

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

2019 Federal Permanent Housing Conference

Learning Objectives

- Develop a greater understanding on how the Section 8 Program is administered by your local PHA.
- Develop a more thorough understanding of the Section 8 eligibility, application, screening/denials and waiting list processes.
- Build an understanding on how to support a Section 8 applicant in requesting a Reasonable Accommodation.



Agenda

- Introductions
- Section 8 Housing Choice Voucher Basics
- Understanding the Basics of PHA Policymaking
- Reasonable Accommodation
- Section 8 Eligibility
 - Application
 - Screening, Verification and Appeals
 - Wait List Processes
 - Wait List Preferences and Set-asides
- Receiving the Voucher and Finding Housing
- Reasonable Accommodation Examples
- Questions



Section 8 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 PBV
 - Housing Opportunities for Persons with AIDS (HOPWA)
 - Grants awarded for community revitalization, supportive services
- State or local government funded housing programs
- Not all PHAs administer all programs



Section 8 Housing Choice Voucher Basics

Section 8 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



Section 8 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.



Section 8 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.



Basics of PHA Policymaking

PHA Plan

- Master plan for both the Section 8 and Public Housing
- Must include a needs assessment including the needs for people with disabilities and the number of persons with disabilities in the Section 8 waiting list

Section 8 Administrative Plan

- Must be developed and made available if receiving Section 8 funds
- HUD approved plan
- Outlines policies and procedures for managing their Section 8 program
- Primary resource for learning what discretionary policies a PHA has established
- Policies include:
 - Eligibility Criteria
 - Application Process
 - Wait List Management
 - Tenant Selection Policies



Basics of PHA Policymaking

- It is critically important to understand what areas are statutory or regulatory and discretionary/PHA policy.
- **Statutory/Regulatory**
 - Parts of the Section 8 Program that cannot be changed or need a waiver from HUD for a PHA to change.
 - Sources: Code of Federal Regulations (Part 24), HUD PIH Notices and Rules published in the Federal Register
- **Discretionary PHA policy**
 - Areas of the Section 8 Admin plan where the PHAs has discretion
 - Includes areas such as: preferences, wait list policies, screening criteria
 - These are the areas where your advocacy and partnership with a PHA may result in changes in these policies to reduce barriers to access and participation for people with disabilities or who are homeless



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



Section 8 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 Section 8 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



Section 8 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



Section 8 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
- 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



Section 8 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
- 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 two cases is someone permanently barred from Federally assisted housing including Section 8:
 - Someone convicted of producing methamphetamine in federally-assisted housing and
 - Individuals who must register as a lifetime sex offender



Section 8 Eligibility

HUD Guidance to PHA 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



Section 8 Eligibility

HUD Guidance to PHA on screening for Criminal Activity (2016) *(continued)*

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)

- PHA 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.



Section 8 Eligibility

Appeals

- PHA is required to have a formal process for appeals.
- Described in the Section 8 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.



Section 8 Eligibility

Wait List Processes *(Included in Section 8 Admin Plan)*

- Section 8 applications are only accepted when the wait list is open.
- Wait list are often very large and have long wait times.
- Methods to add applicants to the wait list:
 - Chronological
 - Randomly Ordered or Lottery Process
- PHAs will close their wait list once they determine there are a sufficient number of applicants.
- When the list is closed, PHAs can grant some exceptions such as: people displaced by fire, flood, natural disaster or other federal action.
- PHAs often **update** the list by sending notices to wait list households requiring them to reply with update information.
- *Tip: Applicants and their case managers should work together to update the PHA if they have moved or have a change in their contact information to receive notifications and keep spot on waitlist.*
- Reasonable Accommodation: Request that a case manager/service provider is named as a point of contact on the application so they are notified of any wait list update required



Section 8 Eligibility

Wait List Preferences and Set-Asides

- PHAs have discretion to establish local preference(s)
- PHA's preference must be documented in the PHA Plan and the Section 8 Admin Plan.
- Types of Preferences include:
 - People who work in or are residence of a specific locality (i.e. residency preference)
 - People who are homeless or are living in an institution
 - People who reside in substandard housing
 - People with disabilities
- PHAs may not establish a preference for people with a specific type of disability.
- If a PHA have several preferences, it use a ranking system then it is even more difficult to predict when a voucher may be available.
- PHA also have the discretion to establish a set-aside of Section 8 vouchers for specific populations as well.
- Types of set-aside vouchers funded separately by HUD:
 - VASH
 - Mainstream



Receiving the Voucher and Finding Housing

- Section 8 Briefing
 - Learn about the program and their responsibilities as a voucher participant.
- PHA provides a participant a specific amount of time for a housing search to identify an apartment to use the tenant-based voucher.
- Reasonable Accommodation: May request an extension of housing search time
- Barriers to Housing Search that you can assist with:
 - Housing history, criminal background and/or credit
 - Lack of resources to cover Security and Utility Deposits
 - Need for an apartment with accessibility features
- Housing Search Strategies
 - LIHTC-financed properties
 - Leasing in Place
 - Use of Special Housing Types
 - Shared Housing



Receiving the Voucher and Finding Housing

- Lease Up Process
 - Request for Tenancy Approval (RTA)
 - Determining Voucher's Contract Rent and Rent Reasonableness
 - Housing Quality Standards Inspection
 - Signing the Lease



Reasonable Accommodation Examples

Section 8 Application

- Allow additional time to accept application
- Allow applicant to be mailed/faxed or allow a proxy to stand in line for the applicant.
- Accepting preliminary applicants by phone.
- Allowing homeless and service agencies to distribute the application
- Offering assistance in completing the application
- Allowing a secondary contact person to be listed on the application and sending all PHA correspondence to both. (PIH Notice 2012-22)

Screening and Verification

- Making exceptions to screening criteria based on mitigating circumstances.
- Providing extra time to gather documentation.
- Accepting alternative forms of documentation for proof of age, identity and SS.

Issuance, Lease Up and Maintenance of Section 8 Voucher

- Allowing extension to the housing search.
- Providing a higher Utility Allowance or payment standard or asking HUD to approve a higher payment standard.
- Including a participant's live-in aide or overnight support staff when determining unit size.
- Rescheduling missed re-certification appointments or providing additional time for annual re-certification process.



Distinctions between HUD-VASH and 'Regular' Vouchers

	Regular Housing Choice Vouchers	HUD-VASH Vouchers
Eligibility	Very low income families	Very low income homeless Veterans and their families
Reasons to deny a voucher	Violent criminal or drug activity; prior eviction from assisted housing; unpaid debts to PHA; manufacture of methamphetamine; lifetime sex offender; over income	Lifetime sex offender or over income
Waitlists	Maintained by PHA; follows local preferences	VAMC prioritizes most vulnerable Veterans
Documentation	PHA sets standards; may require original SS Cards and Birth Certificates	PHA must accept VA provided documentation including DD-214 or 10-10EZ

Distinctions between HUD-VASH and 'Regular' Vouchers

	Regular Housing Choice Vouchers	HUD-VASH Vouchers
Termination	Eviction from housing or violation of program requirements. May impose restrictions on when terminated families may reapply	No change in termination procedures
Re-Referral	If terminated or abandon voucher, may have waiting period before can apply to be on waiting list; if allowed, will go to bottom of wait list	At any time solely at the discretion of VA. On re-referral voucher can only be denied because of lifetime sex offender registry or over-income
Initial Voucher Term	60 days with possible extensions based on PHA policy	120 days; may be extended based on PHA policy

Distinctions between HUD-VASH and 'Regular' Vouchers

	Regular Housing Choice Vouchers	HUD-VASH Vouchers
Mobility/Portability	Initial unit leased must be in jurisdiction of issuing PHA; upon completion of initial lease term may be 'ported' to any PHA with a voucher program	Veterans may live in any area provided that the VAMC can effectively provide case management; can only 'port' outside of jurisdiction of initial VAMC if receiving VAMC has vouchers and is willing to accept
Moving to Work (MTW)	Demonstration program that allows PHA to develop their own rules for vouchers	Vouchers must be administered in accordance with HUD-VASH Operating Requirements; changes from regular practices must be specified in Admin Plan and approved by HUD

Distinctions between HUD-VASH and 'Regular' Vouchers

	Regular Housing Choice Vouchers	HUD-VASH Vouchers
Pre-Inspection	Not permitted	Allowed provided that not more than 45 days pass from inspection and there has been no intervening occupancy
Allowable locations for project based vouchers	Units are prohibited on the grounds of public or private institutions including: hospitals and/or mental health facilities	Can use/develop housing on grounds of a VAMC in units developed to house homeless Veterans

Resources

More information about HUD/VASH:

<https://www.va.gov/homeless/hud-vash.asp>

<https://www.hud.gov/sites/documents/VASH-101-SLIDES.PDF>

HUD Income Limits: https://www.huduser.gov/portal/datasets/il/il2019/select_Geography.odn

VA Eligibility: <https://www.va.gov/health-care/eligibility/>

National Call Center for Homeless Veterans

1-877-4AID-VET

(1-877-424-3838)

Questions

