

Emergency Housing Voucher Operating Policies
Addendum to Section 8 Administrative Plan

Unless expressly waived in Notice PIH 2021-15, all statutory and regulatory requirements and HUD directives regarding the HCV program are applicable, to include use of required HUD- contracts & forms.

The administrative policies adopted in this addendum apply only to the Emergency Housing Voucher (EHV) in accordance with Notice PIH 2021-15.

Individual and Family Eligibility under the Qualifying Categories

PHA Policy: The populations eligible for VSHA EHV assistance, and to be referred by the Coordinated Entry of each of Vermont’s Continua of Care (Burlington/Chittenden and Vermont Balance of State), will be persons fleeing domestic violence, sexual violence, and human trafficking.

Waivers and Alternative Requirements

COVID-19 Waivers [PIH 2021-14 or its successor notices]: HUD is exercising its waiver authority under the ARP to provide some of the same menu of HCV-applicable CARES Act waivers to PHAs for administration of the EHV assistance. The use of these COVID-19-related EHV waivers is at the discretion of the individual PHA. A PHA may choose to apply all, some, or none of the waivers to EHV assistance

PHA Policy: VSHA will apply none of the COVID-19-related waivers to EHV assistance.

Establishing Partnerships for EHV Administration: A PHA must enter into a Memorandum of Understanding (MOU) with the CoC and/or VSPs to establish partnership for the administration of the EHV.

PHA Policy: On 7/8/21, VSHA entered into a MOU with the VT Balance of State CoC (dba VT Coalition to End Homelessness), Burlington/Chittenden CoC (dba Chittenden County Homeless Alliance), and the VT Network Against Domestic & Sexual Violence (statewide VSP coalition).

Direct Referrals from the CoC and Other Partnering Organizations [§ 982.204(a)]: PHAs 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.

If the PHA has a preference for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking for the regular HCV program, the PHA must refer any applicant on the waiting list that indicated they qualified for this preference to the CoC or the applicable partnering referral agency.

If the PHA has a homeless preference for the regular HCV program, the PHA must refer any applicant on the waiting list that indicated they qualified for the homeless preference to the CoC.

PHA Policy: VSHA will inform families on the HCV waiting list of the availability of EHV by posting a public notice to our website. VSHA will review applicants placed on the regular HCV waiting list with preferences to ensure families that qualify for EHV are referred to the CoC or applicable partnering referral agency. VSHA will receive direct referrals from the CoCs and partnering organizations for households who have been prioritized by a VT Coordinated Entry organization and are connected to a Service Provider.

Provision of Housing Search Assistance: PHAs must ensure housing search assistance is made available to EHV families during their initial housing search. The PHA may use any of the EHV administrative fees (including the services fees) to pay for housing search assistance. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

PHA Policy: VSP, or other identified providers as needed, will support individuals and families to access the VSHA EHV Program, including the:

- intake process, rental housing applications and obtaining necessary supporting documentation to support referrals and applications for assistance, while aiding households in addressing barriers;
- housing search assistance to households, including support the VSHA to communicate appointment notifications to eligible individuals and families and will assist eligible households to schedule/attend lease-up/HQS inspection and other meetings with the VSHA and property owner/manager;
- guidance on program compliance and rental lease requirements;
- assess individuals and families who may need referrals for assistance on security deposits, utility hook-up fees, and utility deposits; and
- assess and refer individuals and families to benefits and supportive services, where applicable. Benefits and supportive services may include, but not limited to, the VSHA Vermont Emergency Rental Assistance Program to address rental arrears, AHS Rapid Resolutions (Vermont Network) funds to address barriers to housing, AHS Housing Opportunities Program (Vermont Network), EHV Service Fees to secure a security deposit and address eligible essential household needs and tenant-ready assistance, etc.

Separate Waiting List [§ 982.204(f)]: PHA shall maintain a separate waiting list for EHV. Applies to initial leasing and for any turnover vouchers issued prior to September 30, 2023.

PHA Policy: VSHA will maintain a separate waiting list for EHV.

Public Notice when Opening and Closing the Waiting List [§ 982.206]: PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

PHA Policy: VSHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

Local Preferences [§ 982.207(a)]: Local preferences established by the PHA for the HCV admissions do not apply to EHV. In establishing any local preferences for the EHV waiting list, the preference may not prohibit EHV admissions from any of the four qualifying categories of eligibility.

PHA Policy: VSHA will not establish any local preferences for the EHV waiting list.

Residency Preferences [§ 982.207(b)]: PHA may not apply any residency preference.

PHA Policy: VSHA must not apply any residency preference.

Admissions: Mandatory Prohibitions [§ 982.552 and § 982.553]: (1) The PHA must prohibit admission to the program 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.

(2) The PHA must prohibit admission to the program if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

PHA Policy: VSHA must deny admission to the program 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 **and/or** if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program.

Admissions: Permissive Prohibitions [§ 982.552 and § 982.553]: PHA must consult with its CoC partner to understand the impact that the use of permissive prohibitions may have on referrals and must take the CoC's recommendations into consideration. The PHA may prohibit admission of a family for the grounds stated below.

(1) If the PHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:

- a. Violent criminal activity.
- b. Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.

(2) 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.

(3) If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.

PHA Policy: VSHA will not prohibit admission of a family for permissive prohibitions.

Admissions: Unallowable Prohibitions [§ 982.552 and § 982.553]: Unlike the HCV admissions PHAs may not deny admission for any of the following:

(1) Any member of the family has been evicted from federally assisted housing in the last five years.

(2) A PHA has ever terminated assistance under the program for any member of the family.

(3) 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.

(4) 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.

(5) The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA.

(6) The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with §982.553(a)(3).

(7) 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.

PHA Policy: VSHA will not deny admission for any of the unallowable prohibitions.

Income Verifications at Admission [§ 982.201(e)]: Allows PHA to accept self-certification as the highest form of income verification at admission. Applicants may provide third-party documentation which 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.

PHA Policy: VSHA will allow self-certification as the highest form of income verification at admission.

SSN and Citizenship Verification [24 CFR § 5.216(b)(2), (g), (h), 5.218, 5.508(b)(2)(ii), (b)(3)(ii), (g)]: Documentation must be provided in 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.

PHAs may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.

PHA Policy: VSHA will allow self-certification of SSN and Citizenship at the time of admission. VSHA will work with the family, CoC or other partnering agency to ensure documentation of SSN and Citizenship is received within 180 days of admission unless an extension is granted based on evidence received.

VSHA will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. VSHA will work with the family to obtain a higher form of verification within 90 days of admission or verify the information in EIV.

Income Targeting Requirements [Section 16(b) of the United States Housing Act of 1937 and § 982.201(b)(2)]: Waives Income targeting requirements. These do not apply to EHV allowing PHAs to serve people at a variety of income levels including low-income families.

PHAs 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.

PHA Policy: VSHA will serve families with incomes at 50% of Area Median Income (AMI) or below.

VSHA will include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families were admitted.

Income Calculation and Verifications from Third-Party Providers [24 CFR § 982.201(e)]: For each new admission under this waiver and alternative requirement, the PHA must: review the EIV Income and IVT Reports to confirm/validate family-reported income within 90 days of the IMS/PIC (or PIC-NG when the system becomes available) 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.

At the time of the family's annual reexamination the PHA must conduct the annual reexamination of income as outlined at 24 CFR § 982.516.

PHA Policy: VSHA will review the EIV Income and IVT Reports to confirm/validate family-reported income within 90 days of the IMS/PIC (or PIC-NG when the system becomes available) submission date; print and maintain copies of the EIV Income and IVT Reports in the participant file; and resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

VSHA will conduct the annual reexamination of income as outlined at 24 CFR § 982.516.

Pre-inspection of HQS Units: PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

PHA Policy: VSHA will not pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

Initial Search Term [§ 982.203(a)]: Initial term for an EHV must be at least 120 days. Any extensions, suspensions, and progress reports will remain under the policies in the PHA's administrative plan but will apply after the minimum 120-day initial search term.

PHA Policy: VSHA will provide an initial search term of 120 days. Any extensions, suspensions, and progress reports will remain under the policies of the regular HCV administrative plan.

Initial Lease Term [Section 8(o)(7)(A) of the United States Housing Act of 1937 and § 982.309(a)(2)(ii)]: Families can enter into leases for a term shorter than one year.

PHA Policy: VSHA will allow families to enter into an initial lease term shorter than one year.

Portability [Section 8(r)(1)(B)(i) of the United States Housing Act of 1937 and § 982.353(c)]: In order to provide maximum housing choice for the targeted populations, HUD is removing this restriction for EHV nonresident applicants to allow all EHV families to immediately move under portability.

The PHA may not restrict an EHV family from exercising portability because they are a nonresident applicant. A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA does or does not currently administer EHV's under its own ACC. In addition to the applicable family briefing requirements at § 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.

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. The primary purpose of this communication is to ensure there is no duplication of EHV services and assistance provided to the family and that 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.

PHA Policy: VSHA will not restrict an EHV nonresident applicant to move under portability.

VSHA will not refuse to assist an incoming EHV family. VSHA will inform the family how portability works and how portability may affect the family's assistance. VSHA, as the initial PHA,

will inform the family how portability may impact the special EHV services and assistance that may be available to the family.

If the portability move is in connection with the EHV family's initial lease-up, VSHA will consult and coordinate on the EHV services and assistance will be made available to the family.

Establishing Separate Higher Payment Standards for EHV's [§ 982.503(a)(3), § 982.503(b)(1)(i), § 982.503(b)(1)(iii)]: Establishing a separate EHV payment standard is at the discretion of the PHA and the PHA is not required to do so. PHAs are not permitted to establish a separate payment standard for the EHV's that is lower than the regular HCV payment standard. 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.

PHAs can establish a payment standard amount for a unit size at any level between 90%–120% of the published FMR for that unit size. HUD approval is not required to establish an EHV payment standard within that range.

A PHA that is not in a designated Small Area FMR area or has not opted to voluntarily implement Small Area FMRs under 24 CFR 888.113(c)(3) may establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD-published Small Area FMRs. 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. As is the case for the regular HCV program, the PHA must notify HUD if it establishes an EHV exception payment standard based on the Small Area FMR. The exception payment standard must apply to the entire ZIP code area.

PHAs may also still request approval for exception EHV payment standards above 120% of the applicable FMR/SAFMR from HUD in accordance with § 982.503(b)(1)(iv) or § 982.503(c) if needed.

All rent reasonableness requirements at § 982.507 continue to apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

PHA Policy: VSHA will establish a separate payment standard for a unit at any level up to 120 percent of the published FMR for EHV's. VSHA will increase the EHV payment standard if it would be lower than the increased regular HCV payment standard.

Application of Increased Payment Standard [§ 982.505(c)(4)]: PHAs have the discretion to establish a policy in the PHA administrative plan on when to apply the increased payment standard (e.g., interim reexamination, owner rent increase) after the effective date of the increase in the payment standard amount, 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.

PHA Policy: VSHA will apply the increased payment standard only at the time of annual reexamination unless the family becomes rent burdened (paying more than 40 percent of their income towards rent) as a result of a change in their circumstances or the owner increases the rent.