

## **CHAPTER 18**

### **PART I: FAMILY SELF SUFFICIENCY PROGRAM (FSS)**

#### **18-I-A. PROGRAM OBJECTIVES [24CFR 984.102]**

The objective of the FSS program is to reduce the dependency of low-income families on public or welfare assistance and Housing Choice Voucher Participant (formally referred to as Section 8), low-income public housing, or any Federal, State, or local rent or homeownership subsidies. Under the FSS program, low-income families are provided opportunities for education, job training, counseling, and other forms of social service assistance, while living in assisted housing, so that they may obtain the education, employment, and social skills necessary to achieve self-sufficiency, as defined in § 984.103 of this subpart A. HUD measures the success of a PHA's FSS program not only by the number of families who achieve self-sufficiency, but also by "the number of FSS families who, as a result of participation in the program, have family members who obtain their first job, or who obtain higher paying jobs; no longer need benefits received under one or more welfare programs; obtain a high school diploma or higher education degree; or accomplish similar goals that will assist the family in obtaining economic independence."

The Office of Housing and Community Development (OHCD) implemented its Family Self Sufficiency (FSS) Program for Housing Choice Voucher Participants for both the County and Manassas City in 1992 with the first families enrolled in 1993. June 2001 the City of Manassas/Manassas Park FSS Plan became independent of Prince William County. Each jurisdiction continues separate Action Plans. OHCD works with social service agencies, schools, businesses, and other local partners to help FSS Participants access services including but not limited to:

- childcare
- transportation
- education and training
- employment
- home-ownership counseling

#### **18-I.B. ELIGIBILITY AND RECRUITMENT**

The FSS Program is open for all HCV participants. OHCD periodically surveys all HCV participants to determine their interest in the program. The FSS Coordinator for FSS discusses the FSS Program opportunity when applicants and participants attending their initial and transfer voucher briefings. The HCV Housing Program Analyst discusses the FSS opportunity with participants during their annual Recertification appointments. Applicants and participants who are interested in the program are invited to schedule an appointment to meet with the FSS Coordinator to make application for the FSS Program.

## **CHAPTER 18**

### **18-I.C. NEEDS ASSESSMENT, INDIVIDUAL TRAINING, SERVICES PLAN AND FSS CONTRACT**

The PHA employs a FSS Coordinator for FSS, whose primary responsibility is to work with FSS Families. The FSS Coordinator completes a needs assessment of every participating FSS individual, to determine the services needed for the individual to achieve the goal of self-sufficiency. The FSS Coordinator uses the needs assessment to develop an Individual Training and Services Plan (hereafter called a Service Plan) for the family. The Service Plan identifies the family's "ultimate goal", along with interim goals to meet the "ultimate" goal; outlines the activities the family needs to undertake to meet the interim goals; identifies the services the family may require assistance in completing the activities, and estimates time frames for completing activities, interim goals, and achievement of the family's "ultimate" goal. Upon completion of Service Plan, the FSS Coordinator will prepare the family's FSS Contract of Participation. The FSS Contract includes the effective date, term, responsibilities of the Family and of the PHA and provisions for establishing an escrow account. After the FSS Coordinator meets with the family and explains the Service Plan and FSS Contract, the family commits by signing the plan and the contract. The term of the FSS Contract is for five years and may be extended for up to two years.

### **18-I.D. MONITORING AND CASE MANAGEMENT**

The FSS Coordinator monitors the Service Plan during the term of the FSS Contract and provides case management and program services to the family. The FSS Coordinator links the FSS Participant Family with services and provides support to help the Family achieve its goals. Individual appointments are scheduled as necessary and the FSS Coordinator is also available by telephone for crisis intervention to help the Family achieve the goals set forth in the FSS Contract. FSS Participants are required to keep at least 2 appointments per year, although many Participants will meet with their FSS Coordinator on a much more frequent basis. Workshops are held for FSS Participants throughout the year and include topics such as budgeting, credit repair, employment search, educational opportunities, owner and neighbor relations, and homeownership.

### **18-I.E. ESCROW ACCOUNT**

The FSS Program requires the PHA to establish and maintain an interest bearing FSS escrow account for each participating family. An escrow credit, based on increases in earned income of the family, is credited to this account by the PHA during the term of the FSS contract. Escrow deposits are made by the PHA on the assumption of rent paid by the tenant. If a participating family does not pay their rent to their landlord, the escrow funds may be forfeited because failure to comply with the lease is a family obligation under the FSS program. Nonpayment of rent is grounds for terminating a family's FSS participation and subsidy and forfeiture of the escrow. The FSS Coordinator will provide each FSS Participant Family with an annual accounting of the status of their escrow funds at the end of each fiscal year.

Prince William County Finance will not allow OHCD to establish and maintain separate interest-bearing accounts for FSS participants. Therefore, OHCD will use the HUD established minimum interest to credit each participant escrow account.

The PHA may make a portion of this escrow account available to the family during the term of the contract to enable the family to complete an interim goal, such as education. These amounts must be

## CHAPTER 18

approved in advance by Supervisor and Director. If the PHA terminates the FSS contract, or if the family fails to complete the contract before its expiration, the family's FSS escrow funds are forfeited. If an FSS participant is terminated from the HCV Program at any point during the term of the FSS contract, or if the participant family is still receiving 'cash assistance' (welfare benefits) at the end of the term of the Contract of Participation, the family's accumulated escrow account will be returned to OHCD. (Welfare benefits, for purposes of the FSS program only, means income assistance from Federal or State welfare programs. Welfare assistance does NOT include Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), child support, Food Stamps and emergency rental and utilities assistance, or other payments from Social Security (24 CFR Ch. IX §984.105).)

There will be no escrow credits during anytime an HCV family is in the process of moving to a new unit and is not under lease.

All forfeited escrows will no longer go to the PHA/HAP fund but will now be deposited into a separate depository account which may be part of the PHA's overall accounts or a separate account to be used for the benefit of FSS families. These forfeited funds may be used for the following eligible activities:

- (i) To support FSS participants who are in good standing, including but not limited to transportation, childcare, training, testing fees, employment preparation costs, and other costs related to achieving obligations as may be outlined in the Contract of Participation; or
- (ii) Training for FSS Coordinators, or
- (iii) Other eligible activities as determined by HUD
- (iv) These funds may not be used for salary and fringe benefits of any FSS Program Coordinators; general administrative costs of the FSS program, for housing assistance payments (HAP) expenses or any other activity determined ineligible by HUD

### ***Interim Disbursements***

The early use of funds may be requested to assist the family in complying with the FSS Contract and becoming Self Sufficient (e.g., pay school cost). Escrow funds may not be used prior to the completion of the contract to pay money owner to OHCD or the landlord. However, upon completion of the Contract, OHCD may withhold from the final escrow disbursement any amounts owed to OHCD.

Non-allowable use of escrow funds are:

- Past due rent to current landlord;
- Current or past due utilities accrued while a participant in the HCV program; or
- Security deposit

### ***Number of Interim Disbursements***

Eligible categories for interim disbursements are discussed in detail in the following section. Only ONE interim disbursement from any eligible category will be approved during the family's participation in the Family Self Sufficiency program for a maximum of one interim disbursement per calendar year.

## CHAPTER 18

### ***Processing Timeframe and Procedures***

Processing timeframes for all escrow disbursements will be 30 days or less. The processing timeframe starts once the request is provided to the FSS Coordinator. Interim disbursement request is evaluated by the FSS Coordinator for validity and applicability to the completion of a specific goal in the Contract of Participation. At the time of the submitted request, documentation must be submitted by the family to substantiate the request. The FSS Coordinator must review the client's progress under the Contract of Participation to determine if the family meets the requirements to be able to submit a request. Once an escrow request is approved by the FSS Coordinator it also must also be approved by the Supervisor and Director.

### ***Threshold Requirements to be Met Before a Request Can be Submitted***

- At the time of the family's request, the family must have escrowed a full 12-months. This 12-month period can be consecutive or cumulative.
- At the time of the family's request, the family must have strictly adhered to the program's requirements for the past 12-months unless exceptions have been made due to truly extenuating circumstances. If a family exercises portability into Prince William County jurisdiction and request a disbursement in less than 12-months of participation in Prince William County program, then the family must have adhered to program requirements for a total of 12-months in the originating jurisdiction or combined with the time contiguous to time in Prince William County before receiving an interim disbursement of funds.
- All requests must have the signature of all adult members of the household since every adult member's earned income is considered for eligibility and rent and therefore escrow determination.
- All requests must be linked to a specific goal or activity on the Contract of Participation and justification must be presented to show how the disbursement will help complete the goal or activity.
- At the time of the family's request, all activities must have been completed in the Contract of Participation, and all interim goals met on schedule according to the Contract. Those completed activities and completed interim goals must be identified as part of the escrow request. If there is any activity or interim goal that has not been completed within the scheduled timeframe on the Contract of Participation, the Contract must be amended before the request is submitted to OHCD.
- The amount requested cannot exceed 25% of the account balance at the time of the request.

### ***Eligible Categories for Interim Disbursements***

**Medical** – Interim disbursements can be used for current medical expenses (anticipated or actual). However, medical expenses that are requested to be paid with escrow funds cannot be medical expenses that have been deducted as an allowance from income for the purpose of rent calculation. To be considered a medical request, it cannot have become a collection issue.

***Valid and Required Documentation:*** Statement from family requesting disbursement, amount and which goal will be accomplished with the request; a statement attesting that no existing insurance can

## CHAPTER 18

cover the expense and that the family is not receiving a deduction for same medical expensed from housing and state/bill from medical provider.

**Credit** – Disbursement can be used to clear up derogatory credit issues which affect the family's credit score, and therefore the ability to achieve homeownership or obtain transportation at reasonable interest rates. At the time of the request, family must be active and compliant in debt reduction plan.

*Valid and Required Documentation:* Statement from family requesting disbursement, amount which goal will be accomplished with the request; and proof of enrollment and status in debt reduction plan.

**Education** – Interim disbursements can be used to pay for educational expenses for goals that are outlined in the Contract of Participation. Education expenses that are requested to be paid from escrow funds cannot be expenses that are eligible for tax deduction or have been covered by any financial assistance received or anticipated. This includes employer reimbursement expenses.

*Valid and Required Documentation:* Statement from family requesting disbursement, amount, which goal will be accomplished with the request and certification that the educational expenses for which the escrow funds have been requested will not be paid by another party; and verifiable proof of enrollment or completion.

**Transportation** – Disbursement can be used for car purchase, down payment or repairs to cars or other transportation expenses, such as Omnilink or VRE faire, only if it is not being reimbursed by the employer or another social services entity.

*Valid and Required Documentation:* Statement from family requesting disbursement outlining need and which goal(s) will be accomplished with the request. Proof of anticipated purchase or estimate from mechanic on legitimate stationary/form; proof of ownership for the car for which repair request are submitted; and statement attesting that stated repairs will only be paid by escrow funds instead of insurance claim, etc., and if other sources pay for those same repairs in the immediate future, that escrow funds will be repaid within 30 days.

**Homeownership** – Disbursement can be used for earnest money, closing costs or other expenses used in preparation for homeownership.

*Valid and Required Documentation:* A valid sales contract, and prequalification letter from a lender or supporting documentation from an OHCD First-Time Homebuyer representative. If the funds are granted, but the purchase does not go through to settlement and the family decided to continue to rent; then all funds granted toward purchase must be repaid to OHCD within 30 days.

**Entrepreneurship** – Interim disbursements can be used for the start-up or expansion of a business.

*Valid and Required Documentation:* Family must present a statement requesting the funds and which goal(s) the funds will help complete, a business plan reviewed by a counselor (Small Business Administration [SBA] or Service Corps of Retired Executives [SCORE]). In addition, the family must provide proof that they have attended a relevant business class or seminar within the past 6-months.

### ***Actions Following Disbursement***

Upon disbursement, each receipt must follow up with the FSS Coordinator and provide proof that the funds were used for the approved circumstance(s) within 10-business days.

## CHAPTER 18

### *Compliance Issues*

If any family does not provide receipt within 10-business days to prove the disbursement was applied properly, the family must repay those funds within 60-days. Failure to provide receipts to prove the full disbursement was applied properly constitutes fraud and will be grounds for termination of participation in the FSS program and the HCV program. Termination proceedings will only be suspended if the family signs an acknowledgement of this debt for the amount that was spent properly and a repayment agreement to be repaid within 60-days of the disbursement. In addition, the family will not be allowed to request any additional interim disbursements during the Contract of Participation.

### **18-I.F. FSS AND PORTABILITY**

An FSS Family that chooses to move outside of Prince William County must meet with the FSS Coordinator to determine the best course for their FSS participation. The following options may be available:

1. The family continues in OHCD's FSS Program if they are able to maintain services and activities outlined in the Service Plan.
2. The family may enter the FSS Program of the Receiving Housing Authority if this option is available. The family must demonstrate that they will be able to complete the FSS Plan in the new area. The family would enter into an FSS Contract with the Receiving Housing Authority for the term remaining on the family's contract with the OHCD. The OHCD will then terminate its contract with the family. If the receiving housing authority does not have a FSS Program, or has no opening within its FSS Program, or the family decides not to continue in the FSS Program, OHCD will terminate its FSS Contract with the family and any escrow funds will revert back to OHCD.

### **18-I.G. FSS CONTRACT COMPLIANCE**

The Service Plan will be monitored by the FSS Coordinator. A Family Self Sufficiency Participant is required to meet with the Community Services FSS Coordinator at least twice a year to determine if the family is complying with their plan. A FSS Participant who has not kept an appointment with the FSS Coordinator for one (1) year will be placed on probation. A FSS Participant who does not keep appointments for two (2) years will be terminated from the FSS Program. An FSS Participant must comply with the terms of the Lease, including payment of their rent share to the landlord. If the FSS Coordinator determines that the family is not keeping appointments, is failing to actively participate in activities according to the time frames specified in their contract or if the family is in violation of any provision of their Contract of Participation, a conference will be scheduled to discuss the violation(s). At the conference, the FSS Coordinator will attempt to resolve the matter by obtaining an understanding of why the participant family is not in compliance and determine if adjustments to goals, services, and/or the timetables are necessary and/or appropriate in an effort to help the participant family complete their FSS Contract. The participant family will be advised that the FSS Contract can be terminated, and any escrow funds will be forfeited upon further violations of the FSS Contract. If the FSS Coordinator is unable to reach a satisfactory resolution with the family, additional administrative action may be necessary. If additional violations of the FSS Contract occur,

## CHAPTER 18

or the conference does not successfully resolve the matter, the FSS Coordinator will propose termination of the FSS Contract. A letter proposing termination will be sent to the family by certified mail. The letter will state the reason(s) for the proposed termination and inform the participant that they have the right to request a conference if there is disagreement regarding the termination. The participant will be advised to put the request for a conference into writing within ten (10) days to the Community Services FSS Coordinator.

At the conference, the participant may offer reasons to not terminate the FSS Contract. The FSS Coordinator will discuss these reasons with his or her supervisor and provide recommendation to the supervisor. After the review with the supervisor, the participant family will be notified in writing within ten (10) business days of the decision to terminate the FSS Contract or to further modify the plan. If the decision is to terminate, the participant family will receive a 30-day notice of this action and will forfeit all funds in its escrow account. The OHCD will not terminate HCV assistance because of the participant family's failure to meet FSS responsibilities. Section 8 Assistance will be terminated only as provided by HUD and the OHCD in the manner applied to all Section 8 subsidy holders.

### **18.I.H. FSS CONTRACT COMPLETION & EXTENSIONS**

Completion of the FSS Contract occurs when:

**For the purpose of the FSS Program Welfare Assistance means:**

**Income Assistance from Federal (i.e., Temporary Assistance for Needy Families (TANF) or subsequent programs), State or local welfare programs and includes only cash maintenance payments designed to meet a family's goal ongoing basic needs. Welfare Assistance does not include:**

- Child only or non-needy TANF grants made to or on behalf of a dependent child solely on the basis of the child's need and not on the need of the child's current non-parental caretaker.**

**The family has become independent of regular cash Welfare assistance before the expiration of the term of the Contract of Participation including any extension thereof AND meets one of the following conditions:**

- 1. Fulfill all responsibilities under the contract on or before the expiration of the Contract of Participation and any extension; or**
- 2. As defined in the FSS regulations (24 CFR 984.303(4)(iii)), a determination of what constitutes "suitable employment" for each family member with a goal of seeking and maintaining it, will be made by the Office of Housing and Community Development, with the agreement of the affected participant, based on the skills, education, job training and receipt of other benefits of the family member and based on the available job training opportunities within the community.**
- 3. Each FSS family will be required to fulfill the identified obligations as stipulated within the Contract of Participation of which the participating family has committed itself based upon the requirements under the Contract of Participation no later than 5-years after the first re-examination**

**Seek Employment** – Job ready participants must make a minimum number of job contacts per week as outline in their Contract of Participation. Job contacts need to be made in person and documented

## CHAPTER 18

by the participant by completing a job lead sheet, which will be submitted to the FSS Coordinator. For some employment objectives, it would be acceptable for the participant to submit resumes to prospective employers and submit copies of the cover letter, confirmation letters for the receipt of resumes for particular positions or in other cases a list of employers to the FSS Coordinator as documentation of job search efforts.

**Maintain Employment** – Participants who became employed will be required to maintain employment. If conditions arise in which a participant thinks it is necessary to resign from employment, the participant is required to consult with the FSS Coordinator prior to resigning unless there are extenuating circumstances. The FSS Coordinator will examine the situation to ensure that all options have been explored which would permit the participant to continue employment, obtain another job with equal or better pay and benefits, or improve career potential.

**Extension** – Contracts of Participation can be extended for a total of two years. Extensions are granted for one-year increments. The conditions that allow an extension to be granted beyond five-years are as follows:

- Documented medical reasons
- Education completion requirements that exceed five-years
- Involuntary loss of employment for reasons beyond the control of the participant
- Additional time to fulfill the interim goal that the family is welfare free before the expiration of the term of the Contract of Participation, including any extensions.

At that time, the amount in the Family's escrow account, less any amount owed to the OHCD, will be paid to the Head of the Household; or the OHCD reserves the right to terminate the FSS Contract of Participation before its expiration date under the following circumstances:

- (1) On determination that the Head of Household or participating Family member failed to fulfill the contract or any extensions thereof;
- (2) The Family withdraws from the FSS Program;
- (3) By mutual consent of both parties;
- (4) By operation of law; or
- (5) When the participating Family is no longer receiving Section 8 Assistance, including termination from the Section 8 HCV Program for violation of family obligations.
- (6) The OHCD may declare the Contract null and void if resources and services necessary to complete the contract are not available. If resources and services aren't available, OHCD may release the escrow to the tenant.

### **18-I. PROGRAM STATUS: PROBATION AND TERMINATION**

Program status is the standing that the family has at any given time during participation in the FSS program, relative to full compliance with the rules and regulations of the FSS program and adherence to the Contract of Participation. For compliance to the rules and regulations of both the Housing Choice Voucher Program and the Family Self Sufficiency Program families are reviewed.

**Good Standing** – Families that are in good standing are in compliance with both the Housing Choice Voucher Program (HCV) and Family Self Sufficiency (FSS) Program rules and regulations and are making satisfactory progress in completing their contract.

## CHAPTER 18

**Program Non-Compliance** – Families that are non-compliant are either in jeopardy of losing their housing assistance due to violations of the HCV Program or are non-compliant with the rules of the FSS Program. FSS Coordinator review cases on a regular basis to determine compliance. Once the FSS Coordinator reviews the case and finds it non-compliant, he/she makes a concerted effort to assist the family in restoring themselves in good standing. If the family fails to comply, the family will be referred to OHCD for possible termination of participation in the FSS Program and possible termination of participation in HCV Program.

Families referred to OHCD for non-compliance will be assessed for termination based on the nature of the offense; whether or not the family was on probation; and what opportunities the family has been given to comply with the Program.

Once assessed by OHCD, if probation is determined to be the best outcome, the family will be required to sign a Memorandum of Understanding reiterating their need to comply with the rules and regulations of the program; the project time period of the probation, and the potential outcomes of non-compliance with the probation. The family is then referred back to the FSS Coordinator. At the end of the probation period, the FSS Coordinator will submit written certification to Supervisor and Director that the family has been restored to good standing, or to request termination.

Once Supervisor and Director has received a referral for termination, the tenant is issued a notice of termination from the FSS Program. The family is given the opportunity to have a face-to-face review of the circumstances. This review will be conducted by the FSS Review Panel. A three-person subcommittee of the FSS Program Coordinating Committee can act as the FSS Review Panel. The Panel will decide:

1. If the family will be placed on probation; or
2. If there are sufficient grounds for formal termination in the FSS Program.

**Probation** – If the family was formally on probation, there will not be a second probation allowed for the same circumstances. However, if the family has not received probation in the past, and the Review Panel determines that the family will be placed on probation, the Panel and family will review the circumstances and develop a plan to bring the family into compliance with the Contract. Probationary status begins once the Plan has been agreed upon. The participating family is then responsible for resuming contact with the FSS Coordinator within 48 hours. Probation status last for a minimum of three (3) months.

**Termination** – If the family is not referred for probationary status, the case is then referred to the FSS Coordinator for termination. The FSS Coordinator processes the case for termination from the FSS Program and reviews the case for possible termination of HCV assistance.

If the family is referred for probation, and the family fails to comply with that status; the family is not afforded a second Review Panel meeting for the same circumstances. The case is then referred to FSS Coordinator for termination from FSS Program and possibly the HCV Program.

**Voluntary Withdrawal** – If a family wishes to voluntarily withdraw from the program, they must submit a written statement to the FSS Coordinator. The FSS Coordinator will review the case and if circumstances warrant a withdrawal, will provide a summary for processing. If the FSS Coordinator does not feel that the circumstances warrant a withdrawal, be termination instead, the summary will document that finding.

## CHAPTER 18

Under certain circumstances, the FSS Coordinator may refer a voluntary withdrawal to the Review Panel for further consideration. If further consideration is not warranted, the FSS Coordinator will process a voluntary withdrawal from the FSS Program.

**Housing Choice Voucher Participant Hearing Procedures** – If a family in the FSS Program fails to comply, without good cause, with the Self Sufficiency Contract of Participation they may be terminated from both the FSS and HCV Program. If grounds are found to process the case for termination of both HCV and FSS assistance, there is the opportunity for the family to appeal the decision through a hearing process called an Informal Hearing.

Cases pending termination will be mailed a formal notice of termination stating the reason for the termination by OHCD. Participants who disagree with the decision and wish to request an Informal Hearing must make a written request for an Informal Hearing within 10-days of the date of the formal notice. Participants that do not request a hearing within 10-days; fail to appear for the Informal Hearing or fail to attempt to reschedule an Informal Hearing prior to the Hearing date, will waive all rights to an Informal Hearing.

At Informal Hearings, a lawyer or other representative may represent participants at their own expense. All parties have the right to discovery, to present evidence and may question any witness(es). The OHCD Hearing Officer will conduct the hearing. Factual determinations relating to the individual circumstances of the participant shall be based on a preponderance of evidence presented at the Hearing. The Hearing Officer shall furnish a copy of the written decision to the participant within 14-days from the date of the Hearing. The proposed action of termination will not transpire until the result of the Hearing is concluded.

### **18-I.J. READMISSION POLICIES**

Persons who have been terminated from FSS Program will not be permitted to participate in the FSS Program for one year from the date of termination. A new applicant must be completed, and readmission approved. A review process may be inherent in the readmission process to determine if the family has learned from the experience that caused the termination; to review any steps the family has already undertaken and plans to take in the future to ensure their success as a readmitted family. Families can remain on the waiting list for a year before admission.

Families who have voluntarily withdrawn from the FSS Program must reapply to the waiting list and remain on the waiting list for no less than 6-months from the date of withdrawal, or when room becomes available, whichever is longer.

### **18-I.K. FSS PROGRAM COORDINATING COMMITTEE**

The FSS Coordinating Committee's function is to assist in securing commitments of public and private resources for the operation of the program; assist in developing and modifying the Action Plan; and modifying the Action Plan; and in implementing the Program.

Members of the FSS Coordinating Committee shall consist of the following members, required and voluntary.

## CHAPTER 18

### **Required Members**

- OHCD Housing Choice Voucher Director (or Supervisor by proxy) OHCD Family Self-Sufficiency Analyst
- Family Self-Sufficiency Coordinator
- FSS Participant

### **Voluntary Members**

- FSS Case Managers DSS Representatives
- Non-profit Service Providers Private Business Representatives
- Public/Private Educational - Training Institutions
- Financial Empowerment Organizations

## CHAPTER 18

## CHAPTER 18

### EMERGENCY HOUSING VOUCHER (EHV) PROGRAM

#### 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 EHVs 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 EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHVs; EHVs 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 EHVs. 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 EHVs.

## CHAPTER 18

## CHAPTER 18

### PART I: FUNDING

#### **18-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 EHVs 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; EHVs 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 EHVs.
  - The fee may also be used to pay for any eligible activities under EHV service fees (18-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 EHVs:
  - \$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 14 days of voucher issuance or the date the system becomes available for reporting.
  - Placement fees:
    - o \$500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
    - o \$250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
    - o HUD will determine placement fees in the event of multiple EHV allocations and

## CHAPTER 18

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 (18-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.

### 18-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.

#### OHCD Policy

The eligible uses for service fees include:

**Holding fees** are fees an owner request that are rolled into the security deposit after an application is accepted but before a lease is signed. The OHCD will cover all of the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. The OHCD and owner must agree how the holding fee gets rolled into the deposit, and under what conditions the fee will be returned. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.

**Security deposit assistance.** The amount of the security deposit assistance may not exceed the lesser of two 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. The OHCD will pay the security deposit assistance directly to the owner.

## CHAPTER 18

Landlords may charge security deposits not to exceed the State standard of no more than two months of contract rent. This charge is the responsibility of the Participant. In the event that the issued Voucher has a provision for the payment of a security deposit for rent, OHCD will issue payment directly to the Landlord. Following termination of the lease, damage to the unit or premises caused by a household member or guest beyond normal wear and tear will result in the use of the security deposit to cover said damages. Any remaining security deposit, whether paid by OHCD or the Participant will be returned to the Participant. "Normal wear and tear" are defined as items which could not be charged against the participant's security deposit under state law or court practice.

**Utility deposit assistance/utility arrears/hookup fees.** The OHCD 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. The OHCD will pay the utility deposit assistance directly to the utility company. The OHCD will require the utility supplier or family to return the utility deposit assistance to the OHCD 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. The OHCD may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to the OHCD will be used for either services fee eligible uses or other EHV administrative costs, as required by HUD. Any services fee assistance that is returned to the OHCD 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.

## CHAPTER 18

## CHAPTER 18

### PART II: PARTNERING AGENCIES

#### 18-II.A. CONTINUUM OF CARE (CoC)

PHAs that accept an allocation of EHV's are required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of EHV's.

##### OHCD Policy

The OHCD has entered into an MOU with *[Prince William Area Continuum of Care (CoC)]*.

#### 18-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.

##### OHCD Policy

The OHCD has not entered into a MOU with any other partnering organization.

#### 18-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 EHV's. 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.

##### OHCA Policy

The CoC must establish and implement a system to identify EHV eligible individuals and families within the agency's caseload and make referrals to the OHCD. The CoC must certify that the EHV applicants they refer to the OHCD meet at least one of the four (4) EHV eligibility criteria. The OHCD will maintain a copy of the referral and/or certification form from the CoC in the participant's file along with other eligibility paperwork. Homeless service providers are required to use the certification form found in Exhibit 18-2 of this chapter or other form approved by OHCD. Victim services providers may, but are not required to, use the certification form found in Exhibit 18-3 of this chapter when identifying eligible families who qualify as victims of human trafficking. As part of the MOU, the OHCD and CoC will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

The OHCD liaison responsible for acceptance of referrals will contact the CoC liaison

## CHAPTER 18

via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five business days from the date the CoC receives this notification, the CoC will provide the OHCD with a completed package of the referred individual or family to include the necessary EHV application, required documentation (residency, SS cards, income, etc.) a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

### **Offers of Assistance with CoC Referral**

The OHCD may make an EHV available without a referral from the CoC in order to facilitate an emergency transfer under VAWA in accordance with the ~~HA's~~ Emergency Transfer Plan (ETP) in Chapter 16.

The OHCD 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 OHCD; 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 OHCD is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC (or the OHCD and CoC cannot identify any such alternative referral partner agencies), HUD may permit the OHCD 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.

## CHAPTER 18

### PART III: WAITING LIST MANAGEMENT

#### 18-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 EHV 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.

##### OHCD Policy

Will post information about the EHV program for families on the PHA's HCV waiting list on our website. The notice will:

- Describe the eligible populations to which EHV are limited

- Clearly state that the availability of these EHV is managed through a direct referral process

- Advise the family to contact the CoC if the family believes they may be eligible for EHV assistance

The OHCD will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. The OHCD will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

#### 18-III.B. EHV WAITING LIST

The HCV regulations requiring the OHCD 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 exceeds the EHV available, the OHCD 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 OHCD will work directly with its CoC to manage the number of referrals and the size of the EHV waiting list.

#### 18-III.C. PREFERENCES

##### **HCV Waiting List Preferences**

If local preferences are established by the PHA for HCV, they do not apply to EHV. 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 in accordance with Notice PIH 2021-15.

##### OHCD Policy

The OHCD does offer a homeless and/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 to establish separate local preferences for EHV. The PHA may, however, choose to not establish any local preferences for the EHV waiting list.

## CHAPTER 18

### OHCD Policy

Prince William Area CoC has chosen to use the VI-SPDAT score in combination with the priority population ranking score to determine a priority listing for households to be referred for the Emergency Housing Voucher Program (EHV). The VI-SPDAT (Vulnerability Index - Service Prioritization Decision Assistance Tool) is a survey administered both to individuals and families to determine risk and prioritization when providing assistance to homeless and at-risk of homelessness persons. The following list outlines the total possible VI-SPDAT score:

#### VI-SPDAT (Single)

- 0-4 –low
- 5-9 medium
- 10-17 high

#### VI-SPDAT (Family)

- 0-3 low
- 4-8 medium
- 9-above high

The Prince William Area CoC has established the following priority populations and ranking score for all referrals for EHV as well as Rapid Re-housing programs. Households that fall into the following categories rank highest in priority for this housing strategy.

- Families with children with greatest service need (4pts.).
- Aging households over 62 with medical need or disability (3 pts.)
- Youth- aged 18-24 (2 pts.).
- Households without income (1 pt.).
- Currently Fleeing Domestic Violence (additional 2 pts.)
- Veterans (regardless of discharge status) will be served by veteran specific RRH providers.

The following list outlines the total combined VI-SPDAT and priority population ranking score which will determine placement and household need for the EHV by-names list.

- 1-7- low need
- 8-14 -medium need
- 15-above- high need.

## CHAPTER 18

### PART IV: FAMILY ELIGIBILITY

#### 18-IV.A. OVERVIEW

The CoC determines whether the individual or family meets any one of the four (4) 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.

#### 18-IV.B. REFERRING AGENCY DETERMINATION OF ELIGIBILITY

In order to be eligible for an EHV, an individual or family must meet one of (4) four eligible 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 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.

#### 18-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.

## CHAPTER 18

- 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.

### OHCD Policy

While the OHCD will 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, the OHCD 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 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.

### OHCD Policy

In consultation with the CoC, the OHCD 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.

The OHCD will establish the following permissive prohibitions:

- If the OHCD determines that any household member is currently engaged in, or has engaged in within the previous 12 months:
  - Violent criminal activity
  - 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 12 months.
- If the family engaged in or threatened abusive or violent behavior toward OHCD personnel within the previous 12 months.

The OHCD 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).

## CHAPTER 18

In compliance with PIH 2021-15, the PHA **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 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 the PHA 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 the 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 the PHA in accordance with 24 CFR 982.553(a)(3);

The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

### **18-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 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

#### OHCD Policy

Any documents used for verification must be the original (not photocopies) and dated within the 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 the OHCD and must be signed by the family member whose information or status is being verified.

The OHCD will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with Chapter 14. The OHCD will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. The OHCD may, but is not required to, offer the

## CHAPTER 18

family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, the OHCD 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 months; and
- The family certifies there has been no change in income or family composition in the interim.

#### OHCD Policy

The OHCD 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 the OHCD verified.

At the time of the family's annual reexamination the OHCD 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 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 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.

### **18-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.

## CHAPTER 18

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

### OHCD Policy

The OHCD 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. The PHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC that the family has made a good-faith effort to obtain the documentation.

If the OHCD determines that an ineligible family received assistance, the OHCD will take steps to terminate that family from the program in accordance with policies in Chapter 12.

### **18-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 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.

### OHCD Policy

The OHCD 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 the OHCD and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, the OHCD will verify the information in EIV or through other third-party verification if the information is not available in EIV. The OHCD will note in 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 the OHCD determines that an ineligible family received assistance, the OHCD will take steps to terminate that family from the program in accordance with policies in Chapter 12.

### **18-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.

### OHCD Policy

The OHCD 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.

## CHAPTER 18

### PART V: HOUSING SEARCH AND LEASING

#### 18-V.A. INITIAL VOUCHER TERM

Unlike the standard HCV program, which requires an initial voucher term of at least 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.

##### OHCD Policy

All EHV's will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension.

#### 18-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.

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 OHCD forms; and
- Help expedite the EHV leasing process for the family

##### OHCD Policy

As identified in the MOU between the OHCD and CoC, the following housing search assistance will be provided to each EHV family:

The OHCD 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 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 Housing Program Analyst for EHV voucher families

## CHAPTER 18

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 OHCD forms

### **18-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.

#### OHCD Policy

OHCD will not conduct pre-inspections of available units that EHV families may be interested to rent. OHCD will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required inspections or reinspection's.

### **18-V.D. INITIAL LEASE TERM**

Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the PHA policy in Section 9-I.E., Term of Assisted Tenancy.

### **18-V.E. PORTABILITY**

The normal HCV portability procedures and requirements outlined in Chapter 10 generally apply to EHV's. 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's under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHV's 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.

## CHAPTER 18

- 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).

#### OHCD Policy

In addition to following OHCD policy on briefings in Chapter 5, as part of the briefing packet for EHV families, the OHCD will include a written notice that the PHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, the OHCD will provide interpretation services in accordance with the PHA'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.

#### OHCD Policy

For EHV families who are exercising portability, when the OHCD contacts the receiving PHA in accordance with Section 10-II.B. Preapproval Contact with Receiving PHA, the OHCD 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.

## CHAPTER 18

- If the receiving PHA administers EHV, 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, 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/issuance 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.

## 18-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. 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, 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.

#### OHCD Policy

OHCD will not establish a higher payment standard amount for EHV. The OHCD will use the same payment standards for HCV and EHV.

## CHAPTER 18

### **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.

#### OHCD Policy

The OHCD will not establish an alternative policy for increases in the payment standard. PHA policy in Section 11-III.B. governing increases in payment standards will apply to EHV.

### **18-V.G. TERMINATION OF VOUCHERS**

After September 30, 2023, a PHA may not reissue EHV 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.

All EHV 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 that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHV to cease leasing any unleased EHV 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.

## CHAPTER 18

### **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 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 and cannot be used for regular HCVs. 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 in accordance with the HCV program requirements at 24 CFR 982.158.

## CHAPTER 18

## CHAPTER 18

### Exhibit 18-1: 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’s 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.

## CHAPTER 18

### 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.

## CHAPTER 18

### 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.

## CHAPTER 18

[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

## CHAPTER 18

### Exhibit 18-2: 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 campground.

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: \_\_\_\_\_

## CHAPTER 18

### 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: \_\_\_\_\_

---

## CHAPTER 18

### Exhibit 18-3: 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:** \_\_\_\_\_

## CHAPTER 18