Section 8 Made Simple for Practitioners: Understanding Your PHA's Housing Choice Voucher Program

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Let's get interactive!

- Before we get started go to www.menti.com and use the code 65 89 980
- You can use your computer or your smartphone
- Let's test it out now

Learning Objectives

- Develop a greater understanding on how the Housing Choice Voucher (HCV) Program is administered by your local PHA.
- Develop a more thorough understanding of HCV eligibility, application and screening/denials.
- Build an understanding on how to support a HCV applicant in requesting a Reasonable Accommodation.

Agenda

1. Introduction
2. Housing Choice Voucher Basics
3. Reasonable Accommodation
4. Application
5. Screening, Verification and Appeals
6. Questions

* *This is an interactive training, ask your questions in the chat and we will pause after each section to allow for questions.*

Housing Choice Voucher Basics

Public Housing Authorities (PHA)

- A PHA is any state, county, municipality, or other governmental entity or public body authorized under State law to administer a housing or rental assistance program.
- PHAs receive funding from HUD with the goal of providing safe, decent, and affordable housing to low-income households.
- There are over 4,000 PHAs across the country; collectively they administer over 1.2 million public housing units and 2.1 million tenant-based housing vouchers.
- Each PHA reports to a Board of Commissioners, which are appointed by local governments (e.g. city councils or mayors).
- PHAs may administer-- HUD-funded housing programs, including:
  - Public Housing
  - Housing Choice Vouchers (HCV), including Project-Based Vouchers
  - Housing Opportunities for Persons with AIDS (HOPWA)
  - Continuum of Care
  - Grants awarded for community revitalization, supportive services

Housing Choice Voucher Basics

Housing Choice Voucher Program

- Provides a rent subsidy to pay a portion of the monthly housing costs based on the income of the tenant.
- Utilizes landlords in the private rental market
- Typically the tenant's share of the rent is 30% of their monthly adjusted income
- Program Components
  - Tenant Based Rental Assistance
  - Project Based Rental Assistance
  - Homeownership Assistance
  - Down Payment Assistance
- Important Aspects of Tenant Based Rental Assistance
  - Affordability
  - Quality
  - Choice

Housing Choice Voucher Basics

PHA responsibilities include:

- Manage waiting lists;
- Determine an applicant's eligibility for the program;
- Ensure housing is safe, decent, and sanitary;
- Calculate a participant's income and rent;
- Conduct program termination or eviction actions.

Housing Choice Voucher Basics

General Process

- A household applies to the PHA's waiting list.
- The PHA selects the household from its waiting list and determines the household's eligibility for the program (e.g., income, criminal history).
- The PHA briefs the household about the program and issues the household a voucher to begin searching for a suitable unit.
- The household finds a unit. The PHA approves the unit **if** it passes a Housing Quality Standards (HQS) inspection and the rent is determined reasonable. PHA calculates the Housing Assistance Payment (HAP) and household's share towards rent.
- PHA executes the HAP contract with the landlord. The household and landlord execute a lease agreement. **The PHA nor HUD is a party to the lease.** The household moves-in.
- At least annually, the unit must be inspected (HQS) and the household's composition and income are reexamined.

PHA Myth Busters

A list of all North Carolina PHAs can be found here, https://www.hud.gov/sites/dfiles/PIH/documents/PHA_Contact_Report_NC.pdf

Low rent = Public Housing only

Section 8 = Housing Choice Vouchers only

Combined = PHA administers both programs

Reasonable Accommodation

Reasonable Accommodation (RA) basics

- Important to understand the Reasonable Accommodation provisions in the Fair Housing Act and Section 504 of the Rehab Act of 1973.
- PHAs are obligated to make reasonable changes in policies and procedures to ensure equal participation.
- Person with a disability (including CH) have a right to request a RA.
- PHAs are required to inform public and establish a process to receive a RA request and to decide whether it is reasonable.
- PHA will typically ask that the RA be requesting in writing.
- The RA must be submitted by the person with a disability.

Reasonable Accommodation

Supporting the RA request

- RA must relate to the person's disability.
- The RA request should include the:
  - Specific accommodation that is being requested;
  - Reason that the accommodation is being requested;
  - How the accommodation is related to the person's disability.
- It also may be helpful to attach any written documentation from an advocate/provider.
- PHA may respond in writing or schedule a meeting to discuss further.
- Some PHAs may be unsure of their responsibility under Fair Housing or understand the flexibility that they have.
- Resources to support your efforts:
  - TAC's *Section 8 Made Simple* Guidebook
  - HUD Fair Housing Staff assigned to the HUD Field Office
  - State or Local Fair Housing or Legal Aid staff
  - HUD/ Dept. of Justice's Joint Statement on Reasonable Accommodation (2004) - https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/joint_statement_ra.pdf

PHA Myth Busters

HCV Eligibility

Outreach and Application Process

- PHAs use a range of outreach strategies
- Develop an understanding of whether the PHA is accepting applications
- Potential to partner with the PHA on outreach to be given notice of when application will be accepted
- No standard application, varies by PHA
- A Section 8 application will request information about:
  - Household composition
  - Income and Assets
  - Disability Status
  - Other information needed to determine eligibility

HCV Eligibility

Outreach and Application Process

- Several ways for PHA to accept applications:
  - Designate one day to distribute/accept applications
  - Distribute applications to local agencies and applicants for a short period of time and require submission of the completed application by a certain date
  - Accept application on an on going basis

- Possible Changes to the Application Process as a Reasonable Accommodation
  - Allow additional time for a person with a disability to submit the application
  - Allow application to be dropped off by friend, family member, service provider
  - Conduct a home or shelter visit to allow an applicant to complete the application
  - Request that a person (i.e. case manager) be copied on all PHA correspondence

HCV Eligibility

Verification of Eligibility

- At some point, the PHA will require the applicant to provide documentation to verify information on the application
- Third Party verification usually required
  - Documentation must come from another, independent party
  - Eligibility: Income, household composition (age and SS#s of all members), citizen status, disability status (if applicable) and other criteria required by the PHA to (i.e. residency)
  - Usually requires that documentation to be recent (within 60 days)
- Reasonable Accommodation: Can request extra time to gather necessary documentation
- Challenging process to verify this information
- Failure to gather documentation will result in determination of ineligibility

HCV Eligibility

Screening Process

- PHAs have the authority to screen applicants for:
  - Tenant History
  - Owner References
  - Credit History and
  - Criminal Activity
- A discretionary policy not mandated by law
- Must screen all applicants uniformly based upon the criteria set
- Screening policies and procedures outlined in the Admin Plan

HCV Eligibility

Screening Process

- HUD offered recent guidance around screening Criminal Background to PHAs (2016)
  - Discouraged the practice of screening out for arrest
  - Encourage the practice of establishing reasonable look back policies
  - Blanket bans against people with criminal records violate the Fair Housing Act
- Only in two cases is someone permanently barred from Federally assisted housing including Section 8:
  - Someone convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally-assisted housing and
  - Individuals who must register as a lifetime sex offender

HCV Eligibility

HUD Guidance to PHAs on screening for Criminal Activity (2016)

Best Practices on Screening for Criminal Activity

- Allow applicants to address and present mitigating circumstances regarding criminal backgrounds prior to admissions decisions.
- Adopt look back periods that limit what criminal conduct is considered during the screening process bases upon when the conduct occurred and/or the type of conduct.
- Adopt admission policies that name specific factors to be considered in evaluating the criminal record.

  Ex. If the applicant is now in recovery from an addiction, whether the applicant was under the influence or alcohol or illegal drugs at the time of the offense

HCV Eligibility

HUD Guidance to PHAs on screening for Criminal Activity (2016)

Best Practices on Evicting and Terminating Assistance

- Adopt policies listing the circumstances to consider prior to a lease termination for criminal activity.
  - Ex. The seriousness of the offense, especially with respect to how it would effect other residents

Reasonable Accommodation (RA)

- PHAs are obligated to modify their screening policies to accommodate a person with disabilities.
- RA can ask a PHA to disregard specific criminal history in light of mitigating circumstances related to the disability.

HCV Eligibility

Appeals

- PHAs are required to have a formal process for appeals.
- Described in the HCV Admin Plan
- Allows applicant to present mitigating circumstances that cause PHA to reverse decision.
- PHA must put in writing and the reasons for denial and provide information on the appeal process.

PHA spotlight

The Housing Authority of New Orleans changed their criminal background screening so that no one is automatically denied admission into the program for their criminal history except as mandated by federal law without first having their case reviewed by a panel of HANO officials. The three person panel includes a program participant and since instituting their new policy there have been little to no denials for criminal background.

Homework

Before the next session check on a local PHA's administrative plan and review the elements what we discussed today. Come to the next session with questions.

Questions and discussion

Next training is January 27, 2021 10:00-11:30 AM ET

https://zoom.us/webinar/register/WN_V_p2J2NGRx6hwNf9KHfNAQ