

2016 SUMMARY OF ADMINISTRATIVE PLAN PROPOSED CHANGES

1) **Section 2-II.C Definition of Reasonable Accommodation** has been updated as follows:

“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.”

2) **Section 3-II.C Social Security Numbers** has been revised as follows:

- 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 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 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.

3) **Section 3-III.B Mandatory Denial of Assistance** – DHA policy regarding individuals evicted from federally assisted housing due to drug-related criminal activity has been changed from a 5-year “look back” period to a 3-year “look-back” period:

DHA Policy

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

- 4) **Section 3-III.C Other Permitted Reasons for Denial of Assistance – Criminal Activity.** DHA policy regarding denial of assistance for criminal activity has been updated to include the change from a 5 year “look back” period to a 3 year “look back” period for criminal activity, as follows:

DHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, and the criminal activity has a “disposition date” (as defined above) within the past **three (3) years**, the family will be denied assistance.

- Records of arrests for drug-related or violent criminal activity within the past 3 years, although a record of arrest(s) will not be used as the basis for the denial or proof that the applicant engaged in disqualifying criminal activity.
- Any record of eviction from public or privately-owned housing as a result of criminal activity within the past **3 years**.

- 5) **Section 3-III.C Other Permitted Reasons for Denial of Assistance – Previous Behavior in Assisted Housing.** DHA policy regarding denial of assistance for previous behavior in assisted housing has been updated as follows:

DHA Policy

DHA will deny assistance to an applicant family if:

- Any family member has been evicted from federally-assisted housing in the last **three years**.
- Any PHA has ever terminated assistance under the program for any member of the family. **(At DHA’s discretion, the circumstances and time frame surrounding a previous termination of assistance will be reviewed on a case-by-case basis, in order to determine eligibility.)**
- 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 voucher issuance. (Please see section below for Applicants Who Owe a Debt to a PHA).**

- If the family has not reimbursed DHA for amounts DHA 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 voucher issuance.**
- The family has breached the terms of a repayment agreement entered into with DHA, unless the family repays the full amount of the debt covered in the repayment agreement **prior to voucher issuance.**

The following clause has also been added to this section of the Administrative Plan:

APPLICANTS WHO OWE A DEBT TO A PHA

Applicants may reach the top of the waiting list and be invited to a briefing with a balance due to another PHA. These families will be asked to pay the balance in full prior to being issued a voucher. Upon completing the pre-screening for the applicant family, DHA will notify the family of the debt owed to DHA or other PHAs. The applicant will have ten (10) business days, from the date notification is mailed, to make full payment of the debt owed and provide proof to DHA. If the balance is not paid in full, the application is withdrawn from the waiting list and the applicant must reapply when the waiting list is re-opened.

- 6) **Section 3-III.D Screening – Screening for Drug Abuse and other Criminal Activity.**
DHA policy regarding screening for drug abuse and other criminal activity has been updated as follows:

DHA Policy

For purposes of this policy, applicants with a recent history of criminal activity or substance abuse is defined as one or more occurrences within the **last three years**. Violent criminal activity is defined as any illegal criminal activity in which one of its elements is the use, attempted use, or threatened use of physical force against the person or property of another, including sex offenses. **(Please see section below entitled “Exceptions to Screening Procedures”).**

The Authority shall screen out and deny assistance to any applicant whom:

- Has been evicted from any federally-assisted housing program within **three years** of the date the application is processed to determine final eligibility because of drug-related or violent criminal activity; **(Please see section below entitled “Exceptions to Screening Procedures”).**
- **Exceptions to Screening Procedures:**

DHA will continue to screen applicants that apply for Housing Choice Voucher Program assistance on a case-by-case basis. At DHA’s discretion, applicants who

are determined to have criminal activity listed on their background checks within the 3 year eligibility threshold may still be determined eligible for housing assistance, should they be able to provide verification of successful engagement and/or completion of a treatment program, community re-entry program, parole or probation.

DHA has also changed its policy on criminal background screening for participating families as follows:

DHA Policy

- DHA will conduct criminal background checks at annual re-examination **only** for family members who turned 18 years of age prior to date the annual re-examination interview is conducted.
- For participants who wish to add a family member to the household composition after admission, DHA will conduct a criminal background check for all proposed members 18 years of age and older.
- DHA will also conduct criminal background checks for all live-in aides, prior to approving admission to the assisted household.
- At DHA's discretion, criminal background checks may be conducted for all household members 18 years or older, for whom the Authority has reasonable cause to believe said family member is engaging in criminal activity (e.g. reports of criminal activity, police reports of criminal activity, reports submitted by DHA's Fraud Investigator, etc.).

7) **Section 3-III.E Criteria for Deciding to Deny Assistance – Consideration of Circumstances.** The following language has been added to DHA policy in this section:

DHA Policy

While a record of arrest(s) will not be used as the 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, DHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. DHA 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

8) **Section 4-III.C Selection Method – Referrals.** The following clause has been added to the section of this chapter regarding the HCVP referral process:

“Referrals for the Housing Choice Voucher Program that do not result in successful lease-up of the applicant will be reallocated to the referring agency. Unsuccessful referrals will not count against the initial allotment of referrals awarded to each agency listed above.”

9) **Section 5-I.B Briefing – Oral Briefing.** The following additional requirements for DHA have been added to the oral briefing session for voucher holders:

- Each briefing must provide information on the following subjects:
- An explanation of how portability works. DHA 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;
- DHA must inform the family of how portability may affect the family’s assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family’s assistance;
- The advantages of areas that do not have a high concentration of low-income families;

10) **Section 5-I.B Briefing – Briefing Packet.** The following additional requirements for DHA have been added to the briefing packet for voucher holders:

Documents and information provided in the briefing packet must include the following:

- The term of the voucher, **voucher suspensions** and DHA’s policies on any extensions of the term. If DHA allows extensions, the packet must explain how the family can request an extension.
- 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 which may affect the family’s assistance;**

- Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides.
- A list of landlords known to DHA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to DHA that may assist the family in locating a unit. DHA must ensure that the list of landlords or other resources covers parties willing to lease to assisted families or help families find units, especially outside areas of areas outside of poverty or minority concentration.
- The HUD pamphlet on lead-based paint entitled Protect Your Family from Lead in Your Home
- “Is Fraud Worth It?” (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse.
- “What You Should Know about EIV,” a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2010-19

11) **Section 5-II.E. Voucher Term and Extensions – Suspensions of Voucher Term.** The following clause has been added to this section, along with the new DHA policy below:

DHA must provide for suspension of the initial or any extended term of the voucher from the date the family submits a request for DHA approval of the tenancy until the date DHA notifies the family in writing whether the request has been approved or denied.

DHA Policy

When a Request for Tenancy Approval (RFTA) and proposed lease is received by DHA, the term of the voucher will be suspended while DHA processes the request. **After DHA makes a determination on the affordability and rent reasonableness of the proposed unit, and notifies the owner and family, the voucher term will resume. Applicants who submit a Request for Tenancy Approval that is subsequently denied, will regain the searching time lost between submission of the RFTA and DHA’s determination of unit denial/approval.**

12) **Section 6-I.E. Earned Income Disallowance for Persons with Disabilities– Calculation of the Disallowance.** This section has been revised with the new calculation method of EID for family members who become eligible after May 9, 2016.

- 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.

- While qualification for the disallowance is the same for all families, calculation of the disallowance will differ depending on when the family member qualified for the EID. Participants qualifying prior to May 9, 2016, will have the disallowance calculated under the “Original Calculation Method” described below which requires a maximum lifetime disallowance period of up to 48 consecutive months. Participants qualifying on or after May 9, 2016, will be subject to the “Revised Calculation Method” Which shortens the lifetime disallowance period to 24 consecutive months.
- Under both the original and new methods, the EID eligibility criteria, the benefit amount, the single lifetime eligibility requirement and the ability of the applicable family member to stop and restart employment during the eligibility period are the same.

- 13) **Section 6-I.E. Earned Income Disallowance for Persons with Disabilities– Revised Calculation Method.** The following sub-section has been added to this section of the administrative plan:

Revised 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.

DHA 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.

DHA Policy

During the second 12-month exclusion period, DHA 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.

- 14) **Section 6-I.L. Student Financial Assistance – Student Financial Assistance Included in Annual Income.** This section has been updated for clarity with the following definition of tuition and fees:

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.

- 15) **Section 6-III.A Overview of Rent and Subsidy Calculations – Utility Reimbursement.** The following two policies have been added to this section:

DHA Policy

DHA 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. DHA must also adopt hardship policies for families for whom receiving quarterly reimbursement would create a financial hardship.

DHA Policy

DHA will issue all utility reimbursements monthly.

- 16) **Section 6-III.C Applying Payment Standards – Reasonable Accommodation.** The following language has been added regarding applying payment standards for families with a reasonable accommodation:

“If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities, DHA is allowed to establish a higher payment standard for the family of **not more than 120 percent of the published FMR.**”

- 17) **Exhibit 6-2 Annual Income Exclusions** has been updated to include the exclusion of any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or prospective monthly amounts.
- 18) **Section 7-I.B Overview of Verification Requirements – HUD’s Verification Hierarchy.** This section has been updated for clarity to include HUD’s Verification Hierarchy below:

In order of priority, the forms of verification that DHA 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
- 19) **Section 7-I.B Overview of Verification Requirements – Requirements for Acceptable Documents.** The following sub-section and DHA policy has been added to this section:

Requirements for Acceptable Documents

DHA Policy

- Any documents used for verification must be the original (not photocopies) and generally must be dated within 60 days of the date they are provided to DHA. The documents must not be damaged, altered or in any way illegible.
- Print-outs from Web pages are considered original documents.
- DHA staff member who views the original document must make a photocopy, annotate the copy with the name of the person who provided the document and the date the original was viewed, and sign the copy.
- Any family self-certifications must be made in a format acceptable to DHA and must be signed in the presence of a DHA representative or DHA notary public.

- 20) **Section 7-I.D Third Party Written and Oral Verification – Value of Assets and Asset Income.** The following sub-section and DHA policy has been added to this section:

Value of Assets and Asset Income [24 CFR 982.516(a)]

For families with net assets totaling \$5,000 or less, DHA may accept the family's declaration of asset value and anticipated asset income. However, DHA is required to obtain third-party verification of all assets regardless of the amount during the intake process and at least every three years thereafter.

DHA Policy

- For families with net assets totaling \$5,000 or less, DHA 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.
- DHA 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 years thereafter.

- 21) **Section 7-I.F Third Party Written and Oral Verification – Self Certification.** The following language was added for clarity to explain when self-certification is acceptable:

Self-certification is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$5,000 or less and DHA has adopted a policy to accept self-certification at annual recertification, when applicable
- DHA has adopted a policy to implement streamlined annual re-certifications for fixed sources of income (See Chapter 11)

When DHA 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.

- 22) **Section 7-II.B Social Security Numbers.** This entire section has been revised for clarity.

- 23) **Section 8-II.A Inspections Costs.** The following clause and policy has been added to this chapter:

- DHA 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, DHA may charge a reasonable fee to owners for reinspections in two situations: when the owner notifies DHA 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 DHA’s administrative fee reserves and may only be used for activities related to the provision of tenant-based assistance.

DHA Policy

DHA will not charge a fee for failed reinspections.

- 24) **Section 8-II.D Special Inspections.** The following clause has been added to this chapter:

“If a participant or government official reports a life-threatening condition which the owner would be required to repair within 24 hours, DHA must inspect the unit within 24 hours of notification. If the reported condition is not life-threatening, DHA must inspect the unit within 15 days of notification.”

- 25) **Section 8-III.B When Rent Reasonableness Certifications are Required – Owner-initiated Rent Increases.** DHA has added the following policy regarding rent increases for private landlords who do not own multi-family units:

DHA Policy

- All other requests for rent increases in excess of the approved 3.5% will only be considered as a reasonable accommodation to the participant family residing in the assisted unit, **OR** if the owner is able to provide written verification indicating the assisted unit(s) have not been rented at market price for the past two years.
- DHA will only process a rent increase at the annual re-examination, **unless processing of a timely request was delayed due to DHA’s operations.**

The rent increase submission schedule has also been added to this section of the plan.

- 26) **Section 10-I.B Restrictions on Moves – Restrictions on Elective Moves.** DHA policy within this section has been updated as follows:

DHA Policy

DHA will deny a family permission to make an elective move during the family's initial lease term, **except in cases where the family declares and can verify that the recent move to the assisted unit has resulted in a danger for the family, and both the landlord and the tenant mutually agree to terminate the lease agreement; or owner-related deficiencies occurred shortly after move in (to which the owner has refused to repair). DHA will review such claims on a case-by-case basis.**

- 27) **Chapter 10: Part II Portability – Section 10-II.A – Overview.** The following language has been added for clarity:

“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)].”

- 28) **Section 10-II.B Initial PHA Role – Allowable Moves Under Portability.** The following language has been added for clarity:

“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)).**”

- 29) **Section 10-II.B Initial PHA Role – Applicant Families.** The following language and update to DHA policy have been added to this section:

If a PHA intends to deny a family permission to move under portability due to insufficient funding, the PHA must notify HUD within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

DHA Policy

If DHA does deny the move due to insufficient funding, DHA will notify HUD in writing within 10 business days of the PHA's determination to deny the move.

- 30) **Section 10-II.B Initial PHA Role – Briefing.** The following DHA policy has been added to this section:

DHA Policy

- DHA 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, DHA will advise the family that the family must select the receiving PHA and notify DHA of which receiving PHA was selected. DHA will further inform the family that if the family prefers not to select the receiving PHA, DHA will select the receiving PHA on behalf of the family.
- DHA will advise the family that they will be under the Receiving Housing Authority's policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

- 31) **Section 10-II.B Initial PHA Role – Initial Notification to the Receiving PHA.** The following language has been added to this section related to the role of the Initial 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)].**

- 32) **Section 10-II.B Initial PHA Role – Initial Billing Deadline.** Administrative plan language and DHA policy has been updated as follows:

The deadline for submission of initial billing is 90 days following the expiration date of the voucher issued to the family by the initial PHA.

DHA Policy

If DHA has not received an initial billing notice from the receiving PHA **within 90 days of expiration of the Initial Housing Authority's voucher**, it will contact the receiving PHA by phone, fax, or e-mail on the next business day.

- 33) **Section 10-II.B Initial PHA Role – Monthly Billing Payments.** Language has been updated for clarity as follows:

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)].**

- 34) **Section 10-II.B Initial PHA Role – Denial or Termination of Assistance.** Language has been updated for clarity as follows:

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.

- 35) **Section 10-II.C Receiving PHA Role – Denial or Termination of Assistance.** Language in this section has been updated as follows:

- 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)].**

- 36) **Section 10-II.C Receiving PHA Role – Responding to Initial PHA’s Request.** Language regarding a change of acceptance decision by the receiving PHA has been updated as follows:

The receiving PHA must respond via e-mail, fax 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)).**

- 37) **Section 10-II.C Receiving PHA Role – Initial Contact with Family.** Language within this section has been updated as follows:

- When a family moves into DHA’s jurisdiction under portability, the family is responsible for promptly contacting DHA and complying with DHA’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)].**

38) **Section 10-II.C Receiving PHA Role – Income Eligibility and Re-examination.** This entire sub-section has been revised with the following language:

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)].

40) **Section 10-II.C Receiving PHA Role – Voucher Term.** This section was updated as follows:

The term of the receiving PHA’s voucher may not expire before **30 calendar days from the expiration of the initial PHA’s voucher [24 CFR 982.355(c)(13)].**

41) **Section 10-II.C Receiving PHA Role – Voucher Extensions.** The following new language was added to this section:

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.

42) **Section 10-II.C Receiving PHA Role – Voucher Suspensions.** This is a new sub-section added to chapter 10 of the administrative plan:

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).

43) **Section 10-II.C Receiving PHA Role – Portability Billing.** This is a new sub-section and DHA policy added to chapter 10.

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.

DHA Policy

Unless the PHA negotiates a different amount of reimbursement with the initial PHA, the PHA will bill the initial PHA the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.

44) **Section 11-I.B – Streamlined Annual Re-examinations.** This entire sub-section is newly added to chapter 11 of the administrative plan, along with a new DHA policy referring to the practice DHA will implement regarding annual re-examinations.

- HUD permits PHAs to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years DHA may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest. DHA may, however, obtain third-party verification of all income, regardless of the source. Further, upon request of the family, DHA 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.

DHA Policy

- DHA will streamline the annual reexamination process by applying the verified COLA or interest rate to fixed-income sources. DHA will document in the file how the determination that a source of income was fixed was made.
- If a family member with a fixed source of income is added, DHA will use third-party verification of all income amounts for that family member.

- If verification of the COLA or rate of interest is not available, DHA will obtain third-party verification of income amounts.
- Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.

45) **Section 11-II.B – Changes in Family and Household Composition – New Family and Household Members Requiring Approval.** The following language has been revised for clarity:

When any new family member is added, **DHA 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)].**

46) **Section 11-II.C – Changes Affecting Income or Expenses – DHA-Initiated Interim Re-examinations.** DHA policy within this section has been updated in accordance with the new regulations regarding Earned Income Disregard (EID) for eligible families.

DHA Policy

For families receiving the Earned Income Disallowance (EID), DHA will conduct an interim reexamination at the start and conclusion of the **24-month eligibility period.**

47) **Section 11-II.C – Changes Affecting Income or Expenses – Required Reporting.** DHA policy within this section has been updated for clarity.

DHA Policy

DHA will conduct interim reexaminations for families who report an increase in income of \$5200 or more. DHA shall immediately verify the income and compute the change to become effective the **first of the month following the 30-day notice to the family.**

48) **Section 11-II.D – Processing the Interim Re-examination – Method of Reporting.** DHA policy within this section has been clarified as follows:

DHA Policy

The family may notify DHA of changes in **writing only.**

49) **Section 12-I.E – Mandatory Policies and Other Authorized Terminations – Use of Illegal Drugs and Alcohol Abuse.** DHA policy has been updated to include the following language related to criminal activity:

DHA Policy

“A record of arrest(s) will not be used as the basis for the termination or proof that the participant engaged in disqualifying criminal activity.”

- 50) **Section 12-II.D – Criteria for Deciding to Terminate Assistance – Consideration of Circumstances.** DHA policy has been totally revised within this section.

DHA Policy

- DHA will consider the following factors **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
 - 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 of arrest(s) will not be used as the 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, the PHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. The PHA 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**

51) **Section 12-III-B – Grounds for Owner Termination of Tenancy – Evidence of Criminal Activity.** Language within this section has been revised for clarity as follows:

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.**

52) **Chapter 16- Program Administration – Part I Administrative Fee Reserve.**

All references to Unrestricted Net Assets (UNA) have been changed to Unrestricted Net Position (UNP) within this section.

53) **Section 16-II-B – Payment Standards – Unit-by-Unit Exceptions.** The following language has been revised in accordance with HUD regulations:

When needed as a reasonable accommodation, DHA 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)]. DHA 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.

54) **Section 16-IX-B – (VAWA) Definitions.** The following terms have been updated as follows:

- **Domestic Violence** - 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 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.
- **Stalking** - 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.

55) **Section 16-IX-D – Documentation.** The following forms of acceptable documentation have been added:

- A federal, state, tribal, territorial, or local police report or court record, or an **administrative record**
- 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.

56) **Exhibit 16-I: Sample Notice to Housing Choice Voucher Applicants and Participants Regarding the Violence Against Women Act.**

This exhibit has been updated as follows regarding proof of being a victim of domestic violence:

- At its discretion, the housing authority can accept a statement or other evidence provided by the applicant or participant.

57) **Section 17-II-B – Owner Proposal Selection Procedures – DHA-owned Units.** This section has been revised to include the following:

In the case of DHA-owned units, **the term of the HAP contract and any HAP contract renewal must be agreed upon by DHA and a HUD-approved independent entity. In addition, an independent entity must determine the rent to owner, the redetermined rent to owner, and reasonable rent. Housing quality standards inspections must also be conducted by an independent entity.**

58) The following terms have been revised within the glossary of the administrative plan, in accordance with HUD regulations:

- **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".
- **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.