitions based on criminal activity for the eligible EHV populations regarding drug possession will be considered apart from criminal activity against persons (i.e., violent criminal activity).

In compliance with PIH 2021-15, IHFA will not deny an EHV applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing in the last five (5) years;
- A PHA has ever terminated assistance under the program for any member of the family;
- The family currently owes rent or other amounts to IHFA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act;
- The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;
- The family breached an agreement with IHFA or other PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;
- The family would otherwise be prohibited admission under alcohol abuse standards established by IHFA in accordance with 24 CFR 982.553(a)(3);
- IHFA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

TPS-IV.D. INCOME VERIFICATION AT ADMISSION

Self-Certification at Admission

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018-18 does not apply to the EHV program applicants at admission, and alternatively, PHAs may consider self-certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Section 7-I.B. do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant’s income within the sixty (60) day period prior to admission or voucher issuance but is not dated within sixty (60) days of the PHA’s request.

Example: an SS/SSI benefit letter that was issued in November 2020 to represent the applicant’s benefit amount for 2021 and was provided to the PHA in September 2021 would be an acceptable form of income verification. (See page 32 Notice PIH 2021-15).

IHFA Policy

Any documents used for verification must be the original (not photocopies) and dated within the sixty (60) day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.
Any family self-certifications must be made in a format acceptable to IHFA and must be signed by the family member whose information or status is being verified.

IHFA will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 14. IHFA will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. IHFA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, IHFA will terminate the family’s assistance in accordance with the policies in Chapter 12.

Recently Conducted Income Determinations

PHAs may accept income calculations and verifications from third-party providers or from an examination that the PHA conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six (6) months; and
- The family certifies there has been no change in income or family composition in the interim.

**IHFA Policy**

IHFA will accept income calculations and verifications from third-party providers provided they meet the criteria outlined above.

The family certification must be made in a format acceptable to IHFA and must be signed by all adult family members whose information or status is being verified.

At the time of the family’s annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR 982.516 and PHA policies in Chapter 11.

EIV Income Validation

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, the PHA must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within **ninety (90) days** of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within **sixty (60) days** of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD’s EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in Chapter 3.

If a PHA later determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program in accordance with Chapter 12.
TPS-IV.E. SOCIAL SECURITY NUMBER AND CITIZENSHIP STATUS VERIFICATION

For the EHV program, the PHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

**IHFA Policy**

IHFA will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in Chapter 7 within 180 days of admission. IHFA may provide an additional sixty (60) day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If IHFA determines that an ineligible family received assistance, IHFA will take steps to terminate that family from the program in accordance with policies in Chapter 12.

TPS-IV.F. AGE AND DISABILITY VERIFICATION

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within ninety (90) days of admission or verify the information in EIV.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

**IHFA Policy**

IHFA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to IHFA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within ninety (90) days of admission, IHFA will verify the information in EIV or through other third-party verification if the information is not available in EIV. IHFA will note the family’s file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant’s date of birth and/or disability status.

If IHFA determines that an ineligible family received assistance, IHFA will take steps to terminate that family from the program in accordance with policies in Chapter 12.
TPS-IV.G. INCOME TARGETING

The PHA must determine income eligibility for EHV families in accordance with 24 CFR 982.201 and PHA policy in Chapter 3; however, income targeting requirements do not apply for EHV families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

**IHFA Policy**

IHFA will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.
PART V: HOUSING SEARCH AND LEASING

TPS-V.A. INITIAL VOUCHER TERM

Unlike the standard HCV program, which requires an initial voucher term of at least sixty (60) days, EHV 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.

IHFA Policy

All EHV’s will have an initial term of 120 calendar days.

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

TPS-V.B. HOUSING SEARCH ASSISTANCE

The PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the family

IHFA Policy

As identified in the MOU between IHFA and CoC, the following housing search assistance will be provided to each EHV family:

IHFA will:

- Conduct owner outreach in accordance with policies in Chapter 13
- Provide directions to potential units as part of the EHV briefing packet
- Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter
- At least every thirty (30) days, conduct proactive check-ins via email and telephone with families who are searching with an EHV and remind them of their voucher expiration date
- Assign a dedicated landlord liaison for EHV voucher families
The CoC will:

- Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods
- Provide transportation assistance to potential units
- Assist the family with the completion of rental applications and IHFA forms

TPS-V.C. HQS PRE-INSPECTIONS

To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

IHFA Policy

- The family will be free to select his or her unit.
- IHFA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required reinspections.

TPS-V.D. INITIAL LEASE TERM

Unlike in the standard HCV program, EHV voucher holders may enter into an initial lease that is for less than twelve (12) months, regardless of the PHA policy in Section 9-I.E., Term of Assisted Tenancy.

TPS-V.E. PORTABILITY

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to EHV. Exceptions are addressed below.

Nonresident Applicants

Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of PHA policy in Section 10-II.B.

Billing and Absorption

A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHV under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHV under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
  - If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
- Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family’s EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA’s EHV policies.

- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

**Family Briefing**

In addition to the applicable family briefing requirements at 24 CFR 982.301(a)(2) as to how portability works and how portability may affect the family’s assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family’s portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

**IHFA Policy**

In addition to following IHFA policy on briefings in Chapter 5, as part of the briefing packet for EHV families, IHFA will include a written notice that IHFA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, IHFA will provide interpretation services in accordance with IHFA’s LEP plan (See Chapter 2).

**Coordination of Services**

If the portability move is in connection with the EHV family’s initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

**IHFA Policy**

For EHV families who are exercising portability, when IHFA contacts the receiving PHA in accordance with Section 10-II.B. Preapproval Contact with Receiving PHA, IHFA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

**Services Fee**

Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or $1,750, unless the initial PHA and receiving PHA mutually agree to change the $1,750 cap. Service fees are paid as follows:
• If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.

• If the receiving PHA administers EHV's, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.

• If the receiving PHA does not administer EHV's, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

Placement Fee/Issuance Reporting Fee

If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

TPS-V.F. PAYMENT STANDARDS

Payment Standard Schedule

For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, the PHA may, but is not required to, establish separate higher payment standards for EHV's. Lower EHV payment standards are not permitted. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the PHA chooses to establish higher payments standards for EHV's, HUD has provided other regulatory waivers:

• Defining the “basic range” for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).

• Allowing a PHA that is not in a designated Small Area FMR (SAFMR) area or has not opted to voluntarily implement SAFMRs to establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published SAFMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.
  - The PHA must notify HUD if it establishes an EHV exception payment standard based on the SAFMR.
IHFA Policy

IHFA will not establish a higher payment standard amount for EHV's. IHFA will use the same payment standards for HCV and EHV.

Rent Reasonableness

All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

Increases in Payment Standards

The requirement that the PHA apply increased payment standards at the family’s first regular recertification on or after the effective date of the increase does not apply to EHV. The PHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family’s first regular reexamination following the change.

IHFA Policy

IHFA will not establish an alternative policy for increases in the payment standard. IHFA Policy in Section 11-III.B. governing increases in payment standards will apply to EHV.

TPS-V.G. TERMINATION OF VOUCHERS

After September 30, 2023, a PHA may not reissue EHV's when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

For example, if an EHV participant leaves the program and their HAP contract terminates on August 31, 2023, that EHV must be reissued to another family no later than September 30, 2023. If the PHA does not reissue the EHV to another family by September 30, 2023, the EHV may not be reissued and effectively sunsets. Provided the EHV re-issuance date is no later than September 30, 2023, the term of the EHV may extend beyond September 30, 2023. 42. (See Notice PIH 2021-15, page 41, #13)

All EHV's under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHV's that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV's to cease leasing any unleased EHV's if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.
PART VI: USE OF FUNDS, REPORTING, AND FINANCIAL RECORDS

EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHV s are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHV s and cannot be used for regular HCV s. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The PHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent to the administration of the EHV s in accordance with the HCV program requirements at 24 CFR 982.158.
Exhibit TPS-1: MEMORANDUM OF UNDERSTANDING (MOU)
Attachment 2 of Notice PIH 2021-15 - Sample MOU Template

Memorandum of Understanding

[** This sample document demonstrates the Memorandum of Understanding requirements for the administration Emergency Housing Voucher. Unless otherwise noted, all elements are required. **]

This Memorandum of Understanding (MOU) has been created and entered into on
[** Insert execution date. **].

[PHA Name and Address]

[CoC Name and Address]

I. Introduction and Goals (the following elements, listed in a. – c., are required elements of the MOU):

a. PHA and CoC’s commitment to administering the EHV assists in accordance with all program requirements.

b. PHA goals and standards of success in administering the program.

c. Identification of staff position at the PHA and CoC who will serve as the lead EHV liaisons.

Lead HCV Liaison:

[Name and title of PHA staff position]

Responsibilities of the PHA EHV liaison [**Optional**].

[Name and title of CoC staff position]

Responsibilities of the CoC EHV liaison [**Optional**].

II. Define the populations eligible for EHV assistance to be referred by CoC.

III. Services to be provided to eligible EHV families

1. List the services to be provided to assist individuals and families have success in the program and who will provide them.

[**The following services are listed for example purposes. **]

1. Partnering service providers will support individuals and families in completing applications and obtaining necessary supporting documentation to support referrals and applications for assistance; while aiding households in addressing barriers.

2. Partnering service providers will support PHAs in ensuring appointment notifications to eligible individuals and families and will assist eligible households in getting to meetings with the PHA.
3. PHAs will establish windows of time for EHV applicants to complete intake interviews for EHV.
4. Partnering service providers will provide housing search assistance for eligible individuals and families.
5. Partnering service providers will provide counseling on compliance with rental lease requirements.
6. Partnering service providers will assess individuals and families who may require referrals for assistance on security deposits, utility hook-up fees, and utility deposits.
7. Partnering service providers will assess and refer individuals and families to benefits and supportive services, where applicable.

IV. PHA Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Coordinate and consult with the CoC in developing the services and assistance to be offered under the EHV services fee.
2. Accept direct referrals for eligible individuals and families through the CoC Coordinated Entry System.
3. Commit a sufficient number of staff and necessary resources to ensure that the application, certification, and voucher issuance processes are completed in a timely manner.
4. Commit a sufficient number of staff and resources to ensure that inspections of units are completed in a timely manner.
5. Designate a staff to serve as the lead EHV liaison.
6. Comply with the provisions of this MOU.

V. CoC Roles and Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Designate and maintain a lead EHV liaison to communicate with the PHA.
2. Refer eligible individuals and families to PHA using the community’s coordinated entry system.
3. Support eligible individuals and households in completing and applying for supportive documentation to accompany admissions application to the PHA (i.e. self-certifications, birth certificate, social security card, etc.).
4. Attend EHV participant briefings when needed.
5. Assess all households referred for EHV for mainstream benefits and supportive services available to support eligible individuals and families through their transition.
6. Identify and provide supportive services to EHV families. (While EHV participants are not required to participate in services, the CoC should assure that services are available and accessible.)
7. Comply with the provisions of this MOU.
VI. Third Party Entity Roles Responsibilities

[**The following responsibilities are listed for example purposes. **]

1. Describe how the State, local, philanthropic, faith-based organizations, Victim Service Providers or CoC recipients it designates will fulfill each of the following responsibilities:
   a. Outline resource and/or service being provided in support of the community’s EHV Program. Commit a sufficient number of staff and necessary resources to ensure that the application, certification and voucher issuance processes are completed in a timely manner.
   b. Comply with the provisions of this MOU. VII. Program Evaluation

The PHA, and CoC or designated CoC recipient agree to cooperate with HUD, provide requested data to HUD or HUD-approved contractor delegated the responsibility of program evaluation protocols established by HUD or HUD-approved contractor, including possible random assignment procedures.

[Signed and dated by the official representatives of the PHA, CoC, CoC Contractor organization (if applicable), and third-party entities (if applicable.)]

Signed by

______________________________    ____________________________
Executive Director, PHA            Date

______________________________    ____________________________
CoC Executive Director             Date
Exhibit TPS-2: HOMELESS PROVIDER’S CERTIFICATION

Attachment 3 of Notice PIH 2021-15  Example of a Homeless Provider’s Certification

Emergency Housing Voucher (EHV)

HOMELESS CERTIFICATION

EHV Applicant Name: __________________________________________________________

☐ Household without dependent children (complete one form for each adult in the household)

☐ Household with dependent children (complete one form for household)

Number of persons in the household: ___

This is to certify that the above named individual or household meets the following criteria based on the check mark, other indicated information, and signature indicating their current living situation:

Check only one box and complete only that section

Living Situation: place not meant for human habitation (e.g., cars, parks, abandoned buildings, streets/sidewalks)

☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus station, airport, or camp ground.

Description of current living situation:

______________________________________________________________

______________________________________________________________

Homeless Street Outreach Program

Name: _____________________________________________________________

This certifying agency must be recognized by the local Continuum of Care (CoC) as an agency that has a program designed to serve persons living on the street or other places not meant for human habitation. Examples may be street outreach workers, day shelters, soup kitchens, Health Care for the Homeless sites, etc.

Authorized Agency Representative Signature: ______________________________

Date: ________________________________

Living Situation: Emergency Shelter
☐ The person(s) named above is/are currently living in (or, if currently in hospital or other institution, was living in immediately prior to hospital/institution admission) a supervised publicly or privately operated shelter as follows:

Emergency Shelter Program Name:

This emergency shelter must appear on the CoC’s Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory (e.g., newly established Emergency Shelter).

Authorized Agency Representative Signature: 

Date: 

Living Situation: Recently Homeless

☐ The person(s) named above is/are currently receiving financial and supportive services for persons who are homeless. Loss of such assistance would result in a return to homelessness (ex. Households in Rapid Rehousing Programs, residents of Permanent Supportive Housing Programs participating in Moving On, etc.)

Authorized Agency Representative Signature:

This referring agency must appear on the CoC’s Housing Inventory Chart submitted as part of the most recent CoC Homeless Assistance application to HUD or otherwise be recognized by the CoC as part of the CoC inventory.

Immediately prior to entering the household’s current living situation, the person(s) named above was/were residing in:

☐ emergency shelter  OR  ☐ a place unfit for human habitation

Authorized Agency Representative Signature: 

Date: 

Exhibit TPS-3: EXAMPLE OF A VICTIM SERVICES PROVIDER’S CERTIFICATION

Attachment 4 of Notice PIH 2021-15: Example of a Victim Services Provider’s Certification

Emergency Housing Voucher (EHV)

SAMPLE HUMAN TRAFFICKING CERTIFICATION

Purpose of Form:
The Victims of Trafficking and Violence Protection Act of 2000 provides assistance to victims of trafficking making housing, educational health care, job training and other Federally-funded social service programs available to assist victims in rebuilding their lives.

Use of This Optional Form:
In response to this request, the service provider may complete this form and submit it to the Public Housing Agency (PHA) to certify eligibility for EHV assistance.

Confidentiality: All information provided to the service provider concerning the incident(s) of human trafficking shall be kept confidential and such details shall not be entered into any shared database. Employees of the PHA will not have access to these details, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED ON BEHALF OF HUMAN TRAFFICKING SURVIVOR

EHV Applicant Name: ____________________________________________

This is to certify that the above named individual or household meets the definition for persons who are fleeing or attempting to flee human trafficking under section 107(b) of the Trafficking Victims Protection Act of 2000.

Immediately prior to entering the household’s current living situation, the person(s) named above was/were residing in:

____________________________________________________________________

____________________________________________________________________

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual(s) named above is/has been a victim of human trafficking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Authorized Agency Representative Signature: ______________________________

Date: ______________________________
## GLOSSARY

### A. ACRONYMS USED IN THE HOUSING CHOICE VOUCHER (HCV) PROGRAM

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>AAF</td>
<td>Annual adjustment factor (published by HUD in the <em>Federal Register</em> and used to compute annual rent adjustments)</td>
</tr>
<tr>
<td>ACC</td>
<td>Annual contributions contract</td>
</tr>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act of 1990</td>
</tr>
<tr>
<td>AIDS</td>
<td>Acquired immune deficiency syndrome</td>
</tr>
<tr>
<td>BR</td>
<td>Bedroom</td>
</tr>
<tr>
<td>CDBG</td>
<td>Community Development Block Grant (Program)</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as “the regulations”)</td>
</tr>
<tr>
<td>CoC</td>
<td>Continuum of Care</td>
</tr>
<tr>
<td>CPI</td>
<td>Consumer price index (published monthly by the Department of Labor as an inflation indicator)</td>
</tr>
<tr>
<td>CPS</td>
<td>Child Protection Services, Department of Health &amp; Welfare</td>
</tr>
<tr>
<td>DFN</td>
<td>Mainstream housing for Non-Elderly Persons with Disabilities – Institution/Homeless</td>
</tr>
<tr>
<td>DOB</td>
<td>Date of birth</td>
</tr>
<tr>
<td>DV</td>
<td>Domestic Violence</td>
</tr>
<tr>
<td>ED</td>
<td>Executive Director</td>
</tr>
<tr>
<td>EHV</td>
<td>Emergency Housing Voucher (program sunsets September 2023)</td>
</tr>
<tr>
<td>EID</td>
<td>Earned income disallowance</td>
</tr>
<tr>
<td>EIV</td>
<td>Enterprise Income Verification</td>
</tr>
<tr>
<td>ER</td>
<td>Environmental Review</td>
</tr>
<tr>
<td>FDIC</td>
<td>Federal Deposit Insurance Corporation</td>
</tr>
<tr>
<td>FHA</td>
<td>Federal Housing Administration (HUD Office of Housing)</td>
</tr>
<tr>
<td>FHEO</td>
<td>Fair Housing and Equal Opportunity (HUD Office of)</td>
</tr>
<tr>
<td>FICA</td>
<td>Federal Insurance Contributions Act (established Social Security taxes)</td>
</tr>
<tr>
<td>FMR</td>
<td>Fair market rent</td>
</tr>
<tr>
<td>FR</td>
<td>Federal Register</td>
</tr>
<tr>
<td>FSS</td>
<td>Family Self-Sufficiency (Program)</td>
</tr>
<tr>
<td>FY</td>
<td>Fiscal year</td>
</tr>
<tr>
<td>FYE</td>
<td>Fiscal year end</td>
</tr>
<tr>
<td>GAO</td>
<td>Government Accountability Office</td>
</tr>
</tbody>
</table>
GR  Gross rent
HAP  Housing assistance payment
HCV  Housing choice voucher
HOH  Head of Household
HQS  Housing quality standards
HUD  Department of Housing and Urban Development
HUDCLIPS  HUD Client Information and Policy System
IHFA  Idaho Housing and Finance Association
IPA  Independent public accountant
IRA  Individual retirement account
IRS  Internal Revenue Service
JTPA  Job Training Partnership Act
LBP  Lead-based paint
LEP  Limited English proficiency
MRR  Mainstream Rapid Rehousing – Rapid Rehousing/Permanent Supportive Housing
MSA  Metropolitan statistical area (established by the U.S. Census Bureau)
MTCS  Multi-family Tenant Characteristics System (now Form HUD-50058 submodule of the PIC system)
MTW  Moving to Work
NCIC  National Crime Information Center
NED  Non-Elderly Persons with Disabilities
NOFA  Notice of funding availability
OGC  HUD’s Office of General Counsel
OIG  HUD’s Office of Inspector General
OMB  Office of Management and Budget
PASS  Plan to Achieve Self-Support
PBV  Project-based Voucher
PCWA  Public Child Welfare Agency (PCWA), Department of Health & Welfare
PDAP  Partner Data Access Portal, Idaho Department of Health & Welfare
PHA  Public housing agency, sometimes referred to as Housing Authority (HA)
PIC  PIH Information Center
PIH  (HUD Office of) Public and Indian Housing
PII  Personal Identifiable Information
<table>
<thead>
<tr>
<th>Abbr</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PS</td>
<td>Payment standard</td>
</tr>
<tr>
<td>QC</td>
<td>Quality control</td>
</tr>
<tr>
<td>QI/KI</td>
<td>Qualified Individual or Knowledgeable Professional (reasonable accommodation)</td>
</tr>
<tr>
<td>RA</td>
<td>Reasonable Accommodation</td>
</tr>
<tr>
<td>REAC</td>
<td>(HUD) Real Estate Assessment Center</td>
</tr>
<tr>
<td>RFP</td>
<td>Request for proposals</td>
</tr>
<tr>
<td>RTA/RFTA</td>
<td>Request for tenancy approval (Voyager calls this RFTA)</td>
</tr>
<tr>
<td>RIGI</td>
<td>Regional inspector general for investigation (fraud and program abuse matters for HUD at the regional office level)</td>
</tr>
<tr>
<td>SEMAP</td>
<td>Section 8 Management Assessment Program</td>
</tr>
<tr>
<td>SLR</td>
<td>Subsidy Layering Review</td>
</tr>
<tr>
<td>SRO</td>
<td>Single room occupancy</td>
</tr>
<tr>
<td>SSA</td>
<td>Social Security Administration</td>
</tr>
<tr>
<td>SSD/SSDI</td>
<td>Social Security Disability Income</td>
</tr>
<tr>
<td>SSI</td>
<td>Supplemental security income</td>
</tr>
<tr>
<td>SSN</td>
<td>Social Security Number</td>
</tr>
<tr>
<td>SWICA</td>
<td>State wage information collection agency</td>
</tr>
<tr>
<td>TANF</td>
<td>Temporary assistance for needy families</td>
</tr>
<tr>
<td>TPV</td>
<td>Tenant protection vouchers</td>
</tr>
<tr>
<td>TR</td>
<td>Tenant rent</td>
</tr>
<tr>
<td>TTP</td>
<td>Total tenant payment</td>
</tr>
<tr>
<td>UA</td>
<td>Utility allowance</td>
</tr>
<tr>
<td>UAP/URP</td>
<td>Utility allowance payment or utility reimbursement payment</td>
</tr>
<tr>
<td>UFAS</td>
<td>Uniform Federal Accessibility Standards</td>
</tr>
<tr>
<td>UIV</td>
<td>Upfront income verification</td>
</tr>
<tr>
<td>VA</td>
<td>Veterans Affairs (U.S. Department of)</td>
</tr>
<tr>
<td>VASH</td>
<td>Veteran Affairs Supportive Housing</td>
</tr>
<tr>
<td>VAWA</td>
<td>Violence Against Women Reauthorization Act of 2013</td>
</tr>
<tr>
<td>VMS</td>
<td>Voucher Management System</td>
</tr>
</tbody>
</table>
B. GLOSSARY OF SUBSIDIZED HOUSING TERMS

Absorption. In portability (under subpart H of this part 982): the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

Accessible. The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

Adjusted income. Annual income, less allowable HUD deductions and allowances.

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

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

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

Affiliated individual. With respect to an individual, a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis (in the place of a parent), or any individual, tenant, or lawful occupant living in the household of that individual

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

Annual. Happening once a year.

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

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

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

Area exception rent. An amount that exceeds the published FMR. See 24 CFR 982.504(b).

As-paid states. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs. (Idaho is not an ‘As-paid’ state)

Assets. (See net family assets.)

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

Biennial. Happening every two years.
**Bifurcate.** With respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.

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

**Business Day.** This term means Monday through Friday, except for local, state, federal, or other holidays. Business day does not include Saturdays or Sundays. Day means a period of 24 hours, reckoned from one midnight to the next.

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

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

**Citizen.** A citizen or national of the United States.

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

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

**Computer match.** The automated comparison of databases containing records about individuals.

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

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

**Congregate housing.** Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type: see 24 CFR 982.606–609.

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

**Continuously assisted.** An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.
**Contract authority.** The maximum annual payment by HUD to a PHA for a funding increment.

**Cooperative** (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type (see 24 CFR 982.619).

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

**Dating violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

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

**Dependent child.** In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of dependent as specified above.

**Detained Family.** A Families First eligible family may not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a State law.

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

**Dilapidated Housing.** Is a unit that does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a family or the unit has one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding.

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

**Disabled person.** See person with disabilities.

**Disallowance.** Exclusion from annual income.

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

**Domestic violence.** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

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

**Drug-related criminal activity.** The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

**Economic self-sufficiency program.** Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)). Also see 24 CFR 5.603(c).

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

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

**Eligible family.** A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR. See also family.

**Employer identification number (EIN).** The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

**Evidence of citizenship or eligible status.** The documents which must be submitted as evidence of citizenship or eligible immigration status. See 24 CFR 5.508(b).

**Extremely low-income family.** A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher. Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30 percent of median income if HUD finds such variations are necessary due to unusually high or low family incomes. See 24 CFR 5.603.

**Facility.** All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

**Fair Housing Act.** Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

**Fair market rent (FMR).** The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe, and sanitary rental housing of modest (non-
luxury) nature with suitable amenities. See periodic publications in the *Federal Register* in accordance with 24 CFR Part 888.

**Family.** Includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, and can be further defined in PHA policy.
- A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size)
- An elderly family or a near-elderly family
- A displaced family
- The remaining member of a tenant family
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

**Family rent to owner.** In the voucher program, the portion of rent to owner paid by the family.

**Families First Family.** A family that the public child welfare agency has certified is a family for who the lack of adequate housing is a primary factor in the imminent placement of the family’s child or children, in out-of-home care, or in the delay of discharge of a child or children to the family from out-of-home care, that IHFA has determined is eligible for HCV rental assistance.

**Family self-sufficiency program** (FSS program). The program established by a PHA in accordance with 24 CFR part 984 to promote self-sufficiency of assisted families, including the coordination of supportive services (42 U.S.C. 1437u).

**Family share.** The portion of rent and utilities paid by the family. For calculation of family share, see 24 CFR 982.515(a).

**Family unit size.** The appropriate number of bedrooms for a family, as determined by the PHA under the PHA subsidy standards.

**Federal agency.** A department of the executive branch of the federal government.

**Foster child care payment.** A payment to eligible households by state, local, or private agencies appointed by the state to administer payments for the care of foster children.

**Full-time student.** A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended). See 24 CFR 5.603.

**Funding increment.** Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

**Gender identity.** Actual or perceived gender-related characteristics.

**Gross rent.** The sum of the rent to owner plus any utility allowance.

**Group home.** A dwelling unit that is licensed by a state as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide). (A special housing type: see 24 CFR 982.610–614.)

**Handicap.** Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities.*)
**HAP contract.** The housing assistance payments contract. A written contract between the PHA and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible family.

**Homeless.** Any person or family that:
(a) Lacks a fixed, regular, and adequate nighttime residence: and
(b) Has a primary nighttime residence that is:
   (1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing);
   (2) An institution that provides a temporary residence for persons intended to be institutionalized; or
   (3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

**Head of household.** The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

**Household.** A household includes additional people other than the family who, with the PHA’s permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

**Housing assistance payment.** The monthly assistance payment by a PHA, which includes: (1) A payment to the owner for rent to the owner under the family's lease; and (2) An additional payment to the family if the total assistance payment exceeds the rent to owner.

**Housing agency (HA).** See public housing agency.

**Housing quality standards (HQS).** The HUD minimum quality standards for housing assisted under the voucher program.

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

**Imminent.** Ready to take place; happening very soon. Likely to occur at any moment, within the next six (6) months.

**Imputed asset.** An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

**Imputed asset income.** The PHA-established passbook rate multiplied by the total cash value of assets. The calculation is used when net family assets exceed $5,000.

**Imputed welfare income.** An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family’s annual income and therefore reflected in the family’s rental contribution.

**Income.** Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

**Income for eligibility.** Annual income.
**Income information** means information relating to an individual’s income, including:
- All employment income information known to current or previous employers or other income sources
- All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law
- Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received
- Unearned IRS income and self-employment, wages, and retirement income
- Wage, social security, and supplemental security income data obtained from the Social Security Administration.

**Individual with handicaps.** See person with disabilities.

**Initial PHA.** In portability, the term refers to both: (1) A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and (2) A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

**Initial payment standard.** The payment standard at the beginning of the HAP contract term.

**Initial rent to owner.** The rent to owner at the beginning of the HAP contract term.

**Institution of higher education.** An institution of higher education as defined in 20 U.S.C. 1001 and 1002. See Exhibit 3-2 in this Administrative Plan.

**Jurisdiction.** The area in which the PHA has authority under state and local law to administer the program.

**Landlord.** Either the owner of the property or his/her representative, or the managing agent or his/her representative, as shall be designated by the owner.

**Lease.** A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA.

**Live-in aide.** A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:
- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

**Living/sleeping room.** A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space. A bedroom or living/sleeping room must have at least one window and two electrical outlets in proper operating condition. See HCV GB p. 10-6 and 24 CFR 982.401.

**Local preference.** A preference used by the PHA to select among applicant families.

**Low-income family.** A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD
may establish income limits higher or lower than 80 percent for areas with unusually high or low incomes.

**Manufactured home.** A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the HQS. (A special housing type: see 24 CFR 982.620 and 982.621.)

**Manufactured home space.** In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. See 24 CFR 982.622 to 982.624.

**Medical expenses.** Medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not covered by insurance (a deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of 3 percent of annual income.

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

**Mixed family.** A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

**Monthly adjusted income.** One twelfth of adjusted income.

**Monthly income.** One twelfth of annual income.

**Mutual housing.** Included in the definition of cooperative.

**National.** A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

**Near-elderly family.** A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62 living with one or more live-in aides.

**Net family assets.** (1) Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

- In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under §5.609.
In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

**Noncitizen.** A person who is neither a citizen nor national of the United States.

**Notice of funding availability (NOFA).** For budget authority that HUD distributes by competitive process, the Federal Register document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

**Office of General Counsel (OGC).** The General Counsel of HUD.

**Overcrowded.** A unit that does not meet the following HQS space standards: (1) Provide adequate space and security for the family; and (2) Have at least one bedroom or living/sleeping room for each two persons.

**Owner.** Any person or entity with the legal right to lease or sublease a unit to a participant.

**PHA Plan.** The annual plan and the 5-year plan as adopted by the PHA and approved by HUD.

**PHA’s quality control sample.** An annual sample of files or records drawn in an unbiased manner and reviewed by a PHA supervisor (or by another qualified person other than the person who performed the original work) to determine if the work documented in the files or records conforms to program requirements. For minimum sample size see CFR 985.3.

**Participant (participant family).** A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

**Payment standard.** The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

**Person with disabilities.** For the purposes of program eligibility. A person who has a disability as defined under the Social Security Act or Developmental Disabilities Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. For the purposes of reasonable accommodation. A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

**Portability.** Renting a dwelling unit with a Section 8 housing choice voucher outside the jurisdiction of the initial PHA.

**Premises.** The building or complex in which the dwelling unit is located, including common areas and grounds.
Previously unemployed. With regard to the earned income disallowance, a person with disabilities who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

Private space. In shared housing, the portion of a contract unit that is for the exclusive use of an assisted family.

Processing entity. The person or entity that, under any of the programs covered, is responsible for making eligibility and related determinations and any income reexamination. In the HCV program, the “processing entity” is the “responsible entity.”

Project owner. The person or entity that owns the housing project containing the assisted dwelling unit.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Public Child Welfare Agency (PCWA) means the public agency that is responsible under applicable State or Tribal law for determining that a child is at imminent risk of placement in out-of-home care or that a child in out-of-home care under the supervision of the public agency may be returned to his or her family. Also known as Health & Welfare Child Protection Services (CPS).

Public housing agency (PHA). Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income housing under the 1937 Act.

Qualified family (under the earned income disallowance). A family participating in an applicable assisted housing program or receiving HCV assistance:
- Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;
- Whose annual income increases as a result of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or
- Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over a six-month period is at least $500.

Qualified census tract. With regard to certain tax credit units, any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent, and where the census tract is designated as a qualified census tract by HUD.
**Reasonable rent.** A rent to owner that is not more than rent charged: (1) For comparable units in the private unassisted market; and (2) For comparable unassisted units in the premises.

**Reasonable accommodation.** A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA’s programs or services.

**Receiving PHA.** In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

**Recertification.** Sometimes called *reexamination.* The process of securing documentation of total family income used to determine the rent the tenant will pay for the next 12 months if there are no additional changes to be reported.

**Remaining member of the tenant family.** The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age 47 who is not disabled).

**Rent to owner.** The total monthly rent payable to the owner under the lease for the unit (also known as contract rent). Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

**Residency preference.** A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (See *residency preference area*).

**Residency preference area.** The specified area where families must reside to qualify for a residency preference.

**Responsible entity.** For the public housing and the Section 8 tenant-based assistance, project-based voucher assistance, and moderate rehabilitation programs, the responsible entity means the PHA administering the program under an ACC with HUD. For all other Section 8 programs, the responsible entity means the Section 8 owner.

**Secretary.** The Secretary of Housing and Urban Development.

**Section 8.** Section 8 of the United States Housing Act of 1937.

**Section 8 covered programs.** All HUD programs which assist housing under Section 8 of the 1937 Act, including Section 8 assisted housing for which loans are made under Section 202 of the Housing Act of 1959.

**Section 214.** Section 214 of the Housing and Community Development Act of 1980, as amended.

**Section 214 covered programs.** The collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in 24 CFR 5.500.

**Security deposit.** A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

**Set-up charges.** In a manufactured home space rental, charges payable by the family for assembling, skirting, and anchoring the manufactured home.

**Sexual assault.** Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. 13925(a)).
Sexual orientation. Homosexuality, heterosexuality or bisexuality.

Shared housing. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. (A special housing type: see 24 CFR 982.615–982.618.)

Single person. A person living alone or intending to live alone.

Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. (A special housing type: see 24 CFR 982.602–982.605.)

Social security number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person’s earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Special admission. Admission of an applicant that is not on the PHA waiting list or without considering the applicant’s waiting list position.

Special housing types. See subpart M of part 982. Subpart M states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

Specified welfare benefit reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (1) that person, (2) a member of the immediate family of that person, or (3) the spouse or intimate partner of that person.

State wage information collection agency (SWICA). The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Substandard Housing. Is a unit that:
(a) Does not have operable indoor plumbing;
(b) Does not have a usable flush toilet inside the unit for the exclusive use of the family;
(c) Does not have a usable bathroom or shower inside the unit for the exclusive use of the family;
(d) Does not have electricity, or has inadequate or unsafe electrical service;
(e) Does not have a safe or adequate source of heat;
(f) Should, but does not, have a kitchen; or
(g) Has been declared unfit for habitation by an agency or unit of government.

**Suspension.** The term on the family’s voucher stops from the date the family submits a request for PHA approval of the tenancy, until the date the PHA notifies the family in writing whether the request has been approved or denied. This practice is also called *tolling.*

**Tax credit rent.** With regard to certain tax credit units, the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

**Tenancy addendum.** For the housing choice voucher program, the lease language required by HUD in the lease between the tenant and the owner.

**Tenant.** The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

**Tenant rent to owner.** See *family rent to owner.*

**Term of lease.** The amount of time a tenant agrees in writing to live in a dwelling unit.

**Total tenant payment (TTP).** The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

**Unit.** Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

**Utilities.** Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

**Very Low Income Family.** A family whose annual income not in excess of 50 percent of the median income for the area as determined by HUD’s annual income limits.

**Utility allowance.** If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

**Utility reimbursement.** In the voucher program, the portion of the housing assistance payment which exceeds the amount of rent to owner.

**Utility hook-up charge.** In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical and sewer lines.

**Very low-income family.** A low-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the housing choice voucher program.
Veteran. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

Violence Against Women Reauthorization Act (VAWA) of 2013. Prohibits denying admission to the program to an otherwise qualified applicant or terminating assistance on the basis that the applicant or program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher (housing choice voucher). A document issued by a PHA to a family selected for admission to the housing choice voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Voucher holder. A family holding a voucher with an unexpired term (search time).

Voucher program. The housing choice voucher program.

Waiting list. A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

Waiting list admission. An admission from the PHA waiting list.

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, child care or other services for working families. For the FSS program (984.103(b)), welfare assistance includes only cash maintenance payments from federal or state programs designed to meet a family’s ongoing basic needs, but does not include food stamps, emergency rental and utilities assistance, SSI, SSDI, or social security.
Admin Plan Appendixes

Appendix A  Families First
Appendix B  Mainstream Housing
Appendix C  FSS Program
Appendix D  Bed Bug Policy
Appendix E  PII
Appendix F  For Future Use
HOUSING CHOICE VOUCHER

ADMINISTRATIVE PLAN

APPENDIX A

FAMILIES FIRST PREFERENCE
FAMILIES FIRST PREFERENCE
APPENDIX A

PURPOSE AND SCOPE
The purpose of the Families First Preference is to promote family unification by providing rental assistance to families for whom the lack of adequate housing is a primary factor in the separation, or the threat of imminent separation, of children from their families. A Families First Family means a family that the public child welfare agency has certified is a family for whom the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in the delay of discharge of a child, or children to the family from out-of-home care and that IHFA has determined is eligible for HCV rental assistance.

Applicants referred by an appropriate agency for participation in the Families First Preference will be required to complete a pre-application for assistance. When placed on the waiting list, they will be entered according to the established preference for which they qualify. The pre-application will also be designated as Families First by completing the appropriate field in IHFA's waiting list software system. The Families First Preference will be limited to forty (40) vouchers so families will be categorized by the Family Preference as well as Families First, and will be housed in proper order for whichever program first becomes available.

DEFINITIONS – see the Glossary for the following definitions:
Substandard Housing, Dilapidated Housing, Domestic Violence, Families First Family, Homeless, Imminent, Overcrowded housing, Participant, Tenant rent, Very low income, Public Child Welfare Agency or Child Protection Services (PCWA or CPS), and Detained family. All definitions in the main body of the HCV Administrative Plan apply to the Families First Preference.

ELIGIBILITY
To be eligible for the Families First Preference, a public child welfare agency must certify that the family lacks adequate housing and the lack of adequate housing is a primary factor in the imminent placement of the family's child, or children, in out-of-home care, or in the delay of discharge of a child, or children, to the family from out-of-home care.

Eligibility is determined by the IHFA Branch Office after the completion of the application and the submission of the required certification and documentation.
RENTAL VOUCHER ASSISTANCE
This program will be administered in accordance with HUD regulations covering the HCV Housing Choice Voucher program.

FAMILIES FIRST ADMISSIONS REQUIREMENTS
The Families First Preference will be handled according to the regulations and IHFA Administrative policies governing the HCV program. The preference will be limited to forty (40) vouchers total across IHFA’s voucher jurisdiction.

TURNOVER
When a rental voucher under the Families First Preference becomes available for reissue (e.g. the family initially selected for the program leaves the program, is unsuccessful in the search for a unit, or is terminated from the program), the rental assistance must be reissued to another Families First Preference eligible family.

WAITING LIST MANAGEMENT
Referrals for the Families First Preference are made by the Health & Welfare Child Protection Services (CPS) or by the Public Child Welfare Agency (PCWA). The referral form may not be hand delivered or mailed in by the applicant but must come directly from the CPS/PCWA. A preference category has been established for Families First applicants and each branch office will maintain these applicants on their waiting lists. When an applicant is referred from a public child welfare agency, the applicant's name is put on the branch office waiting list by the date and time that their application is received in the branch office. Any family certified by the CPS/PCWA as eligible and who is not already on the HCV waiting list will be placed on the waiting list with both a Families First Preference and any other preference for which they qualify (e.g. Family preference) and will be assisted in order of their position on the waiting list in accordance with IHFA admission policies.

For any family certified by the CPS/PCWA as eligible and who is already on the HCV waiting list, the Families First preference will be added to the existing preferences already established, and will be assisted in order of their position on the waiting list in accordance with IHFA admission policies.
HOUSING CHOICE VOUCHER
ADMINISTRATIVE PLAN
APPENDIX B
MAINSTREAM HOUSING FOR NON-ELDERLY PERSONS WITH DISABILITIES
APPENDIX B
MAINSTREAM HOUSING FOR NON-ELDERLY PERSONS WITH DISABILITIES

Also See Chapter 19

PURPOSE AND SCOPE
The Mainstream for Non-Elderly Persons with Disabilities program is authorized by the Cranston-Gonzalez National Affordable Housing Act, 42 U.S.C. 8013 (P.L. 101-625) as amended by the Frank Melville Supportive Housing Act of 2010 (P.L. 111-374), the Consolidated Appropriations Act, 2017 (P.L. 115-31) and the Consolidated Appropriations Act, 2018 (P.L. 115-141)

ELIGIBILITY
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 or cohead. In addition, the household’s income must also meet HUD income limits of 50% of area median income or less and other eligibility factors outlined in the HCV Administrative plan. Non-elderly is defined as someone who is at least 18 years old and not yet 62 years of age. A household receiving Mainstream Voucher assistance does not lose its eligibility once the disabled person exceeds 62 years of age; the household does not “age out” of the program.

IHFA’s Mainstream Voucher program is comprised of three (3) categories as listed below.

- **Mainstream vouchers (Mainstream)** – qualifications for all ‘regular’ Mainstream vouchers: households that include a non-elderly person(s) with disabilities, defined as any family that includes a person with disabilities who is at least 18 years old and not yet 62 years old at the effective date of the initial Housing Assistance Payment (HAP) contract (i.e. the effective date of the New Admission [action code =1] on the HUD-50058 form.

- **Mainstream Institution/Homeless (DFN)** – qualifications for DFN vouchers: families with a member or a sole member of a household who is at least 18 years old and not yet 62 years old and is a person with disabilities who is transitioning out of an institutional setting (medical, mental, rehabilitative, assistive care) or is at risk of being institutionalized or who is homeless or at risk of becoming homeless.

- **Mainstream Rapid Re-Housing (MRR)** – qualifications for MRR vouchers: families with a member or sole member of a household that includes a non-elderly person as defined above with disabilities and be formerly homeless and currently residing in a Rapid Rehousing program or Permanent Supportive Housing.

DEFINITIONS
**Non-Elderly Person with Disabilities:** (applies to all Mainstream Vouchers)
A person 18 years of age or older and less than 62 years of age who:

1. Has a disability, as defined in 42 U.S.C. 423;
2. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
   a. Is expected to be of long-continued and indefinite duration;
   b. Substantially impedes his or her ability to live independently, and
   c. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
3. Has a developmental disability as defined in 42 U.S.C. 6001.

**Institutional Setting:** (*applies to DFN*)

*Institutional Settings* include, but are not limited to: (1) congregate settings populated exclusively or primarily with individuals with disabilities; (2) congregate settings characterized by regimentation in daily activities, lack of privacy or autonomy, policies limiting visitors, or limits on individuals’ ability to engage freely in community activities and to manage their own activities of daily living; or (3) settings that provide for daytime activities primarily with other individuals with disabilities.

**At serious risk of institutionalization:** (*applies to DFN*)

Includes an individual with a disability who as a result of a public entity’s failure to provide community service or its cut to such services will likely cause a decline in health, safety, or welfare that would lead to the individual’s eventual placement in an institution. This includes individuals experiencing lack of access to supportive services for independent living, long waiting lists for or lack of access to housing combined with community based services, individuals currently living under poor housing conditions or homeless with barriers to geographic mobility, and/or currently living alone but requiring supportive services for independent living. A person cannot be considered at serious risk of institutionalization unless the person has a disability. An individual may be designated as at serious risk of institutionalization either by a health and human services agency, by a community-based organization, or by self-identification.

**Homeless:** (*applies to DFN and MRR*)

For purposes of this funding, homeless means:

1. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
   a. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
   b. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, State, or local government programs for low-income individuals); or
c. An individual who is exiting an institution where he or she resided for ninety (90) days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;

2. An individual or family who will imminently lose their primary nighttime residence, provided that:
   a. The primary nighttime residence will be lost within fourteen (14) days of the date of application for homeless assistance;
   b. No subsequent residence has been identified; and
   c. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing;

3. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
   b. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the sixty (60) days immediately preceding the date of application for homeless assistance;
   c. Have experienced persistent instability as measured by two moves or more during the sixty (60) day period immediately preceding the date of applying for homeless assistance; and
   d. Can be expected to continue in such status for an extended period of time because of chronic disabilities; chronic physical health or mental health conditions; substance addiction; histories of domestic violence or childhood abuse (including neglect); the presence of a child or youth with a disability; or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

4. Any individual or family who:
   a. Is fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual’s or family’s primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
   b. Has no other residence; and
   c. Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.
At risk of becoming homeless: (applies to DFN)

An individual or family who:

1. Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph 1 of the “Homeless” definition in this section; and

2. Meets one of the following conditions:
   a. Has moved because of economic reasons two or more times during the sixty (60) days immediately preceding the application for homelessness prevention assistance;
   b. Is living in the home of another because of economic hardship;
   c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within twenty-one (21) days of the date of application for assistance;
   d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, State, or local government programs for low-income individuals;
   e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons, or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;
   f. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
   g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

HCV Search Assistance:

Assistance to increase access by program participants to housing units in a variety of neighborhoods (including areas with low poverty concentrations) and to locate and obtain units suited to their needs.

All definitions in the main body of the Housing Choice Voucher Administrative Plan apply to the Mainstream Program.

RENTAL VOUCHER ASSISTANCE

This program will be administered in accordance with HUD regulations and IHFA Administrative policies covering the regular Housing Choice Voucher program.

MAINSTREAM ADMISSIONS AND OCCUPANCY REQUIREMENTS

With the exception of waiting list management and turnover, all other aspects of the Mainstream program will be handled according to the regulations and IHFA Administrative policies governing the regular HCV program.
If there is ever an insufficient pool of disabled families on the waiting list, IHFA will conduct outreach to encourage eligible persons to apply for this special allocation of rental vouchers. Outreach may include contacting independent living centers, advocacy organizations for persons with disabilities, and medical, mental health, and social service providers for referrals of persons receiving such services who would benefit from HCV assistance.

**TURNOVER**

When a rental voucher under the Mainstream program becomes available for reissue (e.g. the family initially selected for the program drops out of the program, is unsuccessful in the search for a unit, or is terminated from the program), the rental assistance may be used only for another individual or family eligible for assistance under the Mainstream program. In accordance with the 2019 Act, at turnover, **ALL** Mainstream vouchers must be reissued to the next Mainstream-eligible family on IHFA’s waiting list. (Notice PIH 2020-01)

**PARTICIPANT REFERRAL PROCESS AND WAITING LIST MANAGEMENT**

**Referral Process** (*DFN* and *MRR*)

IHFA has a 50-voucher limited preference for the *DFN* Mainstream program and 38-voucher limited preference for *MRR* Mainstream program and will divide those vouchers between its branch offices in Coeur d’Alene, Idaho Falls, Lewiston, and Twin Falls.

**MAINSTREAM INSTITUTION/HOMELESS** (*DFN*)

The purpose of the program is to target resources to assist eligible persons with disabilities and their families who are transitioning out of institutional or other segregated settings or at serious risk of institutionalization, homeless, or at risk of homelessness and to live independently in a community. Targeting resources to assist eligible persons with disabilities and their families who are transitioning out of institutional settings or at serious risk of institutionalization will help further the goals of the Americans with Disabilities Act (ADA). One critical goal under the ADA is to ensure services, programs, and activities by public entities are provided the most integrated setting appropriate to the needs of the individuals with disabilities, as affirmed by the Supreme Court in the *Olmstead* decision (and settlements and decrees implementing *Olmstead*). This program will offer vouchers to provide sustained community-based integrated housing opportunities to non-elderly persons with disabilities.

IHFA partners with the Balance of State CoC and its regional Access Points to accept referrals for those clients who are non-elderly with disabilities and who are homeless or at risk of homelessness. There are Access Points established in each of IHFA’s four branch office locations, which allows for a ready partnership in meeting the needs of these mutual clients. According the NOFA, IHFA must allow qualifying persons with disabilities to apply directly to the PHA and not limit vouchers only to those being referred or approved through partner agencies. The PHA cannot give preference to referred persons over applicants who apply directly through the PHA for the program. Referrals from partner agencies are sent to the IHFA branch office locations (Coeur d’Alene, Idaho Falls, Lewiston, and Twin Falls).

The referring agency is required to provide the following certifications to initiate the process:

1. Mainstream Referral Information Form;
2. Certification that the applicant is transitioning out of institutionalization or at risk of institutionalization; or
3. Certification of Homelessness or being at risk of homelessness and documentation to support the category checked;
4. Homeless Management Information System (HMIS) Client Consent & Release form (Homelessness only);
5. Authorization to Share Information Between Agencies form;

The client will need to complete an IHFA application form. Applicants are encouraged to fill out IHFA’s online application or they may also complete a paper application and submit it to the branch office.

NOTE: An application must be completed to be admitted to the waiting list. Applications are processed in the order they are received.

The applicant’s name will be placed on the waiting list. This is a combined waiting list and applicants may apply to and be housed under the regular voucher program or the regular Mainstream program if a slot becomes available for those vouchers first. Once their name comes to the top of the waiting list, they will be contacted to begin the formal application process. If there are not a sufficient number of homeless applications on the waiting list, IHFA will reach out to the Access Points to obtain additional referrals.

**Waiting List Management**

When funding was received initially, the IHFA waiting list was searched for all disabled families and their date and time of application. These applicants were pulled without regard to their IHFA preference. Once all identified families had been through the eligibility determination a system was put into place whereby each branch office could run its waiting list by disability designation and date and time of application, providing a means to search the waiting list for the Mainstream program.

Currently, disabled families (including disabled single person households) are placed on the waiting list according to the established IHFA local preference for which they qualify, if any. At that time, a designation is made in the appropriate field in the computerized waiting list screen, designating the family as disabled. Each of the IHFA’s four branch offices is assigned a certain number of Mainstream slots. As a Mainstream slot becomes available, the branch office runs a listing of all those families with a Mainstream preference on the waiting list. The system is configured so that this listing will run all those claiming a Mainstream preference by date and time of application. By maintaining all applicants who are families with disabilities in this manner, IHFA ensures that they are categorized by local preference as well as Mainstream preference, which enables them to be housed in proper order for whichever program, regular Housing Choice Voucher or Mainstream, first becomes available.

**OUTREACH**

IHFA may choose to employ a variety of strategies to ensure households and owners are aware of the availability of housing assistance, such as newspaper stories and/or the purchase of advertising space. IHFA will follow the activities outlined in the Equal Opportunity Housing
Plan (EOHP) to ensure outreach to and selection of eligible households are performed without regard to race, religion, color, sex, age, disability, familial status, national origin, gender identity, sexual orientation or marital status. Additionally, IHFA will notify extremely-low income and very-low income households, minorities, persons with disabilities, and others who may be least likely to apply, of the availability of housing assistance. According to the Special Outreach Section of the EOHP, IHFA will contact community organizations that primarily serve such persons. These community organizations typically provide information and eligibility requirements for assistance programs. It is IHFA’s position that organizations that represent minorities and individuals with a disability are the most effective means for distributing information about the IHFA program to their clientele.

IHFA has close working relationships with local agencies and individuals involved in rental housing. IHFA staff monitors the rental market by maintaining a comprehensive rent comparability library in each of its four branch offices. These libraries are updated at least annually through contact with local property owners, rental agencies, etc.

Please see Chapter 4 of the Admin Plan to find information about our unit outreach activities.

Problems beyond IHFA’s resources, such as transportation and other assistance for households with a member with a disability are referred to appropriate social service agencies, upon request. Telephone contact will be made for the household, with the objective of obtaining an appointment, whenever appropriate.

IHFA is committed to ensuring that all potentially eligible persons who express an interest in a rental assistance program are given an equal opportunity to apply for assistance. In addition, IHFA is committed to receiving and processing applications in such a way that all applicants are treated fairly and consistently. IHFA will make every effort to assure accessibility for all individuals. If IHFA cannot make accommodations for a person with a disabling condition to visit the branch office, IHFA will ensure access to its programs by delivering paperwork, briefing materials, and other information by email or mail and by holding briefing meeting virtually using platforms such as Zoom, Teams, and phone, etc.

IHFA gives households with a disabled member 120 days initially to secure an appropriate rental unit. This time period is permitted without requiring the participant to request an extension every thirty (30) days. If the first 120 days pass without a lease up occurring, IHFA may approve additional extensions, if warranted.

**SPECIAL FUNDING**

IHFA’s Home Partnership Foundation has committed funding specifically for the Mainstream DFN and MRR participants for security deposits and accessibility modifications (e.g., handrails, hearing impaired smoke detectors, ramps, etc.).

1. Security Deposits of not more than one-month’s contract rent (no higher than $1,000) may be paid to the owner on this program. At the participant’s request, and based on need, IHFA may pay the security deposit, provided adequate funding is available. IHFA will seek to recoup any unused amounts of the security deposit from owners after a participant moves.
2. Unit Accessibility Modifications – Once a contract has been signed and the participant has moved into the subsidized unit, a request for funds to make modifications may be submitted. If modifications are necessary, and will be at the participant’s expense, once notified, the IHFA housing specialist will provide the participant with an application form to complete and submit. Once submitted, the form will be reviewed and once approved will be submitted for payment. Generally, this funding will be limited to $1,500 per person.

Funding will generally be limited to a maximum of $2,500 per client if they request both security deposit and modification assistance.

IHFA will also attempt to identify public and private funding sources available to help participants cover the costs of modifications needed for their units as reasonable accommodation to their disabilities when unit modifications exceed the limits of the Home Partnership Foundation funds available. Some possibilities include: referring participants to programs operated by the Department of Health and Welfare that provide a limited amount of funds for accessibility modifications; networking with disability groups, churches, Habitat for Humanity, Paint the Town Building Association, contractor groups, and Americorps; seeking funding through foundations, including the Idaho Community Foundation; and approaching trade unions and vocational school programs providing training in carpentry and other necessary services to provide free of low cost labor.
HOUSING CHOICE VOUCHER

ADMINISTRATIVE PLAN

APPENDIX C

FAMILY SELF-SUFFICIENCY PROGRAM
APPENDIX C
FAMILY SELF-SUFFICIENCY PROGRAM

Also refer to the FSS Action Plan

PURPOSE AND SCOPE
The purpose of the Family Self-Sufficiency (FSS) Program is to enable and empower families to become economically self-sufficient. Idaho Housing and Finance Association (IHFA) makes this possible by working with local resources to deliver effective services that support low-income families in achieving economic independence and offers:

- One-on-one career/education counseling sessions with IHFA staff or other resources where available
- Referrals to life and job skills workshops
- Escrow savings incentive
- Access to an internal barrier-reduction fund
- Job search assistance
- Home-ownership education referrals
- Budget and credit counseling and referrals
- Subsidized child-care referrals
- Other incentive programs and service provider referrals that may become available in each area.

ELIGIBILITY
The FSS program is voluntary and does not affect a participant’s housing subsidy. To be eligible for the FSS program, potential applicants must be current Housing Choice Voucher (HCV) Program participants, reside within IHFA’s service area and have employment goals that are based on the participants ability, skill-level and education, as well as other client-driven goals.

For more information pertaining to the FSS program, please refer to the FSS Action Plan or speak to the FSS Supervisor or an FSS Specialist/Housing Counselor.

WAITING LIST MANAGEMENT
Depending on the available space in the FSS program, applicants may be placed on a separate waiting list maintained in each region, and selected based on the date they expressed an interest in the FSS program. It is expected that eventually there will be no need for a waiting list in each region and applicants will be added to the program as they express interest.

GENERAL PROGRAM INFORMATION AND OUTREACH
Fair Housing: No person shall, on the grounds of race, religion, color, sex, handicap, age, familial status, national origin, credit status, or education be excluded from IHFA’s FSS program.
More comprehensive information regarding Fair Housing can be found in Chapter 2 of IHFA’s Administrative Plan.

**Outreach:** IHFA provides information about the FSS program to all participants at their initial briefing and they are shown a video of the FSS program. They are given a brochure, and asked to complete a survey form, and directed to an FSS Specialist in their branch office for further information. They are again provided with information at each annual recertification and throughout the year via Newsletter, email blast, postcard, or other promotional mailings.
HOUSING CHOICE VOUCHER

ADMINISTRATIVE PLAN

APPENDIX D

BED BUG POLICY
INTRODUCTION
Bed bugs are a growing problem on a national level, and as such, Idaho Housing and Finance Association (IHFA) has developed this policy for the Housing Choice Voucher (HCV) program. The purpose of this policy is to establish roles and responsibilities for landlords, participants and IHFA to minimize the potential for bed bugs and to provide guidance in cases where bed bugs are present to eliminate them as quickly as possible, and provide guidelines when a move is required.

ROLES AND RESPONSIBILITIES
It is important to define roles and responsibilities of each party (landlord, participant, and IHFA) to prevent delay and to work effectively towards the elimination of bed bugs. Given that bed bugs are a growing problem and that they are difficult to contain without proper treatment, it is imperative that all parties work together towards a common goal. If bed bugs are left untreated they can spread throughout a residence affecting current and future residents.

Landlord Roles and Responsibilities:
The Housing Assistance Payment (HAP) contract requires the landlord to maintain the contract unit and its premises in accordance with Housing Quality Standards (HQS). It is the landlord’s responsibility, as stated in the HQS (24 CFR 982.401), to ensure the dwelling unit is in sanitary condition and free of vermin and rodent infestation. If the presence of bed bugs is suspected, the landlord must notify IHFA immediately. IHFA’s Inspectors are not certified in the identification of bed bugs. When notified by a landlord or participant that bed bugs are present or suspected, IHFA will fail the unit under HQS requirements, therefore, it is strongly recommended that the landlord contact an extermination professional for an immediate inspection. If treatment is deemed necessary, the landlord should provide IHFA, within forty-eight (48) hours of the initial determination that treatment is required, a copy of the contract between the landlord and the extermination professional.

Once treatment is complete, the landlord must certify to IHFA, the date the unit was treated, the type of treatment used, whether or not the participant completed any required pre-treatment activities and cooperated with the landlord and the extermination professional, and whether or not follow-up or additional treatments were recommended by the extermination professional. This certification from the landlord must be provided to IHFA no more than seventy-two (72) hours after treatment of the unit, and must include documentation from the extermination professional. IHFA will not pass the unit under HQS until this certification form is received.

If the landlord fails to comply with the above requirements, it will be considered a violation of the HAP contract and may result in abatement of the rent, termination of the HAP contract, and/or a decision made to deny the landlord further participation in the HCV program.

Tenant Roles and Responsibilities:
Part C of the HAP Contract (Tenancy Addendum) is part of the lease between the landlord and the tenant, and specifies that grounds for termination of tenancy by the owner including living or housekeeping habits that cause damage to the unit or premises. If bed bugs are suspected, it is the participant’s responsibility to notify the landlord and IHFA immediately in order to minimize the spread of the possible infestation. It is also the responsibility of the participant to cooperate with the landlord and any extermination professional to ensure the
successful elimination of bed bugs. Cooperation means allowing inspections and treatments, and performing any housekeeping or cleaning tasks requested by the landlord or professional, and necessary for effective treatment. In the event the participant fails to report bed bugs or admits responsibility for the infestation, they may be charged by the landlord for costs to exterminate.

The participant should notify IHFA that treatment has been completed and that they have complied with any/all requirements within seventy-two (72) hours of treatment.

If the participant fails to comply with the above requirements, treatment requirements, or is otherwise negligent in causing or perpetuating an infestation, they may be held liable for the HQS fail, which will be considered a serious or repeated lease violation or non-compliance with program requirements, and may result in termination of their HCV assistance.

**IHFA Roles and Responsibilities:**

In the administration of the Housing Choice Voucher (HCV) program, it is IHFA’s responsibility to inspect the unit before initial occupancy, and at least biennially thereafter, and at other times when IHFA determines that an inspection is necessary. IHFA will ensure the landlord maintains the assisted unit within HQS guidelines and provide guidance on the resolution of any potential bed bug problems. IHFA may not make any HAP payments to the landlord on a unit that does not meet HQS, unless the owner corrects the deficiency within the specified timeframe.

IHFA believes that educating landlords and participants is an important part of the process in preventing and eliminating bed bugs. IHFA will include a Bed Bug Information Sheet for Landlords in each Landlord Packet that is distributed. Additional copies of the information sheet will be available at all Landlord Workshops. IHFA will also include a Bed Bug Information Sheet for Tenants in their Briefing Packet. Additional copies of the information sheet will be available upon request.

IHFA will provide landlords and participants with a copy of this policy and the Bed Bug Information Sheets when notified of the presence of bed bugs. In the event that relocation is necessary, IHFA will inform the participant of the precautions required in order to minimize the transfer of bed bugs to a new unit. The participant must follow these precautions and requirements.

IHFA will take action against a landlord or participant for non-compliance with the above requirements. This action may include abatement of HAP, termination of HAP to the landlord, termination of assistance to the participant, and penalties for future participation in the program.

**RELOCATION POLICY**

If the participant notifies the landlord of the presence of bed bugs and the landlord fails to take action within a reasonable period of time, the participant should notify IHFA. IHFA may issue the participant a voucher to relocate if it is deemed necessary and appropriate. Prior to relocation, IHFA will meet with the participant and review the necessary steps to ensure that bed bugs are not transferred to the new unit. These include:

1. Remove all sheets, blankets, mattress covers, pillow cases, etc, from the beds. Wash them in hot water and dry in the clothes dryer on the highest heat setting for at least thirty (30) minutes. The items should then be folded and placed in plastic garbage bags and sealed tightly. They should not be put back on the beds until the move is complete.

2. Wash all clothing, toys, towels, and other linens in hot water and dry in the clothes dryer on the highest setting for at least thirty (30) minutes. Clean items should be placed in an airtight plastic storage bin or plastic garbage bags that are sealed tightly and stored until the move is complete.
3. Vacuum (use disposable vacuum bags) all furniture, dresser drawers, night stand drawers, mattresses, and box springs. Place the disposable vacuum bag inside a plastic bag, seal tightly, and discard in an outdoor trash receptacle immediately.

4. It is suggested, but not required, to purchase special bed bug mattress and box spring encasements and place on all mattresses and box springs. These encasements can be an effective bed bug killer, but must be left on all mattresses and box springs for at least one year.

5. Discard, or have all infested furniture professionally treated by a licensed exterminator. If the participant chooses to keep the furniture and have it treated, IHFA may request proof of treatment prior to relocating.

The participant must certify to IHFA in writing that the above mentioned steps have been completed.

If the participant does not comply with their responsibilities, or does not cooperate with the landlord in treatment of bed bug issues, IHFA will not authorize relocation to a new unit and may terminate assistance to the family for non-compliance with program requirements.

If the participant is relocated and bed bugs reappear in the new unit, the participant may be responsible to the landlord for the cost of an extermination professional to treat the new unit. If it is determined that the participant did not follow the necessary steps to ensure that bed bugs were not transferred to the new unit, or falsely certified the completion of these steps, IHFA may terminate assistance to the participant for non-compliance of program requirements.
Idaho Housing and Finance Association
Bed Bug Information Sheet for Apartment Managers and Landlords

The presence of bed bugs in an assisted unit is considered a Housing Quality Standard (HQS) fail item and the landlord’s responsibility. It is not IHFA’s responsibility to identify bed bugs, contact a pest control company, treat the assisted unit, or pay/reimburse any costs for treatment to the assisted unit.

Idaho Housing and Finance Association (IHFA) promotes and encourages the use of Integrated Pest Management (IPM), which is an environmental approach using an array of methods to prevent and control pests with reduced reliance on pesticides. The following information outlines strategies for preventing, eliminating and containing the spread of bed bug infestations. There is no “magic formula” for eliminating bed bug problems. These are only suggested strategies, since every situation is different. Tips for contacting a pest control company are also included.

BE PROACTIVE

☐ Use good building practices and maintenance to prevent pest problems.
  o Caulk baseboards, loose tiles, and chair-rail moldings
  o Remove carpeting when possible
  o Fix storage and clutter issues in common areas

☐ Develop a “bed bug action plan” for your rental(s). Include strategies for:
  o Responding to reports or complaints
  o Containing and eliminating infestations
  o Disposing of infested furniture
  o Educating and advising tenants
  o Managing requests for relocation

☐ Educate tenants and staff about bed bugs before they become a problem. Provide information on:
  o The reappearance of bed bugs as a problem around the world
  o What bed bugs are and what they look like
  o How to recognize a bed bug problem
  o How to prevent bed bugs from becoming a problem (i.e., discourage use of “alley” mattresses or furniture; reduce clutter)
  o What to do when a bed bug problem is suspected

☐ If bed bugs are a recurring problem, consider having periodic inspections, buying a steam cleaner (steam heated to at least 170 °F) and training staff to operate it, or making serious repairs to building (i.e., replacing carpeting with a hard surface flooring)

RESPONDING TO A COMPLAINT

☐ Respond sympathetically and avoid blame
☐ Arrange for a professional inspection
  o Inspect all adjacent apartments (above, below, and on both sides) of the likely infested unit
  o Schedule an intervention for all apartments where bed bugs are found
☐ Educate tenants on what they can, and should, do NOW
o Give them a tenant checklist or bed bug factsheet
o Explain how to prepare for the pest control company’s inspection
o Discourage them from throwing away belongings and/or furniture, OR explain to them how to do so properly

ONCE AN INFESTATION IS CONFIRMED

☐ Educate tenants on how to prepare for treatment
☐ Educate staff on their role
☐ Prevent the spread of an infestation by doing the following:
  o Inspect all adjacent apartments above, below, and on both sides on a regular basis
  o Consider buying or encouraging tenants in adjacent units to buy bed bug resistant mattress covers
  o Encourage tenants in adjacent units to be aware and report signs or symptoms of bed bugs immediately
  o Seal and make repairs to infested and adjacent apartments
    ▪ Caulk or seal cracks and crevices near beds such as those along baseboards, around pipe chases, or around heating and AC units
    ▪ Repair holes and other damage in walls
    ▪ Repair molding, peeling wall paper, chipping paint, and any other damage that may provide hiding places for bed bugs
    ▪ Develop a system for furniture disposal
    ▪ Paint or seal hardwood floors and encourage tenants to do the same to bed frames

HIRING A PEST CONTROL COMPANY; DON’T THROW YOUR MONEY AWAY

To successfully eliminate bed bugs, it is important to hire a reputable pest control company. Do not hire a company based on price alone. Make sure the company is qualified to do the job right the first time. If you hire a pest control company, always follow their advice. Here are some tips on how to choose a pest control company for bed bugs.

☐ Make sure they are licensed and insured
☐ Ask for and check references for bed bug work. Check with the Better Business Bureau
☐ Find an established pest control company that has been in business for at least 5 years
☐ Have them provide a detailed action plan. Be sure it includes at least one follow-up visit, which should be included in the price quote they provide
☐ Many companies will perform a visual inspection at no charge in hopes that if you have bed bugs, you will choose them to do the treatment, but beware of the lowest bidder
☐ Beware of any “guarantees”
Bed bugs are a growing problem on a national level, and are difficult to eliminate or contain without proper treatment. Left untreated, bed bugs can spread throughout your unit, or to adjacent units, affecting current and future residents, so landlords and tenants must work together to effectively eliminate them.

If you can answer yes to any of the following, you may have a bed bug problem. Use this information sheet to help you figure out what to do next. Are you....

1) Waking up with bite marks, usually in a line or a circle?
2) Seeing red smears or stains on your sheets, mattress or other furniture near your bed?
3) Seeing live or dead bed bugs through a magnifying glass?

WHAT CAN YOU DO?

Right away:
- Pull the bed away from the wall
- Put clothes, bedding and other items in the dryer for at least 30 minutes on HIGH heat
- Once you remove items from the dryer, seal them in bags so bugs cannot get in again
- Vacuum on a regular basis. Remove vacuum bag or contents, place into a plastic bag, seal tightly, and dispose of right away.
- Buy a bed bug mattress and/or box spring cover
- Caulk all cracks and crevices, such as along baseboards and around windows
- Paint or seal your headboard/bed frame AND nightstand
- Eliminate clutter
- Do not store items under the bed
- Continue to vacuum at least once a day
- Launder clothing and bedding regularly

If the problem remains:
- Steam clean
- Use least-toxic bed bug products where appropriate

Don’ts
- Don’t throw away your furniture or belongings
- Panic
- Bug Bomb
- Use pesticides not approved for bed bugs
- Don’t spray mattresses or yourself unless the pesticide is labeled for such use.

Over the next few days:

IF YOU SUSPECT BED BUGS ARE IN YOUR HOME: DOS AND DON’TS

Dos
- Call your landlord and IHFA
- Talk to someone who can help you like:
  - Local or State Health Department
  - University Extension office
- Always read and follow directions when using pesticides

Don’ts
- Don’t throw away your furniture or belongings
- Panic
- Bug Bomb
- Use pesticides not approved for bed bugs
- Don’t spray mattresses or yourself unless the pesticide is labeled for such use.
HOUSING CHOICE VOUCHER
ADMINISTRATIVE PLAN
APPENDIX E
POLICY FOR SAFEGUARDING PERSONAL IDENTIFIABLE INFORMATION (PII)
APPENDIX E
SAFEGUARDING PERSONAL IDENTIFIABLE INFORMATION (PII)

Introduction

IHFA provides a Privacy Act notice to each applicant at the time of the formal application, and to program participants at each annual recertification. This notice informs the applicant/participant about the information that IHFA collects, how the information will be used, and the penalties for misuse of the information.

Definitions

Personal Identifiable Information (PII): Information which can be used to distinguish or trace and individual’s identity, such as their name, social security number, biometric records, etc., alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother’s maiden name.

Sensitive Personal Identifiable Information: PII that when lost, compromised, or disclosed without authorization could substantially harm an individual. Examples include social security or driver’s license numbers, medical records, and financial account numbers such as credit or debit card numbers.

Limiting the Collection of PII
IHFA will collect and maintain only the information that is necessary to determine eligibility and the level of assistance an applicant/participant qualifies for. Prior to obtaining verification, IHFA will ensure Form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, and IHFA’s Authorization for Release of Information are signed and in the file.

IHFA uses the Department of Housing and Urban Development (HUD) Enterprise Income Verification (EIV) system as its preferred method of verification of income. IHFA also uses EIV to verify PII such as social security numbers and dates of birth. Once social security numbers are verified in EIV, IHFA will replace copies of social security cards with the EIV Individual Control Number (ICN) page, which does not contain the entire social security number. Once the
ICN page is obtained, copies of social security cards will be removed and shredded. For digital files, once SS cards have been scanned and uploaded, IHFA staff will not be required to remove the SS cards after the ICN page is obtained (also see Chapter 7, 7-II.B, page 7-12 & 13).

**Managing Access to PII**

PII will be limited to those staff members with a need to access the data to perform their job duties in determining the applicant/participant portion of rent and/or program eligibility, program auditing, and compliance. The information will be printed and placed directly into the participant’s file. PII will not be left on a voice mail message, discussed where unauthorized personnel, contractors, or guest may be present, or left on computer screens when away from work stations.

PII will not be shared with any household member other than the member to whom it belongs. Copies of a family member’s PII may be given directly to that specific family member upon request, and will be stamped “Copy”.

PII of minors may be shared with the minor’s parents or guardian. PII in a participant’s file may be viewed by HUD/OIG and auditors. PII may be released when ordered by court subpoena, or to a specific individual (i.e. an attorney) when a signed release of information to a third-party has been received from the individual.

**Protecting Hard Copy and Electronic Files Containing PII**

IHFA will stamp the outside of all files containing PII with the word “Confidential”, and store them in locked cabinets. Tenant files will not be left out in the open where unauthorized persons may have access to them, or stored on a computer that can be accessed by unauthorized persons.

An Acknowledgement of Receipt of Keys is required for any staff member who is issued keys. By signing the Acknowledgement of Receipt of Keys, the staff member certifies his/her understanding that keys may not be copied, given to anyone else, and may not be used to give access to unauthorized persons. The acknowledgment also provides a statement that the staff member understands the penalties for unauthorized disclosure of EIV and sensitive PII.

**Protecting Electronic Transmission of PII via Fax or Email**

Before faxing PII, IHFA will confirm the fax number, availability of the recipient, and that they received the fax. IHFA will not send PII to a central fax machine that is not a secure transmission line. Before sending PII via email, IHFA will either encrypt the information, or send it as a password protected attachment, with the password sent under separate email.

**Protecting Hard Copy Transmissions of Files Containing PII**

IHFA will not use interoffice or translucent envelopes to mail PII. The outside of the envelope will be addressed to a specific person’s attention.

When sending PII through the US Postal Service to another housing authority for a participant who is moving under portability, IHFA will first place the information in an envelope, marking
the outside “Confidential-Privacy Act Information Enclosed”. This envelope will then be placed inside another envelope and addressed to a specific recipient’s attention.

**Records Management, Retention, and Disposition**

IHFA will not maintain records longer than required. When a file has been retained for the specified amount of time, IHFA will dispose of the file by shredding it. IHFA will keep a log of all shredded files containing PII.

**Incident Response**

Supervisors will ensure that all personnel are familiar with reporting procedures. IHFA requires that each employee who has access to PII information attends annual Security Awareness Training.
HOUSING CHOICE VOUCHER (HCV)
ADMINISTRATIVE PLAN
APPENDIX F
FOR FUTURE USE