

# Summary of Draft Changes to the Fiscal Year 2024 Housing Choice Voucher Administrative Plan

Below are edits, updates, and clarifications that are proposed to the Housing Choice Voucher Administrative Plan. Substantial changes are noted as they appear in each chapter. Substantial changes are defined as changes which have significantly altered the administrative policies, changes to rent or admissions policies, organization of the waiting list, and additional activities or programs not included in the previous plan. Grammatical and sentence structure alterations are not defined as substantial.

Additionally, at the time of the public comment period and publishing of the draft document, HUD has not finalized all communication regarding Housing Opportunity Through Modernization Act (HOTMA) or the National Standards of Physical Inspection of Real Estate. Therefore, once HUD finalizes these notices, another comment period will be announced.

## **Introduction**

No substantial edits.

## **Chapter 1 – Overview of Program and Plan**

- 1-I.D – The PHA’s Programs
  - o Updated the list of special programs to no longer include special types of housing.
  - o Added an explanation of project-based vouchers.
- 1-II.A – Overview and History of the Program
  - o Updated the last paragraph of the section to include historical context of the Housing Opportunity Through Modernization Act.
- 1-III.B – Contents of the Plan
  - o Added reference to Chapter 17, 18, and 19 as additions to the contents of the plan.

## **Chapter 2 – Fair Housing and Equal Opportunity**

- 2-II.C – Request for an Accommodation
  - o Updated Commerce policy to include, “Commerce may request a release of information if an individual requesting an accommodation on behalf of a program applicant/participant that is not a member of the assisted household.”

## **Chapter 3 – Eligibility**

- 3-I.B. – Updated language in definition of Family.
- 3-I.D Head of Household
  - o Updated the Commerce policy to include clarification of guardians in relation to head of household. – “The head of household must have the legal capacity to enter into a lease under

state and local law or be placed in the care of a legal guardian who possesses the legal capacity to enter into a lease under state and local law on behalf of head of household.”

- 3-I.F. – Added language defining Minor.
- 3-I.K Foster Children and Foster Adults
  - o Reworded Commerce policy to state, “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. Commerce must approve all new household members, including foster children and foster adults.”
- 3-I.L Absent Family Members
  - o Updated Commerce’s policy for clarification, to include “Generally, an individual who is or is expected to be absent from the assisted unit for more than 180 consecutive days is considered permanently absent and no longer a family member. Exceptions to this general policy are discussed below.”
- 3-II.D Family Consent to Release of Information
  - o Added as the final sentence of the first paragraph, “The consent form remains effective until the family is denied assistance, assistance is terminated, or the family provides written notification to revoke consent.”
  - o Updated Commerce policy to include the following language, “If a program applicant or participant revokes consent for Commerce to access records from financial institutions, it will result in the denial of admission or termination from the program.”
- 3-II.F – EIV System Searches
  - o Included PIH 2023-27 as a referenced policy.
- 3-III.A Overview
  - o Updated to included the following language as the second sentence of the overview, “A PHA may deny assistance for an applicant because of the family’s action or failure to act as described in 24 CFR 982.552 or 982.553.”
  - o Added the following language as the fifth paragraph, “HUD codified this stance on disparate impact and discriminatory effects in a final rule dated March 31, 2023. In doing so, HUD also standardized its long-practices three-step approach to assessing burdens of proof.”
- 3-III.B Mandatory Denial of Assistance
  - o Updated Commerce policy to define credible evidence. The following bullet points were the only addition:
    - Any member of the family fails to sign and submit consent forms for obtaining information.
- 3-III.D Other Permitted Reasons for Denial of Assistance
  - o Included as first sentence: “HUD permits, but does not require, the PHA to deny assistance for the reasons discussed in this section.”

#### **Chapter 4- Applications, Waiting List, and Tenant Selection**

- 4-II.B. – Organization of the Waiting List

- Added language stating the EHV applications are now closed.
- 4-II.E – Reporting Changes in Family Circumstances
  - Added the following verbiage to final sentence: “unless as a reasonable accommodation”. Full sentence now reads “Changes to applications made over the phone will not be accepted unless as a reasonable accommodation.”
- 4- II.F – Updating the Waiting List:
  - Added language to reflect that responses over the phone will be considered on a case-by-case basis as a reasonable accommodation.
  - Added language clarifying circumstances beyond the family’s control.
- 4-III.F – Completing the Eligibility Process
  - Added the verbiage “other verification of debts owed”.

### **Chapter 5 – Briefings and Voucher Issuance**

- 5-I.B – Briefing
  - Added language in Commerce’s policy under Attendance “If a family is more than 10 minutes late to their scheduled briefing, the Field Agency may require the family to reschedule for a future briefing.”
- 5-I.C – Family Obligations
  - Updated with the language, “A request to add a family member must be submitted in writing and approved prior to the person moving into the unit. Documentation of approval to add new family member from the landlord must also be provided (excluding members not requiring Commerce approval, found in 11-II.B.). Commerce will determine eligibility of the new member in accordance with the policies in Chapter 3.”
- 5-II.E. Voucher Term and Extensions
  - Changed the maximum time to suspend voucher from 30 to 45 days and language around extenuating circumstances. – “A voucher can be suspended for a maximum of 45 calendar days, unless extenuating circumstances delay approving the unit.’

### **Chapter 6 – Income and Subsidy Determination**

No substantial edits.

### **Chapter 7 – Verification**

7-I.A. Added language regarding consent forms and 9886-A. Commerce will be adopting the updated consent form that is only required to be signed once rather than annually. Additional language was also added regarding the revocation of consent and penalties for failing to consent.

### **Chapter 8 – Housing Quality Standards and Rent Reasonableness Determinations**

No substantial edits.

### **Chapter 9 – General Leasing Policies**

- 9-I.E Lease and Tenancy Addendum
  - o Updated Commerce policy on Term of Assistance tenancy to read “Commerce may approve an initial lease term of less than one (1) year if a shorter term would improve housing opportunities for the tenant and such shorter term is the prevailing local market practice. Commerce will review requests for shorter lease terms on a case-by-case basis and may request additional documentation for reviews;” removed language stating “documentation would be needed to support greater housing opportunities such as documentation of voucher holders requesting extensions due to having difficulty leasing units ins area and documentation that shorter lease terms are the prevailing local market practice per classified ads, internet listings, etc.”
- 9-I.F – Tenancy Approach
  - o Changed to reflect that RTA’s need to be initialed and dated, instead of only being signed.
- 9-I.G – HAP Contract Execution
  - o Inserted “once executed”; Commerce will send a copy of the executed HAP contract and all attachments to the owner.
  - o Removed “As required under VAWA 2013, once the HAP contract and lease have been executed and the family has been admitted to the program, Commerce will notify families of their rights under VAWA by providing all families with a copy of the domestic violence certification form (HUD-5382) as well as the VAWA notice of occupancy rights (form HUD-5380).” As families are provided this information at briefing which meets the requirements of PIH 2017-08.
- 9-I.H – Changes in Lease or Rent
  - o Added the following to the Commerce policy “In instances where a shorter lease term has been approved by Commerce, a rent increase will not be approved until 1) after the first six months of the HAP contract or 2) the end of the initial lease term as approved by Commerce, whichever is longer.”

## **Chapter 10 – Moving with Continued Assistance and Portability**

- 10-I.A Allowable Moves
  - o Added statement that Commerce will accept the mutual termination from the lease from the family *and/or owner*.
- 10-I.C Voucher Issuance and Briefing:
  - o Added language to the Commerce policy to include “Commerce may request updated annual paperwork prior to issuing a move voucher.
- 10-II.B Initial PHA Role
  - o Updated language in Commerce’s policy, under briefing, to clarify the role Commerce may play, and the requirement for the family to select a new PHA.
- 10-II.B – Initial PHA Role
  - o Added to Commerce’s policy for voucher extensions and expiration to include a case-by-case basis as determined by commerce, and require the family *must* apply for an extension in writing prior to the expiration of the initial voucher term.
- 10-II.B – Initial PHA Role
  - o Items an initial PHA will send to the receiving PHA were updated. Two changes included:

- Changed “birth certificate” to “date of birth verification”.
- Included disability verification.

## **Chapter 11 – Reexaminations**

No substantial edits.

## **Chapter 12 – Termination of Assistance and Tenancy**

- 12-I.C Family Chooses to Terminate Assistance
  - Removed language “Before termination the family’s assistance, Commerce will follow the notice requirements in Section 12 II.F”
- 12-I.D Mandatory Termination of Assistance
  - Changed verbiage in Commerce’s policy from “notice” to “judgement”.
- 12-I.E Mandatory Policies and Other Authorized Terminations
  - Changed timeframe from six months to three months of the amount of time defined as engaged in illegal drug use.
- 12-I.E Mandatory Policies and Other Authorized Terminations
  - Added in Family Absence from the Unit, Commerce’s policy, the verbiage “Commerce, in its sole discretion, may request confirmation from the landlord of their approval for the family’s extended absence from the assisted unit.”

## **Chapter 13 – Owners**

No substantial edits.

## **Chapter 14 – Program Integrity**

- 15-VII.F. Homeownership Counseling
  - Families will not be required to participate in ongoing counseling after commencement of homeownership assistance.
- 15-VII.G Home Inspections, Contract of Sale, and PHA Disapproval of Seller
  - Specified timeline as to when PHA would review professional reports by (14 calendar days).
- 15-VII.I. Continued Assistance Requirements; Family Obligations
  - • Any inspection the PHA conducts after the initial inspection will be done on an advisory basis. The family will be encouraged to make the repairs, but will not be required to do so as a condition of ongoing assistance.
- 15-VII.N. Denial or Termination of Assistance
  - In order for Commerce to consider granting relief from the requirement to automatically terminate homeownership assistance 180 days following Commerce’s last housing assistance payment on behalf of the family, the family must submit a written request to Commerce at least 30 days prior to the date of automatic termination. The request must include an explanation of the circumstances that will cause an extreme hardship for the family (e.g., the imminent loss of income or employment) as well as documentation supporting the request. Commerce will determine on a case-by-case basis whether to

grant relief from the requirement and for what period of time. In no case will Commerce postpone termination beyond an additional 90 days.

**Chapter 15 – Special Housing Types**

- 16-V.II.C – Data Collection and Record Keeping
  - o Updated Commerce’s policy on communication with public health departments of children with elevated blood lead levels.

**Chapter 17 – Project Based Vouchers**

**Chapter 18 – Project Based Vouchers (PBV) under the Rental Assistance Demonstration (RAD) Program**

**Chapter 19 – Family Self Sufficiency Action Plan**

**Chapter 20 – Emergency Housing Vouchers**

**Chapter 21- Family Self Sufficiency Program and Action Plan**

**Chapter 22 – Glossary**

No substantial edits, Chapters 17-22.