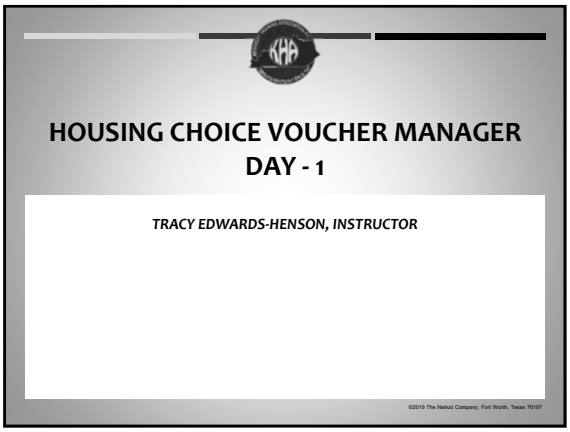

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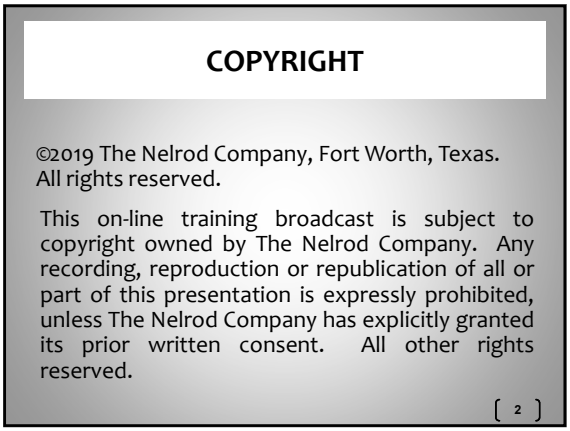

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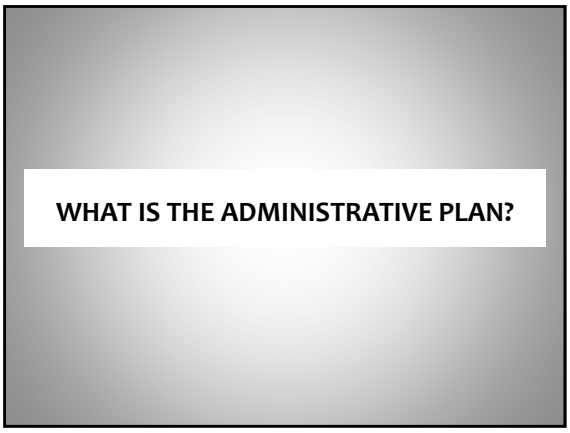

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ADMINISTRATIVE PLAN

- Is a supportive document to the PHA Plan
- Is the PHA's written statement of policies used to administer the HCV program in accordance with federal law and regulations and HUD requirements
- Sets forth the PHA's policy on matters for which the PHA has discretion to establish local policies

[4]

4

ADMINISTRATIVE PLAN

- All issues related to the HCV program not addressed in Admin Plan are governed by:
  - Federal regulations
  - HUD handbooks and guidebooks
  - PIH Notices
  - Applicable state and local laws

[5]

5

ADMINISTRATIVE PLAN

- Mandatory Policies
  - Based on legislation, regulations, current handbooks, PIH notices, and legal opinions
- Optional, non-binding guidance includes:
  - Guidebooks, expired PIH notices, and recommendations from HUD staff

[6]

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STATE & LOCAL LAW

- If there is no federal regulations or guidance, PHAs should refer to state and/or local law (if applicable)
- If the state or local law is more restrictive than the federal regulation, the PHA should follow the state or local law

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BEST PRACTICES - SAFE HARBOR

- There may not be a federal regulation or state or local law concerning certain subjects, in this case, it is a **"safe harbor"** for PHAs to follow HUD guidance in the preparation of PHA policies
  - Example: Families must report changes within 10 days of the date the change occurred

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ADMINISTRATIVE PLAN

- If PHA adopts its own optional policy, must determine that such policy is consistent with legislation, regulations, and other mandatory requirements

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ADMINISTRATIVE PLAN

- Regulations have "MUSTS" and "MAYS"
- Admin Plan addresses how the PHA will handles each MAY in the regulation
  - The words "**MUST**" and "**MAY NOT**" in a regulation indicates that it is **Mandatory**!

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ADMINISTRATIVE PLAN

- The Admin Plan states **What Must Be Done**
- The PHA's Procedural Manual will provide direction on **How To Do It**

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POLICY OR PROCEDURE DOCUMENT?

- Both!!
  - While the Admin Plan is essentially a policy document:
    - Some procedures are required
    - No substitute for procedure manual
    - Limit procedures to the requirements
- PHAs must administer the program in accordance with the Admin Plan

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POLICY OR PROCEDURE DOCUMENT?

- Both assure consistency and fairness in treatment of all applicants and participants
- Both are "living" documents which are subject to change as situations dictate
  - Changes in the Admin Plan may require revisions to the Procedures Manual

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ADMINISTRATIVE PLAN

- Admin Plan and revisions must be formally adopted by the PHA's BoC
- Must be available for public and HUD reviews

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PROCEDURES MANUAL

- Procedures Manual does not require BoC approval
- Provides step-by-step instructions to perform occupancy functions used in conjunction with the Admin Plan

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PROCEDURES MANUAL

- Should be organized in the order of the admission and occupancy functions performed by the PHA
- Staff should **never** follow verbal instructions conflicting with the Procedures Manual and/or the Admin Plan
- Changes should be confirmed in writing

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ADMINISTRATIVE PLAN REQUIREMENTS & DISCRETIONARY OPTIONS

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REQUIRED CONTENTS

- Selection, admission, and removal of applicants from the PHA's waiting list
- Issuing or denying vouchers
  - Including the PHA's policy governing the voucher term and extensions

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REQUIRED CONTENTS

- Any special rules for use of available funds when HUD provides funding to the PHA for a special purpose (e.g. desegregation) including funding for specified families or a specified category of families

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REQUIRED CONTENTS

- Occupancy policies:
  - Definition of what group or person may qualify as a "family"
  - Definition of when a family is considered to be "continuously assisted"
  - Standards for denying admission or terminating assistance based on criminal activity or alcohol abuse

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REQUIRED CONTENT

- Encourage participation by owners of units located outside areas of low income or minority concentration
- Assisting a family that claims illegal discrimination
- Providing information about a family to prospective owners

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REQUIRED CONTENT

- Disapproval of owners
- Subsidy standards
- Family absence from the unit
- Family break up
  - How to determine who remain in the program
- Informal review procedures for applicants
- Informal hearing procedures for participants

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REQUIRED CONTENT

- Payment Standards
  - Process to establish and revising
- Rent Reasonableness method determination
- Policies for special housing types
- Policies regarding families who owes money to the PHA

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REQUIRED CONTENT

- Interim reexaminations
- Restrictions on the number of moves
- Approval by the BoC or other authorized official to charge the admin fee reserve
- Procedural guidelines and performance standards for conducting required HQS

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REQUIRED CONTENT

- PHA screening of applicants for family behavior or suitability for tenancy
- Policies concerning application of Small Area FMRs to PBV units

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OTHER CONSIDERATIONS

- SEMAP
  - Quality Control Procedures
- Violence Against Women Act
- Types of Inspections
- Portability
- Fair Housing Compliance

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OTHER CONSIDERATIONS

- Tenant debt
  - Repayment Agreements
  - Owner debt to PHA
- Mission statement
- Zero Income client
- Reasonable Accommodation

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INTRODUCTION – *OPTIONAL*

- Overview of the PHA
  - Organization and Structure of the PHA
  - PHA Mission Statement – as given in the PHA Plan
    - Include the local objectives that the Admin Plan is designed to achieve
  - Statement of PHA's commitment to ethics and service

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INTRODUCTION: OVERVIEW OF HCV PROGRAM

- Overview and History of the HCV Program
- Program basics
- Roles and responsibilities of BoC, staff, and participants
- Applicable regulations

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INTRODUCTION – *OPTIONAL*

- Introduction to the Admin Plan
  - Purpose of the Admin Plan
  - Contents
  - Updates and revisions

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PHA FORMS DOCUMENTS

- Make sure PHA made forms/documents are consistent with the Admin Plan
  - Update when changes are made to the Admin Plan

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WHO MAKES POLICY DECISIONS

- Staff
  - Managers
  - Line staff
  - Public Comments
- Board of Commissioners
  - Final approval
  - Adoption

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WHEN TO REVIEW

- Review annually
  - Regulatory changes will supersede any previous policy
  - Track regulatory and PIH Notice changes throughout the year
  - Record discretionary policy changes the PHA wishes to implement

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WHEN TO REVISE

- Revise at least annually
  - Prior to the review period for the PHA Plan
  - Even if the PHA is not required to submit a PHA Plan must hold a public hearing annually to:
    - Receive public comment
    - Discuss policy changes

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REMEMBER

- Track mandatory changes
- Track changes you wish to make
- Update at least annually
- Keep Admin Plan and forms consistent
- Do not plagiarize
- Obtain Board approval
- Implement and Train staff
- Quality control and enforcement

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STAFF SUPERVISION

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STAFF SUPERVISION

- Staffing and supervision are two of the most critical functions of a manager
- Each of these functions include various other activities to be effective
- Should be carried out according to your agency's personnel policy

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STAFF SUPERVISION

- Staffing consists of:
  - Recruiting applicants
  - Screening candidates
  - Selection of qualified candidates
  - Equipping new hires with the skills to succeed

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STAFF SUPERVISION

- Supervision consists of:
  - Communicating the vision/mission of the agency
  - Establishing clear expectations
  - Goal setting
  - Providing necessary tools and support
  - Performance feedback and appraisal

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STAFF SUPERVISION

- Staffing HCVPs
  - Small programs only need a few employees
  - Larger programs require more staff
  - The Admin Fees earned provides the income to support staff

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STAFF SUPERVISION
HOUSING CHOICE VOUCHER MANAGERS

- HCVP Supervisor
- Waiting List Specialist
- Intake Specialist
- Occupancy Specialist
- HQS Inspector
- HQS Inspector Schedulers
- Rent Reasonableness Analyst
- Outreach Specialist

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PERSONNEL POLICY

- Is a collection of policies related to the PHA workforce
- Contains rules that govern how to deal with personnel related issues
- Contains guidelines to help keep the human resource issues as consistent, fair and unbiased as possible

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PERSONNEL POLICY

- Defines employee conduct within parameters that reflect the vision of the executive management and the Board of Commissioners
- Should be provided to each employee

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PERSONAL POLICY CONTENTS

- Agency Policies
- Employment Regulations, Policies, and Procedures
- Organization
- Financial Compensation

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PERSONAL POLICY CONTENTS

- Employee Benefits and Leave
- Operating Policies, Regulations, and Procedures
- Work Injury, Safety, and Security

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TOPICS AFFECTING THE PERSONAL POLICY

- E-cigarettes
- Legalized Marijuana (in some states)
- Tattoos and Piercings / Dress and Appearance
- Accommodation for religious beliefs
- Violence and Bring your weapon to work laws

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EFFECTIVE COMMUNICATION SKILLS

- Body Language is important!
  - Make eye contact
  - Nodding/Engaging
  - Relaxed posture

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EFFECTIVE COMMUNICATION SKILLS

- Body Language to Avoid:
  - Slouching
  - Crossing arms
  - Displaying nervous "ticks"

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EFFECTIVE COMMUNICATION SKILLS

- Be clear and concise
- Active Listening
- Communicate Consistently
- Patience
- Be relatable
- Relationship thinking

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EFFECTIVE COMMUNICATION SKILLS

- Key points through repetition
- Sense of Humor
- Timely response
- Remember… you're always "on"
- Use analogies/stories to deliver points

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EFFECTIVE COMMUNICATION SKILLS

- Be present
- Find your own voice
- Ease your audience
- Match communication style to audience
- Filter background "Noise"

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EEO DEFINITIONS

- Equal Employment Opportunity (EEO): our right to work free from discrimination based on race, color, religion, national origin, sex, sexual orientation, age and disability
- EEO Compliance: adherence to the laws and policies that prohibit discrimination in the workplace (reactive)
- Diversity: respect and validation for that which makes us different (proactive)

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HIRING & TRAINING STAFF

- Hiring new employees is expensive
- Besides the recruiting costs and salary, there is a number of start-up costs associated with new hires
  - Salary
  - Benefits
  - Miscellaneous

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WHAT IS ONBOARDING?

- Onboarding is a systematic method that allows employers to hire the best employees and align them to the agency vision
  - Onboarding Affects:
    - Hiring
    - Aligning with PHA standards
    - Accommodating employees with tools
    - Cultural assimilation
    - Accelerated training

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PREPARE FOR THE NEW EMPLOYEE

- Make sure everyone knows that the new hire is coming
- Choose someone to greet the new hire, and make sure he or she is on time
- HR should have the paperwork prepared in advance
- Designate a mentor ahead of time
- Designate a work space for the new employee with the appropriate office materials

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ANXIETY

- People naturally experience anxiety when they are placed in new situations
- Employees who are not properly oriented, both in their job and their surroundings, will remain stressed and anxious

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REALISTIC EXPECTATIONS

- It is important to clarify the PHA's expectations of the employee from the beginning of their employment
- These PHA's expectations must be realistic
  - PHA goals
  - Policies and procedures
  - Job description
  - PHA culture

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REALISTIC EXPECTATIONS

- Verbal expectations:
  - Provides a personal connect to the employee
  - Needs to be documented
  - Ensure the employee signs a document that they understand the expectations

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REALISTIC EXPECTATIONS

- Written expectations:
  - Review the job description
  - Reviews
  - Evaluations
  - Corrective Actions
  - Progressive Discipline

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CREATE A SCHEDULE

- A common mistake is to force days/years of information into a few hours
  - Create a schedule
  - Break information down
  - Provide training
  - Receive feedback
  - Evaluate

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EMPLOYEE TRAINING

- Don't skip on training
- Identify clear goals and outcomes
- Develop a training resource
- Establish a training schedule
- Allow the employee to show what they learned

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NAVIGATING HUD'S WEBSITE & RESOURCES

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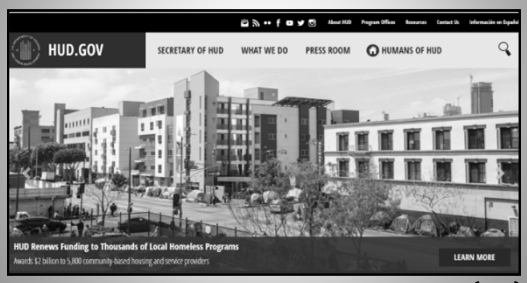
WWW.HUD.GOV



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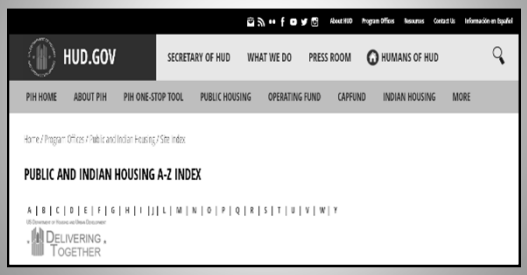
PUBLIC AND INDIAN HOUSING A-Z INDEX

HTTPS://WWW.HUD.GOV/PROGRAM_OFFICES/PUBLIC_INDIAN_HOUSING/SITEINDEX



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POST FREQUENT PAGES

- Public Housing
- Housing Choice Voucher Program
- Systems
- Tools
- Grants
- Laws and Policies
- Directories
- Other Programs

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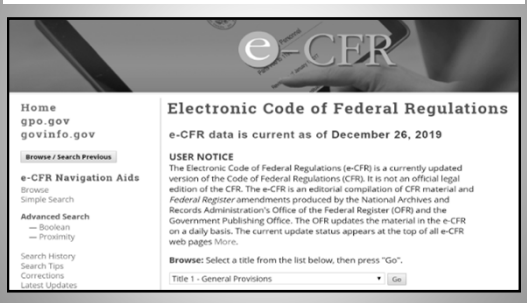
CODE OF FEDERAL REGULATIONS WWW.ECFR.GOV



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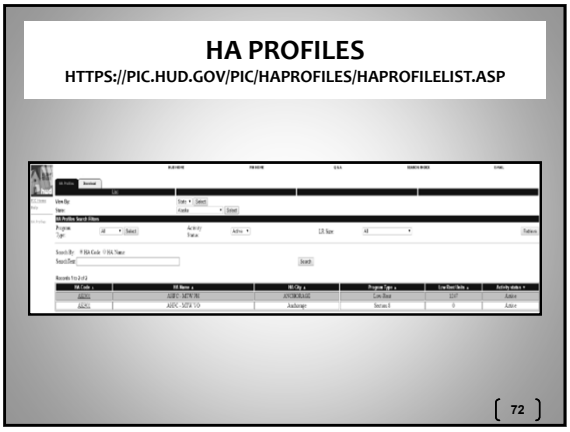

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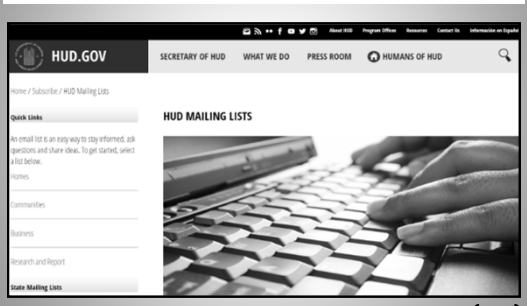
HUD MAILING LIST/SUBSCRIBE

HTTPS://WWW.HUD.GOV/SUBSCRIBE/MAILINGLIST



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RESOURCE SUMMARY

Reference	What it Addresses	Key Source
U.S. Department of Housing and Urban Development	Website for the Department of Housing and Urban Development	www.hud.gov
Code of Federal Regulations	Program definitions and housing operational requirements	www.ecfr.gov 24 CFR Part 5 (General Program Requirements) 24 CFR Part 982 (HCV) 24 CFR Part 983 (PBV) 24 CFR Part 985 (SEMAP
Federal Register	Proposed and Final Administrative regulations of federal agencies and organizations	https://www.govinfo.gov/app/collection/FR/
PIH Notices	HUD guidance, extensions, instructions, clarifications, announcements and other policy information	https://www.hud.gov/program_offices/public_indian_housing/publications/notices

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RESOURCE SUMMARY

Reference	What it Addresses	Key Source
Fair Housing Laws and Presidential	Fair housing laws and regulations that protect the protected classes	*https://www.hud.gov/program_offices/fair_housing_equal_opp*
Executive Orders	Presidential executive orders that affect persons receiving housing assistance	https://www.archives.gov/federal-register/executive-orders
POST (Public and Indian Housing One-Stop Tool for PHAs)	Quick access to PIH systems, tools, training opportunities, program requirements, commonly used external websites, and PIH contacts	https://www.hud.gov/program_offices/public_indian_housing/post
Handbooks/Guidebooks	Guides for Agency staff with more descriptive directions and examples on how HUD;s interprets program requirements	https://www.hud.gov/program_offices/administration/hudclips/handbooks
HUD Clips	Online source for forms, handbooks, policies and other HUD related information	https://www.hud.gov/program_offices/administration/hudclips

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A1 Author, 2/2/2019

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RESOURCE SUMMARY

Reference	What it Addresses	Key Source
HUD Webcasts	Tutorials, training and guidance of HUD programs, notices, and policies	https://www.youtube.com/user/HUDchannel
Agency Annual Plans	Guide to the PHA;s policies, programs, operations, and strategies for meeting local housing needs and goals	https://www.hud.gov/program_offices/public_indian_housing/pha
Administrative Plan	Establish "how" the Agency is going to carry out the requirements of the program, especially in areas of PHA discretion	24 CFR 982.54
State and Local Laws	Laws that apply to people living or working in a particular state, commonwealth, territory, county, city, municipality, town, township, or village	Landlord/Tenant Law Security Deposits Freedom of Information/Open Meetings

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AFFORDABLE HOUSING LIST
HTTPS://AFORDABLEHOUSINGONLINE.COM

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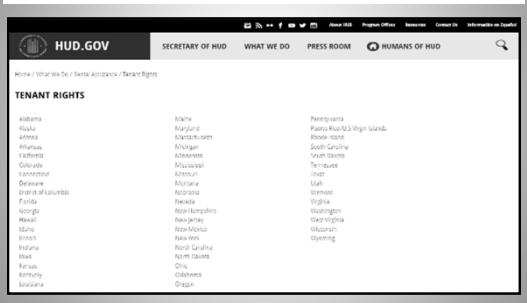
STATE TENANT & LANDLORD LAWS
HTTPS://WWW.HUD.GOV/TOPICS/RENTAL_ASSISTANCE/TENANTRIGHTS



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A1 Author, 2/2/2019

MAINTAINING A RESOURCE LIBRARY

- Decide what information to include
- Assign staff to update and monitor the Resource Library
  - Highly recommended to be kept electronic
- Create a Table of Contents (TOC)

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MAINTAINING A RESOURCE LIBRARY

- Create a Table of Contents (TOC)
  - Create a file for each TOC subject
  - Subfiles (if necessary)
    - Example:
      - PIH Notices
        - PIH 2019
        - PIH 2018
        - PIH 2017, etc.

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MAINTAINING A RESOURCE LIBRARY

- Subscribe to HUD's mailing lists:
  - HUD mailing list: https://www.hud.gov/subscribe/mailinglist#hom
  - HUD Exchange
    - https://www.hudexchange.info/mailinglist/

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MAINTAINING A RESOURCE LIBRARY

- Become a member of affordable housing national organizations:
  - NAHRO (National Association of Housing and Redevelopment Officials)
    - www.nahro.org
  - PHADA (Public Housing Authorities Directors Associations)
    - www.phada.org

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FAIR HOUSING & 504 COMPLIANCE

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NON-DISCRIMINATION

- It is unlawful to discriminate based on:
  - Race
  - Color
  - Religion
  - Sex
  - Disability
  - Familiar status
  - National origin

Protected Class

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NON-DISCRIMINATION

- Equal Access Rule
  - Requires HUD's assisted and insured housing programs are open to all eligible individuals regardless of:
    - Sexual orientation
    - Gender identity
    - Marital status

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FAIR HOUSING & NON-DISCRIMINATION

- PHA cannot, based on protected class:
  - Deny a person admission to public housing
  - Provide housing which is different than provided others
  - Subject a person to segregation or disparate treatment
  - Restrict access to any benefit enjoyed by others in connection with the program or property

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FAIR HOUSING & NON-DISCRIMINATION

- Treat a person differently in determining eligibility or other requirements for admission
- Deny a person access to the same level of services
- Deny opportunity to participate in a planning or advisory group which is an integral part of the program

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NON-DISCRIMINATION

- In particular, the PHA must abide by the non-discrimination requirements of:
  - Title VI of the Civil Rights Act of 1964 (24 CFR Part 1)
  - Fair Housing Act (42 U.S.C.3601) Section 504 of the Rehabilitation Act of 1973
  - 24 CFR Part 8 further expanded by Title II of the American Disabilities Act of 1990 (24 CFR part 35)

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NON-DISCRIMINATION

- The Age Discrimination Act of 1975 (24 CFR Part 146)
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)
  - Additional guidance was published as a Notice in the Federal Register Vol. 68 No. 244 on December 19, 2003

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NON-DISCRIMINATION

- State or local laws
  - When more than one civil rights law applies to a situation, the laws should be read and applied together

[90]

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NON-DISCRIMINATION

- Other areas that the PHA's Non-discrimination Policy takes into consideration are:
  - Persons participating in civil rights activities or assertions of civil rights will not be intimidated, threatened, or have retaliatory action against them, either an applicant or participant
  - A person with physical disabilities must be given the opportunity to apply for housing assistance even if the application offices are not accessible

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NON-DISCRIMINATION

- Employees may not be assigned in such a way that would result in discrimination against applicants or participants
- The PHA has the responsibility to make sure that all employees who are involved in the admissions and occupancy process are familiar with non-discrimination requirements
- A Fair Housing poster must be on display at each office where applications are accepted and at each development building except for single family dwellings

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DEFINITION OF DISABILITY TO DETERMINE ELIGIBILITY

- Disability is defined as a person who:
  - Is disabled as defined in 42 U.S.C. 423 (the Social Security definition);
  - Is determined to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration;
  - Is substantially impeded in his/her ability to live independently;

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DEFINITION OF DISABILITY TO DETERMINE ELIGIBILITY

- Is of such nature that the ability to live independently could be improved by more suitable housing conditions; or
- Has a developmental disability as defined in 42 U.S.C. 6001.

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NON-DISCRIMINATION

- Persons who have the disease of Acquired Immunodeficiency Syndrome (AIDS) or any conditions arising from the etiologic agency for AIDS are considered disabled and may not be excluded from public housing assistance

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NON-DISCRIMINATION

- Prohibition against discrimination based on age or disability does not affect statutory and regulatory provisions for eligibility based on age or disability, nor the priority of elderly families for admission to developments designated for the elderly

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REASONABLE ACCOMMODATIONS/MODIFICATIONS

- Providing a Reasonable Accommodation / Modification is required by:
  - Section 504 of the Rehabilitation Act of 1973
  - The Fair Housing Act of 1988 (24 CFR 100)
  - Titles I and II of the Americans with Disability Act of 1990

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SECTION 504 OF THE REHABILITATION ACT OF 1973

- Prohibits discrimination on the basis of disability in programs and activities conducted by HUD or any federal agency that receive financial assistance
- When the program is viewed as a whole, it must be usable and accessible to persons with disabilities

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REASONABLE ACCOMMODATIONS/MODIFICATIONS

- Made up of two parts:
  - Reasonable Accommodation, and
  - Reasonable Modification
- PHAs shall adopt suitable means to assure that information regarding accessible units and availability of reasonable accommodations reaches eligible individuals with disabilities

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DEFINITION OF DISABILITY FOR REASONABLE ACCOMMODATION

- Disability is defined as any person who:
  - Has a physical or mental impairment that substantially limits one or more **major life activities**;
  - Has a record of such impairments; or
  - Is regarded as having such a impairment

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MAJOR LIFE ACTIVITIES

- The limitation on major life activities cannot be insubstantial - it **must** be significant
  - Caring for one's self
  - Walking
  - Seeing
  - Breathing
  - Speaking
  - Learning
  - Performing manual task

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REASONABLE ACCOMMODATION

- An exception, change, adaptation, or modification to policies, rules, practices or services that may be needed by a person with a disability in order to benefit from housing, participate in activities, or perform a job
- There must be a **nexus** (relationship) between the requested accommodation and the individual's disability

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REASONABLE ACCOMMODATION

- A recipient shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified applicant, tenant or employee with handicaps unless the recipient can demonstrate that the accommodation would impose an undue administrative and financial hardship on the operation of its program

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REASONABLE ACCOMMODATION

- Examples:
  - Meeting a disabled applicant at an accessible location
  - Communicating in writing with a hearing impaired tenant
  - Approval of a live-in aide
  - Permitting an assistance animal

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LIVE-IN AIDE

- A person who resides in the unit with one or more:
  - Elderly: ≥ 62 years old
  - Near-elderly: Head of Household (HoH), spouse, or sole member is at least 50 years old, but below 62 years old
  - Person with disabilities

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LIVE-IN AIDE

- Live-in Aide must meet 3 criteria:
  - Is determined to be essential to the care and well-being of the person;
  - Is not obligated for the support of the person; and
  - Would not be living in the unit except to provide the necessary supportive services

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LIVE-IN AIDE

- Must be approved by the PHA
- Does not have residual right to the unit
- Must be provided a separate sleeping room
- Code the live-in aide and their family members on the 50058 as "L" for live-in aide
- Do not obtain signatures of the live-in aide on the lease

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REASONABLE MODIFICATION

- A physical or structural change needed by a person with a disability to use and enjoy housing or perform a job
- A reasonable modification can be requested for individual units, the workplace, or for public/common use areas

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REASONABLE MODIFICATION

- Examples:
  - Installing a ramp into a building
  - Removing closet doors
  - Adding grab bars
  - Providing motion sensor porch lights for a hearing impaired tenant
  - Providing a parking space in an otherwise unassigned parking lot

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HCV PROGRAM REQUIREMENTS

- The PHA provides and pays for reasonable accommodations
- The private landlord provides and pays for reasonable accommodations
- The private landlord allows the tenant to make reasonable modifications at the tenant's expense

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PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

- No required process:
  - Accommodation requests doesn't have to be called a "request for reasonable accommodations"
    - The PHA will consider a request to be made if a person with disabilities, or someone acting on their behalf, request an accommodation, even if the words "reasonable accommodation" are not used
  - Accommodation request can be made verbally or in writing
  - Requests can be made at any time

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PROCESSING REQUESTS FOR REASONABLE ACCOMMODATION

- Can be made by a family member or someone else on behalf of the person with disabilities
- PHAs are not obligated to make an accommodation even when one is not requested and the need is apparent

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RESPONDING TO REQUESTS

- Listen to the request
- Consider the requested accommodation first, not some other idea about how to accommodate
- Do not ignore the request
- If the request is, in your view, unreasonable, engage in dialogue

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RESPONDING TO REQUESTS

- Be very cautious about asking for too much information about the person's disability
  - You are only trying to establish a nexus between the request and the disability
- Record the request
  - Place in tenant file
  - Forward copy to 504 Coordinator

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VERIFICATION PROCEDURES

- PHAs may obtain information necessary to evaluate if a requested reasonable accommodation is necessary due to a disability
- If a person's disability is obvious or otherwise known, the PHA may **not** request additional information about the disability

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VERIFICATION PROCEDURES

- If a person's disability is not obvious or otherwise known, the PHA **may** request reliable disability-related information that:
  - Is necessary to verify that the person meets the 504 definition of disability
  - Describes the needed accommodation
  - Shows the relationship between the person's disability and the need for the requested accommodation

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VERIFICATION PROCEDURES

- PHAs may, but is not required to, accept a statement by the person with disabilities
- PHAs may require a statement from:
  - A doctor or licensed medical/health professional
  - A peer support group
  - A social service/disability agency or counselor
  - A case manager

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VERIFICATION PROCEDURES

- PHAs **may not** impose expensive or burdensome requirements to "prove" either a disability or need for an accommodation
- Information about a person's disability must be kept confidential, except to the extent that it is needed to make a decision related to the person's disability

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VERIFICATION PROCEDURES

- **Remember**: Documents, including HUD's EIV system, showing receipt of SSI disability or SSDI disability are not adequate alone as they do not show a nexus between the request for an accommodation and the disability

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APPROVALS

- PHAs must approve the reasonable accommodation and/or make the modification **unless** doing so is:
  - Unreasonable,
  - Would result in a fundamental alteration in the nature of its program, or
  - An undue financial and administrative hardship on its programs

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WHEN IS A REQUEST UNREASONABLE

- A reasonable accommodation request is unreasonable when:
  - It would pose an undue financial and administrative hardship, or
  - It would fundamentally alter the nature of the program

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UNDUE FINANCIAL & ADMINISTRATIVE BURDEN

- Must be made on a case-by-case basis considering factors such as:
  - The cost of the requested accommodation
  - The financial resources of the PHA
  - The benefits that the accommodation would provide the requester, and
  - The availability of alternative accommodations that would meet the requester's disability-related needs

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FUNDAMENTAL ALTERATION

- A modification that alters the essential nature of the PHA's operations, including policies required by statute
  - Examples:
    - Any action that require substantial modifications to or the elimination of essential lease or program requirements
    - Actions that would require the PHAs/owners to provide supportive services outside of the scope of services the PHA/owner offers tenants

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ALTERNATIVE ACCOMMODATION

- PHAs reserves the right to offer an alternative accommodation
  - If an alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the PHA must grant it

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ADMINISTRATION

- A Reasonable Accommodation Policy is required for the HCV program
  - May be a separate policy or incorporated into the Admin Plan
- Failure to provide reasonable accommodation
  - Carries civil penalties plus damages for emotional distress, access to housing previously denied, and attorney fees

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NON-DISCRIMINATION

- Information used by HUD to determine that the program is being operated in a non-discriminatory manner must be maintained by the PHA
  - The data is reported to HUD via form HUD-50058

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VIOLATIONS OF FAIR HOUSING ACT

- A PHA violates the Fair Housing Act:
  - If the PHA intentionally discriminates because of race, national origin, or any other protected characteristic
  - When PHA policies or practices have an unjustified discriminatory effect

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NON-DISCRIMINATION

- Periodically, the PHA should review their policies and procedures to be sure that they conform to federal, state and local non-discrimination requirements

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OUTREACH & EXPANDING HOUSING OPPORTUNITIES

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EXPANDING HOUSING OPPORTUNITIES

- Written policies encouraging participation by owners of units located outside areas of poverty or minority concentration
- Providing opportunities for low-income families to lease units (inside and outside of the PHA's jurisdiction) located outside of areas of poverty or minority concentration

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WAITING LIST ADMINISTRATION

- Does your PHA have written policies in the Admin Plan for selecting applicants from the waiting list?
- Does your PHA follow these policies?

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WAITING LIST ADMINISTRATION

- The Waiting List:
  - Used to implement a PHA's preference system
  - Establishes the order in which applicants housing offered a voucher to search for a unit
  - Assists PHAs in ensuring that admissions are conducted in compliance with Fair Housing regulations

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WAITING LIST ADMINISTRATION

- It is the start of the paper trail relied on for reviews and legal challenges
- Audits are a primary tool when HUD conducts Occupancy or Civil Rights Monitoring reviews
- Can be maintained manually or electronically

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WAITING LIST ADMINISTRATION

- Setting up and maintaining the waiting list properly is essential to carrying out admissions in accordance with civil rights, program regulations, and the PHA's policies

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ORGANIZATION OF THE WAITING LIST

- Waiting list **must** include at a minimum:
  - Applicant name
  - Family unit size
  - Date and Time of application
  - Qualification for any local preferences
  - Racial or ethic designation of HoH
  - Date selected from the waiting list
  - Date withdrawn from the waiting list

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OPENING/CLOSING THE WAITING LIST

- When to open the waiting list?
  - In anticipation of turn-over of current vouchers
  - Any increased allocations the PHA anticipates receiving over the next year
- When to close the waiting list?
  - When there are more applicants than can be housed in the next twelve months

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OPENING/CLOSING THE WAITING LIST PUBLIC NOTICE

- The public must be notified when the waiting list is going to be opened
- The public notices must comply with fair housing requirements
- Use same method of announcement to close the waiting list as was used to open it

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OPENING/CLOSING THE WAITING LIST PUBLIC NOTICE

- PHAs must give the public notice by publication in:
  - Local newspapers of general circulation
  - Minority media
  - PHA website and social media
  - Social service agencies
  - Faith-based agencies
  - Other

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OPENING THE WAITING LIST PUBLIC NOTICE

- The public notice must include information on:
  - The time / place
    - If the application period is limited, the announcement must provide clear information on the end of the application period
  - How applications will be accepted
  - Any limitation on who may apply

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OPENING WAITING LIST OUTREACH TO APPLICANTS

- PHAs must include efforts to ensure outreach to populations who are least likely to apply:
  - Homeless
  - Elderly / Disabled
  - Families with children
  - Families without children
  - Employed or Unemployed
  - Minorities
  - LEP
  - Veterans

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OPENING THE WAITING LIST

- The waiting list should have a sufficient number of eligible applicants to ensure that turnover vouchers are issued as quickly as possible
  - No magic number, formula, or HUD requirement for when a PHA should open the waiting list

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CLOSING THE WAITING LIST

- The waiting list should be closed when there are more applicants than can be housed within 12 to 24 months
- PHAs may choose to close only a portion of the waiting list instead of the entire waiting list
  - May continue to receive applications for a specific preference and close the waiting list for other preferences

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FACTORS TO CONSIDER BEFORE CLOSING THE WAITING LIST

- Is there a sufficient number of ELI families on the waiting list to satisfy income targeting requirements?
- How long is the average wait for "non-preference" applicants to be pulled from the waiting list?

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FACTORS TO CONSIDER BEFORE CLOSING THE WAITING LIST

- Are there enough applicants to issue voucher for turnover vouchers and mover vouchers that did not result in HAP contracts?
- Will the PHA continue to accept applications from applicants that meet certain local preferences?

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APPLICATION & SELECTION PROCESS

- PHAs must describe the method of selecting applicant families from the PHA's waiting list in its Admin Plan
- Must comply with HUD rules and regulations regarding non-discrimination
- Must support the PHA's occupancy and leasing objectives
- Must treat every applicant fairly and consistently

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APPLICATION & SELECTION PROCESS

- PHA's selection process must be consistent as to:
  - The order applicants are placed and selected (pulled) from the waiting list
  - The method to determine applicant eligibility
  - Which applicants are issued a voucher
- Must be stated in the Admin Plan

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PREFERENCES

- PHAs may, but are not required to, establish preferences for selection of applicants from the waiting list
- Establishes the order of placement on the waiting list

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PREFERENCES

- Must be consistent will non-discrimination and equal opportunity requirements
- PHAs must ensure that preferences will not exclude eligible families from housing assistance programs based on race, color, national origin, religion, sex, disability, or familial status

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PREFERENCES

- Federal Preferences
  - Repealed by the Quality Housing and Work Responsibility Act of 1998
- Local Preferences
  - Adoption requires a public hearing and inclusion in the PHA Plan and Admin Plan

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LOCAL PREFERENCES

- Based on the local housing needs and priorities
- PHAs may limit the number of applicants that may qualify for any local preference
- Cannot deny a local preference because the applicant lives in public housing
- Multiple preferences can be adopted by the PHA

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LOCAL & RANKING PREFERENCES

- PHA Plan and Admin Plan must describe the hierarchy of preferences (if any), whether they will be aggregated, and how applicants qualify for the preferences
- Ranking preferences
  - How does the PHA weigh the preferences
  - Describe how the preferences fit in with date and time of application

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LOCAL & RANKING PREFERENCES

- PHA selection process among applicants with the same preference:
  - Date and time of application; or
  - A drawing or other random choice technique

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VERIFYING THE PREFERENCES

- The PHA places the applicant on the waiting list according to the preference claimed
- Before the family receives assistance, the PHA must verify the family's eligibility for the preference based on the applicant's **current** circumstances

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VERIFYING THE PREFERENCES

- If the PHA determines the applicant does not qualify for the preference, the applicant does not receive the preference
- The PHA must provide a written notice to the applicant of the reason they do not qualify for the preference
  - The applicant retains their original date and time of application or their application number

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CHANGE IN PREFERENCE STATUS WHILE ON THE WAITING LIST

- Applicants on the waiting list who did not qualify for a preference when they applied may experience a change in circumstance that qualifies them for a preference
  - The reverse may also occur
- If preference status changes, applicants retain their original date and time of application or their application number

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CHANGE IN PREFERENCE STATUS WHILE ON THE WAITING LIST

- If the PHA determines that the applicant now qualifies for a preference, the applicant would be:
  - Moved up the waiting list in accordance with their preference(s) and their date and time of applications/application number
  - Will be informed in writing of how the change in status has affected their position on the waiting list

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REVIEWING & REVISING PREFERENCES

- Recommendations should be referred to the Executive Director (ED)
- ED assigns staff to edit/revise and submit changes to the BoC for approval
- Changes must be in the PHA Plan

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REVIEWING & REVISING PREFERENCES

- PHA may have to hold a public hearing based on local laws or PHA's definition of Substantial Deviation/Modification of the PHA Plan
- The revised preference must be included or deleted from the Admin Plan prior to implmentation

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ADOPTING NEW PREFERENCES

- If the PHA adopts a new preference, the PHA must offer the opportunity for current applicants on the waiting list who qualify for the preference to receive the benefit of the preference and move up on the waiting list

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ADOPTING NEW PREFERENCES

- The PHA should specify in the public notice that the waiting list opening and applicants on the current waiting list will also be given the benefit of the preference

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WAITING LIST MANAGEMENT

- PHAs must select applicants from the waiting list in order to begin the eligibility process
  - If preferences: Applicant must be selected in order of position per the waiting list
  - If no preferences: Applicants must be selected from the waiting list in accordance to date/time or by random drawing

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BRIEFINGS

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PURPOSE OF THE HCV TENANT BRIEFING

- Primary
  - Educate applicants/participants on HCV program requirements
- Secondary
  - Help voucher holders locate and lease a decent, safe and sanitary unit

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HCV TENANT BRIEFING

- PHA must give each family an Oral Briefing and a Briefing (Informational) Packet
- Briefing Packet
  - Should be designed as an information resource that the family can refer to throughout their participation in the HCV program

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HCV TENANT BRIEFING

- Must explain:
  - How the program works
  - Owner and family responsibilities
  - Where the family can lease a unit
  - Portability to all applicants/participants
  - That the PHA will not discourage a family from choosing where they want to live

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PURPOSE OF LANDLORD BRIEFINGS

- Although not a requirement, many PHAs invite prospective/new and current landlords to a HCV Landlord Briefing
  - To thank landlords who are interested in or who are currently leasing their units to HCV clients

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PURPOSE OF LANDLORD BRIEFINGS

- Acquaint and provide the landlords with information to help them understand the rules and regulations, processes, benefits and paperwork associated with the HCV Program
- Improve landlord and PHA relationship

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LANDLORD BRIEFING PACKET

- Owner Documents:
- Owner Application
- Current valid govt ID
- SSN/EIN
- Phone number
- Email address
- Proof of Ownership
- IRS form W-9
- Management/Agent Agreement
- Authorization for Payment
- Owner Obligations
- Landlord Code of Conduct
- Affidavit not to lease to relatives
- How to list Unit with the PHA
- Rent Increase Request

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LANDLORD OUTREACH EFFORTS

- Identify owners, landlords, property investment and property management groups in your jurisdiction
  - Become a member of the groups
  - Assign staff to attend group meetings
- Network
- Landlord Fairs
- Mail-outs / Flyers/Direct Advertising

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LANDLORD OUTREACH EFFORTS

- Network
- Landlord Fairs
- Mail-outs / Flyers/Direct Advertising
- Develop a survey
- Newsletters

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LANDLORD OUTREACH EFFORTS

- Positive news stories about the HCV program
- Referrals of vacant units
- Program information for prospective owners
- Follow-up on HCV owner inquiries

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SCHEDULING THE BRIEFING

- May be conducted in a group setting or with individual families/landlords

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SCHEDULING THE BRIEFINGS

- Include the approximate length of the briefing
- Include in the appointment letter/invitation
  - Information on how to request a reasonable accommodation for families/landlords who are persons with disabilities
    - Record the for future use

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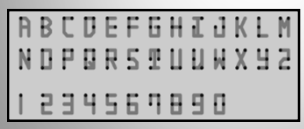
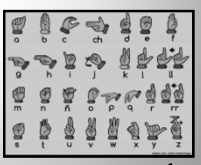
SCHEDULING THE BRIEFING

- Make arrangements for families/landlords who require assistance or a form of communication other than written due to a disability
  - Record the alternative form of communication for future use





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SCHEDULING THE BRIEFING

- Have available written and/or verbal information for families/landlords with Limited English Proficiency (LEP)
  - Record the alternative language for future use

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EXPANDING HOUSING OPPORTUNITIES QUALITY CONTROL

- Review and revise strategies in Admin Plan/Annual Plan
- Assess wait list, lease up rate, etc.
- What areas need improvement?
- Monitor new landlord participation, follow up

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EXPANDING HOUSING OPPORTUNITIES QUALITY CONTROL

- Maintain records of tenant moves
- Quarterly analysis of the location of types of units needed
- Remember that a good HCV operation is the best public relations for the PHA

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OCCUPANCY CHALLENGES

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PROCESSING & DOCUMENTING TERMINATION OF ASSISTANCE

- HCVP assistance may be terminated by:
  - The PHA
  - The family
  - The owner

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PROCESSING & DOCUMENTING TERMINATION OF ASSISTANCE

- When the HAP contract terminates, the PHA must:
  - Give the owner and family a written notice
  - Notice must specify the reasons for the termination and effective date
  - Advise once the HAP contract is terminated no more HAP payments will be made

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PROCESSING & DOCUMENTING TERMINATION OF ASSISTANCE

- Provide the Notice of Occupancy Rights (HUD-5380) and the Certification form (HUD-5382) to all adult applicants or participants
  - Provide regardless if the applicant withdrew their application or if the participant provided a voluntary notice to withdraw from the program

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CONDUCTING & DOCUMENTING INFORMAL REVIEWS AND HEARINGS

- Applicants seeking admission and participants in the HCVP have the right to receive an Informal Review or Informal Hearing on certain PHA actions or decisions which affect their eligibility or amount of assistance

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CONDUCTING & DOCUMENTING INFORMAL REVIEWS AND HEARINGS

- The PHA selects a Hearing Officer or Hearing Panel
  - Hearing Officer/Panel may be any person or persons designated by the PHA other than the person who made or approved the decision under review or a subordinate of the person

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CONDUCTING & DOCUMENTING INFORMAL REVIEWS AND HEARINGS

- Review/Hearing should be recorded
- Minutes should be kept
- Brief summary of the review/hearing should be read by the Hearing Officer/Panel
- Decision based on the
  - Evidence presented
  - Discovery opportunities
  - Questions of witness

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CONDUCTING & DOCUMENTING INFORMAL REVIEWS AND HEARINGS

- Decision is sole based on the preponderance of:
  - Evidence presented
  - Discovery opportunities
  - Questions of witness
- Results of review/hearing must be in writing and issued as per PHA Review/Hearing Procedures

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MANAGING PORTABILITY MOVES

- Do not delay
- Establish a portability POC (point of contact for your PHA)
- Communication between PHAs must be by email or another confirmed method of delivery

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MANAGING PORTABILITY MOVES

- If the RPHA states from the initial contact that they will absorb the family… they **cannot** change their decision at a later date
- No action 6 (EOPs) unless the RPHA confirms the family failed to lease-up in the RPHA's jurisdiction
- Timely completion of the 52665 is key

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PORTABILITY 50058 ACTION CODES SUBMISSIONS

Responsible PHA	Event	Type of 50058 Submission
IPHA	Applicant family ports out	Voucher Issuance (Action Code 10)
IPHA	Participant family ports out	Portability Move-out (Action Code 5) regardless if RPHA bills or absorbs
RPHA	Participant family ports in	Voucher Issuance (Action Code 10) before entering the below
RPHA	Applicant family ports in	New Admission (Action Code 1)
RPHA	Participant family ports in	Portability Move-in (Action Code 4) regardless if bills or absorbs

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PORTABILITY BILLING DEADLINES

Submission Type	Deadline
RPHA Initial Billing	90 days from the expiration date of the IPHA's voucher (30 additional days if delayed billing is due to suspension of the voucher's term)
IPHA Initial Payment	30 days from receipt of initial billing
IPHA Subsequent Payments	5th business day of the month
RPHA Change in Billing Amount	10 business days from the effective date of the change
RPHA Termination of Billing	10 business days from effective date of the termination

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VAWA

- Who is protected
- Notice of Occupancy Rights (HUD-5380)
- The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternative Documentation (the Certification form, HUD-5382)

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VAWA

- Adverse factors that are a direct result of a VAWA crime
- Communication with a victim of a VAWA crime
- Confidentiality

Any information submitted to PHA, including the fact that an individual is a victim of a VAWA crime, must be kept and maintained in the strictest confidence

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VAWA

There are no limitations on the number of occasions a victim can invoke VAWA protections

Victims of domestic violence, dating violence, sexual assault, or stalking should contact their PHA to protect their housing assistance

No victim of a VAWA crime should have to choose between seeking help and having a roof over their head

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RENT REASONABLENESS
SEMAP INDICATOR 2

HUD requires 9 characteristics to be considered for rent reasonableness

- Quality of property
- Size
- Type of unit
- Age of unit
- Location in terms of rental market
- Paid utilities
- Housing services
- Maintenance services
- Amenities
- Contract rent
- Number of bedrooms
- Bathrooms
- Accessibility

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RENT REASONABLENESS

- PHAs must implement a written method to determine and document for each unit leased that the rent to owner is reasonable based on current rent for comparable unassisted units
- The method of determination and documenting rent reasonable must be in the Admin Plan

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RENT REASONABLENESS

- Owner certification
  - By accepting the HAP payment from the PHA, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted unit in the premises

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RENT REASONABLENESS

- Collect data on market rents at least every four years
- Consider automated systems
- Garbage In = Garbage Out

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RENT REASONABLENESS

- Collecting data may include:
  - Current comparable data
  - Addresses of units unassisted
  - Determine if there are other assisted units in community
  - Maps
  - Real Estate or MLS data

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UTILITY ALLOWANCE

- Is calculated for each family based on the PHA's Utility Schedule of average utility consumption by unit size for each family paid utilities
  - If all the utilities are included in the rent to owner, there is no UA
- The HUD-52667, Utility Allowance Worksheet, must be included with each 50058 calculation action

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UTILITY ALLOWANCE

- Utility Allowance Schedule
  - Review annually
  - Implementation and documentation of increases
  - If a utility category changes 10% or more revise UA
  - Must maintain supporting info of annual UA review and any revisions made to the UA schedule

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UTILITY ALLOWANCE

- The utility allowance is the **lesser** of:
  - The size of the dwelling unit actually leased by the family, or
  - The voucher size issued to the family
- The PHA may grant a higher UA as a reasonable accommodation for families which includes a person with disabilities

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UTILITY REIMBURSEMENT PAYMENT (URP)

- PHAs may make the URPs directly to the family
- PHAs may elect to pay the utility supplier directly and not the family
  - Must notify the family of the amount paid the utility supplier
- Must be in the Admin Plan

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QUARTERLY URP

- PHAs may make URP quarterly, rather than monthly, if the total quarterly URP is ≤ $45
  - PHAs may make "retroactive" URP payments
    - Made before the end of each quarter
    - Must inform family they may request hardship exemption
  - PHAs may make "prospective" URP payments
    - Made prior to the start of each quarter

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QUARTERLY URP

Time Period Covered by URP	URP Payment Due No Later Than	
	Prospective	Retroactive
January – Mark	December 31	March 31
April – June	March 31	June 30
July – Sept	June 30	Sept 30
Oct – Dec	Sept 30	Dec 31

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