PIERCE COUNTY HOUSING AUTHORITY ADMINISTRATIVE PLAN:

HOUSING CHOICE VOUCHER (HCV) PROGRAM

CHAPTER 2: FAIR HOUSING AND EQUAL OPPORTUNITY

2-I.C. DISCRIMINATION COMPLAINTS

General Housing Discrimination Complaints

PCHA POLICY:

Applicants or participants who believe that they have been subject to unlawful discrimination may notify the PHA either orally or in writing.

The PHA will attempt to remedy discrimination complaints made against the PHA.

Within twenty (20) business days of receiving the complaint, the PHA will investigate and attempt to remedy discrimination complaints made against the PHA.

The PHA will advise the family of their right to file a Fair Housing Complaint with HUD's Office of Fair Housing and Equal Opportunity (FHEO). The Fair Housing Poster, posted in conspicuous and accessible locations in PHA lobbies, will reference how to file a complaint with FHEO.

The PHA will keep a record of all complaints, investigations, notices, and corrective actions (See Section 16).

Complaints under the Equal Access Final Rule [Notice PIH 2014-20]

PCHA POLICY:

Applicants or tenant families who believe that they have been subject to unlawful discrimination based on marital status, gender identity, or sexual orientation under the Equal Access Rule may notify the PHA either orally or in writing.

Within twenty (20) business days of receiving the complaint, the PHA will provide a written notice to those alleged to have violated the rule. The PHA will also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

The PHA will attempt to remedy discrimination complaints made against the PHA and will conduct an investigation into all allegations of discrimination.

Within twenty (20) business days following the conclusion of the PHA's investigation, the PHA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

The PHA will keep a record of all complaints, investigations, notices, and corrective actions. (See Chapter 16.)

CHAPTER 3: ELIGIBILITY

PART I: DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

3-I.M. LIVE-IN AIDE

PCHA POLICY:

A family's request for a live-in aide must be made in writing. Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member. For continued approval, the family will be subject to a Special Inspection [see Section 8.II.D for definition of Special Inspection] on an annual basis. The Live-In Aide request procedure is a separate document. Live-In Aides **cannot** be the medical professional who certifies their own necessity due to the direct conflict of interest presented.

In addition, the family and live-in aide will be required to submit a certification stating that the live-in aide is (1) not obligated for the support of the person(s) needing the care, and (2) would not be living in the unit except to provide the necessary supportive services. Family members that reside or have resided as a member of the assisted family are not and will not be considered live-in aides for three years after they leave the assisted unit (income may not be excluded and they are counted as family members).

The PHA will not approve a particular person as a live-in aide, and may withdraw such approval if [24 CFR 982.316(b)]:

- The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- The person 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;
- Any family member's criminal activity makes them subject to a lifetime registration as a sex offender as described in HUD regulations or is registered as a Level 2 or 3 offender on Washington's State Sex Offender Register.
- If any person has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine in any location, not just federally assisted housing; the family will be denied assistance.
- If a person has a felony conviction or has been released from incarceration for a felony offense within the past twelve months.
- The housing authority has a responsibility to maintain a safe working environment for employees. A person who administration has determined has engaged in or threatened violent or abusive behavior toward PHA personnel in the previous ten (10) years will be denied admission.

- Abusive or violent behavior toward PHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets or other language, written or oral that is customarily used to intimidate may be considered abusive or violent behavior.
- A record of arrest in isolation may not be used to deny a housing opportunity. However, PCHA may make an adverse housing decision based on the conduct underlying an arrest if the conduct indicates that the individual is not suitable for tenancy and PCHA has sufficient evidence other than the fact of arrest that the individual engaged in the conduct. The conduct, not the arrest, is what is relevant for admissions and tenancy decisions.
- An arrest record can trigger an inquiry into whether there is sufficient evidence for the PHA or owner to determine that a person engaged in disqualifying criminal activity, but is not itself evidence on which to base a determination. The PHA can utilize other evidence, such as police reports detailing the circumstances of the arrest, witness statements, and other relevant documentation to assist in making a determination that disqualifying conduct occurred. Reliable evidence of a conviction for criminal conduct that would disqualify an individual for tenancy may also be the basis for determining that the disqualifying conduct in fact occurred.
- The PHA will also take into consideration a Certificate of Restoration of Opportunity (CROP) designation when determining eligibility based on any negative activity on the criminal background report provided through Washington State Patrol (WSP).

Within ten (10) business days of receiving a request for a live-in aide, including all required documentation related to the request, the PHA will notify the family of its decision in writing.

PART II: BASIC ELIGIBILITY CRITERIA

3-II.B. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [24 CFR 5, SUBPART E]

Ineligible Families [24 CFR 5.514(d), (e), and (f)]

PCHA POLICY

The PHA will not provide assistance to a family before the verification of at least one family member.

When a PHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within ten (10) business days of the determination.

The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance, and will advise the family of its right to request an appeal to the United States Citizenship and Immigration Services (USCIS), or to request an informal hearing with the PHA. The informal hearing with the PHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

Informal hearing procedures are contained in Chapter 16.

PART III: DENIAL OF ASSISTANCE

3-III.G. NOTICE OF ELIGIBILITY OR DENIAL

PCHA POLICY

The family will be notified of a decision to deny assistance in writing within ten (10) business days of the determination.

PHA POLICY

If based on a criminal record or sex offender registration information, an applicant family appears to be ineligible the PHA will notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record. The family will be given ten (10) business days to dispute the accuracy and relevance of the information. If the family does not contact the PHA in writing to dispute the information within that 10-day period, the PHA will proceed with issuing the notice of denial of admission. A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter will still be given the opportunity to do so as part of the informal review process.

Notification

VAWA requires PHAs to provide applicants who are denied assistance with a VAWA Notice of Occupancy Rights (form HUD–5380) and a domestic violence certification form (HUD-5382) at the time the applicant is denied.

PCHA POLICY

The PHA acknowledges that a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the PHA's policies.

While the PHA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the applicant may inform the PHA that their status as a victim is directly related to the grounds for the denial. If so informed, the PHA will request that the applicant provide enough information to the PHA to allow the PHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

The PHA will include in its notice of denial the VAWA information described in section 16-IX.C of this plan as well as including a copy of the form HUD-5382. The PHA will request in writing that an applicant wishing to claim protection under VAWA notify the PHA within ten (10) business days.

CHAPTER 4: APPLICATIONS, WAITING LIST AND TENANT SELECTION

PART I: THE APPLICATION PROCESS

4-I.D. PLACEMENT ON THE WAITING LIST

Ineligible for Placement on the Waiting List

PCHA POLICY

If the PHA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, the PHA will send written notification of the ineligibility determination within ten (10) business days of the determination that the family is ineligible. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 16).

PART II: MANAGING THE WAITING LIST

4-II.C. OPENING AND CLOSING THE WAITING LIST [24 CFR 982.206]

Reopening the Waiting List

PHA POLICY

The PHA will announce the reopening of the waiting list at least ten (10) business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

The PHA will give public notice by publishing the relevant information in suitable media outlets including, but not limited to:

- *Tacoma News Tribune*
- *PCHA website: PCHAWA.org*
- *Physical posting at PCHA locations*
- *Notice to Providers of services for low-income clients*

4-II.F. UPDATING THE WAITING LIST [24 CFR 982.204]

Purging the Waiting List

PCHA POLICY

The waiting list will be updated periodically but no less than once every 12 months to ensure that all applicants and applicant information is current and timely.

To update the waiting list, the PHA will send an update request via email through the online Yardi RentCafe Portal to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last email address that the PHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list. Once removed, the family may reapply at the next waitlist opening.

The family's response must be in writing and may be delivered by email, in person, or by ground mail. Responses should be postmarked or received by the PHA not later than ten (10) business days from the date of the PHA letter.

If the family fails to respond within ten (10) business days, the family will be removed from the waiting list without further notice. If the family fails to respond to any written correspondence from the Housing Authority within ten (10) business days, the family will be removed from the waiting list without further notice.

If any notice to the family is returned by email server as undeliverable, the applicant will be removed from the waiting list without further notice.

If a family is removed from the waiting list for failure to respond, the Executive Director may reinstate the family if they determine the lack of response was due to PHA error, or to circumstances beyond the family's control.

PART III: SELECTION FOR HCV ASSISTANCE

4-III.E. THE APPLICATION INTERVIEW

PCHA POLICY

Families selected from the waiting list are required to participate in an eligibility review via email or the online Yardi RentCafe portal. In-person appointments are available upon request.

The head of household and the spouse/cohead will be strongly encouraged to participate in the eligibility review together. However, either the head of household or the spouse/cohead may participate in the eligibility review on behalf of the family. Verification of information pertaining to adult members of the household not participating at the eligibility review will not begin until signed release forms are returned to the PHA.

The eligibility review will be conducted only if the head of household or spouse/cohead provides appropriate documentation of legal identity. (Chapter 7 provides a discussion of proper documentation of legal identity). If the family representative does not provide the required documentation, the review may be delayed until the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, the PHA will allow the family to retain its place on the waiting list for ***30 days***. If not all household members have disclosed their SSNs at the next time the PHA is issuing vouchers, the PHA will issue a voucher to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, the PHA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within ten (10) business days of the eligibility review notification letter (Chapter 7 provides details about longer submission deadlines for particular items, including documentation of Social Security numbers and eligible noncitizen status). If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Eligibility reviews will be conducted in English. For limited English proficient (LEP) applicants, the PHA will provide translation services in accordance with the PHA's LEP plan.

If the family is unable to participate in the eligibility review , the family should contact the PHA in advance of the eligibility review document due date to extend the deadline. In all circumstances, if a family does not participate in a eligibility review, the PHA will send another notification letter with a new deadline. Applicants who fail to participate by the second scheduled deadline without PHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

4-III.F. COMPLETING THE APPLICATION PROCESS

PCHA POLICY

If the PHA determines that the family is ineligible, the PHA will send written notification of the ineligibility determination within ten (10) business days of the determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, local preference, extremely low-income), the family will be returned to its original position on the waiting list. The PHA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If the PHA determines that the family is eligible to receive assistance, the PHA will invite the family to attend a briefing in accordance with the policies in Chapter 5.

CHAPTER 5: BRIEFINGS AND VOUCHER ISSUANCE

PART I: BRIEFINGS AND FAMILY OBLIGATIONS

5-I.C. FAMILY OBLIGATIONS

Time Frames for Reporting Changes Required By Family Obligations

PCHA POLICY

Unless otherwise noted below, when family obligations require the family to respond to a request or notify PCHA of a change, notifying PCHA of the request or change within ten (10) business days is considered prompt notice.

PART II: SUBSIDY STANDARDS AND VOUCHER ISSUANCE

5-II.B. DETERMINING FAMILY UNIT (VOUCHER) SIZE [24 CFR 982.402]

PCHA POLICY

The PHA will assign one bedroom for each two persons within the household.

5-II.C. EXCEPTIONS TO SUBSIDY STANDARDS

PCHA POLICY

PCHA will consider granting an exception to the subsidy standards for the following reasons:

- A need for an additional bedroom for medical equipment (See PIH Notice 2014-25)
- A need for a separate bedroom for reasons related to a family member’s disability, medical or health condition

The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate documentation. Requests based on disability related need must be verified by a knowledgeable professional source (e.g., doctor or health professional), unless the disability and the disability–related request for accommodation is readily apparent or otherwise known. The family’s continued need for an additional bedroom due to special medical equipment must be re-verified at annual reexamination.

PCHA will notify the family of its determination within twenty (20) business days of receiving the family's request. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.

5-II.E. VOUCHER TERM AND EXTENSIONS

Extensions of Voucher Term [24 CFR 982.303(b)]

PCHA POLICY

PCHA will approve additional extensions only in the following circumstances:

- It is necessary as a reasonable accommodation for a person with disabilities. It is necessary due to reasons beyond the family's control, as determined by
- PCHA. Following is a list of extenuating circumstances that PCHA may consider in making its decision. The presence of these circumstances does not guarantee that an extension will be granted:
    - Serious illness or death in the family
    - Other family emergency
    - Obstacles due to employment
    - Whether the family has already submitted requests for tenancy approval that were not approved by the PHA
    - Whether family size or other special circumstances make it difficult to find a suitable unit

Any request for an additional extension must include the reason(s) an additional extension is necessary. The PHA may require the family to provide documentation to support the request or obtain verification from a qualified third party.

All requests for extensions to the voucher term must be made in writing and submitted to the PHA prior to the expiration date of the voucher (or extended term of the voucher).

The PHA will decide whether to approve or deny an extension request within ten (10) business days of the date the request is received, and will immediately provide the family written notice of its decision.

Expiration of Voucher Term

PCHA POLICY

If an applicant family's voucher term or extension expires before the PHA has approved a tenancy, the PHA will require the family to reapply for assistance.

Within ten (10) business days after the expiration of the voucher term or any extension, the PHA will notify the family in writing that the voucher term has expired and that the family must reapply when the waiting list is open in order to be placed on the waiting list.

CHAPTER 6: INCOME AND SUBSIDY DETERMINATIONS

[24 CFR Part 5, Subparts E and F; 24 CFR 982]

PART III: ADJUSTED INCOME

6-III.G. HARDSHIP EXEMPTIONS [24 CFR 5.611(C), (D), AND (E)]

General Relief

PCHA POLICY

The PHA will make a determination of whether the family qualifies within 30 calendar days and will notify the family in writing of the result within ten (10) business days of the determination.

- If the PHA denies the hardship exemption request, the PHA notice will also state that if the family does not agree with the PHA determination, the family may request a hearing.
- If the family qualifies for an exemption, the PHA will include the date the hardship exemption will begin and the date it will expire as well as information on how to request a 90-day extension based on family circumstances.

Childcare Expense Hardship Exemption [24 CFR 5.611(d) and Notice PIH 2023-27]

PCHA POLICY

The PHA will make a determination of whether the family qualifies within thirty (30) calendar days and will notify the family in writing of the result within ten (10) business days of the determination.

- If the PHA denies the hardship exemption request, the PHA notice will also state that if the family does not agree with the PHA determination, the family may request an informal hearing.
- If the family qualifies for an exemption, the PHA will include all required information listed above as well as information on how to request a 90-day extension based on family circumstances.

PART IV: CALCULATING FAMILY SHARE AND PHA SUBSIDY

6-IV.A. OVERVIEW OF RENT AND SUBSIDY CALCULATIONS

TTP Formula [24 CFR 5.628]

Minimum Rent [24 CFR 5.630]

PCHA POLICY

The minimum rent for this locality is $50 for all voucher-funded programs, except for HUD-VASH Special Purpose Vouchers.

6-IV.B. FINANCIAL HARDSHIPS AFFECTING MINIMUM RENT [24 CFR 5.630]

HUD-Defined Financial Hardship

Financial hardship includes the following situations:

(1) The family has lost eligibility for or is awaiting an eligibility determination for a federal, state, or local assistance program. This includes a family member who is a noncitizen lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for Title IV of the Personal Responsibility and Work Opportunity Act of 1996.

> **PCHA POLICY**
>
> A hardship will be considered to exist only if the loss of eligibility has an impact on the family's ability to pay the minimum rent.
>
> For a family waiting for a determination of eligibility, the hardship period will end as of the first of the month following: (1) implementation of assistance, if approved, or (2) the decision to deny assistance. A family whose request for assistance is denied may request a hardship exemption based upon one of the other allowable hardship circumstances.

(2) The family would be evicted because it is unable to pay the minimum rent.

> **PCHA POLICY**
>
> For a family to qualify under this provision, the cause of the potential eviction must be the family's failure to pay rent to the owner or tenant-paid utilities.
>
> The PHA may request documentation to verify the cause of the potential eviction and steps taken to acquire resources to prevent the potential eviction.

(3) Family income has decreased because of changed family circumstances, including the loss of employment.

(4) A death has occurred in the family.

> **PCHA POLICY**
>
> In order to qualify under this provision, a family must describe how the death has created a financial hardship (e.g., because of funeral-related expenses or the loss of the family member's income).
>
> The PHA may request verification of death and related expenses.

(5) The family has experienced other circumstances determined by the PHA.

> **PCHA POLICY**
>
> The PHA has not established any additional hardship criteria.

Implementation of Hardship Exemption

Determination of Hardship

Example: Impact of Minimum Rent Exemption

Assume the PHA has established a minimum rent of $50.

Family Share – No Hardship		Family Share – With Hardship Exemption	
$0	30% of monthly adjusted income	$0	**30% of monthly adjusted income**
$15	10% of monthly gross income	$15	**10% of monthly gross income**
N/A	Welfare rent	N/A	**Welfare rent**
$50	Minimum rent	$50	**Minimum rent**
Minimum rent applies. **TTP = $50**		**Hardship exemption granted.** **TTP = $15**	

CHAPTER 7: VERIFICATION

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, Notice PIH 2023-27]

PART I: GENERAL VERIFICATION REQUIREMENTS

7-I.A. FAMILY CONSENT TO RELEASE OF INFORMATION [24 CFR 982.516; 24 CFR 982.551; 24 CFR 5.230; AND NOTICE PIH 2023-27]

Penalties for Failing to Consent [24 CFR 5.232]

PCHA POLICY

The PHA has established a policy that revocation of consent to access financial records will result in denial of admission or termination of assistance in accordance with PHA policy.

In order for a family to revoke their consent, the family must provide written notice to the PHA. Within ten (10) business days of the date the family provides written notice, the PHA will send the family a notice acknowledging receipt of the request and explaining that revocation of consent will result in denial or termination of assistance, as applicable. At the same time, the PHA will notify their local HUD office.

7.I.H. LEVEL 2: ORAL THIRD-PARTY VERIFICATION [NOTICE PIH 2023-27]

For third-party oral verification, PHAs contact sources, identified by UIV techniques or by the family, by telephone or in person.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., ten (10) business days.

PHAs must document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed.

The PHA may skip this level of verification if they attempted written third-party verification via a form and the source did not respond and move directly to self-certification.

PCHA POLICY

In general, the PHA will attempt to obtain written third-party verification via a form from the verification source. If written third-party verification forms are not returned within ten (10) business days, the PHA will accept self-certification from the family without attempting to obtain oral third-party verification.

However, if the PHA chooses to obtain oral third-party verification, the PHA will document in the file the date and time of the telephone call or visit, the name of the person contacted and the telephone number, as well as the information confirmed.

CHAPTER 8: NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE) AND RENT REASONABLENESS DETERMINATIONS

[24 CFR 5 Subpart G and Notice PIH 2023-28]

PART III: RENT REASONABLENESS [24 CFR 982.507]

8-III.B. WHEN RENT REASONABLENESS DETERMINATIONS ARE REQUIRED

Owner-Initiated Rent Determinations

PCHA POLICY

After the initial occupancy period, the owner may request a rent adjustment in accordance with the owner's lease. For rent increase requests after initial lease-up, the PHA may request owners to provide information about the rents charged for other units on the premises, if the premises include more than 4 units. In evaluating the proposed rents in comparison to other units on the premises the PHA will consider unit size and length of tenancy in the other units.

The PHA will determine whether the requested increase is reasonable within ten (10) business days of receiving the request from the owner. The owner will be notified of the determination in writing.

All rents adjustments will be effective the first of the month following 60 days after the PHA's receipt of the owner's request or on the date specified by the owner, whichever is later.

CHAPTER 9: GENERAL LEASING POLICIES

9-I.F. TENANCY APPROVAL [24 CFR 982.305]

PCHA POLICY

The PHA will complete its determination within ten (10) business days of receiving all required information.

If the terms of the RTA/proposed lease are changed for any reason, including but not limited to negotiation with the PHA, the PHA will obtain corrected copies of the RTA and proposed lease, signed by the family and the owner.

- Corrections to the RTA/proposed lease will only be accepted as hard copies, in-person, by mail, by email, or by fax. The PHA will not accept corrections over the phone.

If the PHA determines that the tenancy cannot be approved for any reason, the owner and the family will be notified in writing and given the opportunity to address any reasons for disapproval. The PHA will instruct the owner and family of the steps that are necessary to obtain approval of the tenancy.

- Where the tenancy is not approvable because the unit is not approvable, the family must continue to search for eligible housing within the timeframe of the issued voucher.
- If the tenancy is not approvable due to rent affordability or rent reasonableness, the PHA will attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy will be approved. If the owner is not willing to negotiate an approvable rent, the family must continue to search for eligible housing within the timeframe of the issued voucher.

9-I.H. CHANGES IN LEASE OR RENT [24 CFR 982.308]

PCHA POLICY

Where the owner is requesting a rent increase, the PHA will determine whether the requested increase is reasonable within ten (10) business days of receiving the request from the owner. The owner will be notified of the determination in writing.

Rent increases will go into effect on the first of the month following the sixty (60) day period after the owner notifies the PHA of the rent change or on the date specified by the owner, whichever is later.

CHAPTER 10: MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

PART I: MOVING WITH CONTINUED ASSISTANCE

10-I.C. MOVING PROCESS

Approval

PCHA POLICY

Upon receipt of a family's notification that it wishes to move, the PHA will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. The PHA will notify the family in writing of its determination within ten (10) business days following receipt of the family's notification.

Voucher Issuance and Briefing

PCHA POLICY

For families approved to move to a new unit within the PHA's jurisdiction, the PHA will issue a new voucher within ten (10) business days of the PHA's written approval to move. No briefing is required for these families. The PHA will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees and the PHA approves. Otherwise, the family will lose its assistance.

For families moving into or families approved to move out of the PHA's jurisdiction under portability, the PHA will follow the policies set forth in Part II of this chapter.

PART II: PORTABILITY

10-II.B. INITIAL PHA ROLE

Allowable Moves under Portability

PCHA POLICY

In determining whether or not to deny an applicant family permission to move under portability because the PHA lacks sufficient funding or has grounds for denying assistance to the family, the initial PHA will follow the policies established in section 10-I.B of this chapter. If the PHA does deny the move due to insufficient funding, the PHA will notify HUD in writing within ten (10) business days of the PHA's determination to deny the move.

Voucher Issuance and Term

PCHA POLICY

For participant families approved to move under portability, the PHA will issue a new voucher within ten (10) business days of the PHA's written approval to move if a current voucher has not already been issued with relocation or portability paperwork.

The initial term of the voucher will be 120 days.

10-II.C. RECEIVING PHA ROLE

Administering a Portable Family's Voucher

Ongoing Notification Responsibilities [Notice PIH 2016-09, HUD-52665]

PCHA POLICY

The PHA will send a copy of the updated HUD-50058 by regular mail no later than ten (10) business days after the effective date of the reexamination.

Absorbing a Portable Family

PCHA POLICY

If the PHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the PHA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If the PHA decides to absorb a family after that, it will provide the initial PHA with 30 days' advance notice but no later than ten (10) business days following the effective date of the termination of the billing arrangement.

CHAPTER 11: REEXAMINATIONS

PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516]

11-I.C. CONDUCTING ANNUAL REEXAMINATIONS

PCHA POLICY

Families will be asked to supply all required information (as described in the reexamination notice) before the deadline specified in the notice. The required information will include a PHA-designated reexamination form as well as supporting documents or forms related to the family's income, expenses, and family composition.

The PHA will notify the family in writing if any required documentation or information is missing. The missing information or documentation must be provided within ten (10) business days of the date the PHA notifies the family. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a notice of termination (see Chapter 12).

If the family requests or the PHA schedules an in-person interview, families will be asked to bring all required information (as described in the reexamination notice) to the reexamination appointment.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within ten (10) business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a notice of termination (see Chapter 12).

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516; NOTICE PIH 2023-27]

11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

New Family and Household Members Requiring Approval

PCHA POLICY

Families must request PHA approval to add a new family member (other than due to birth, adoption, or court-awarded custody), live-in aide, foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than 14 consecutive days or

30 cumulative days within a 12-month period and therefore no longer qualifies as a “guest.” Requests must be made in writing and approved by the PHA prior to the individual moving into the unit.

The PHA will not approve the addition of a new family or household member unless the individual meets the PHA’s eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II).

The PHA will not approve the addition of a foster child or foster adult if it will cause a violation of space standards.

If the PHA determines an individual meets the PHA’s eligibility criteria and documentation requirements, the PHA will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to space standards, the approval letter will explain that the family will be issued a voucher and will be required to move.

If the PHA determines that an individual does not meet the PHA’s eligibility criteria or documentation requirements, the PHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The PHA will make its determination within ten (10) business days of receiving all information required to verify the individual’s eligibility.

Departure of a Family or Household Member

PCHA POLICY

If a household member ceases to reside in the unit, the family must inform the PHA within ten (10) business days. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent. The family must provide sufficient evidence of the absence of the family member (lease or utility bill).

If a live-in aide, foster child, or foster adult ceases to reside in the unit, the family must inform the PHA within ten (10) business days.

11-II.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim Increases [24 CFR 982.516(c)(3) and Notice PIH 2023-27]

Family Reporting

PCHA POLICY

The family will be required to report all changes in income regardless of the amount of the change, whether the change is to earned or unearned income, or if the change occurred during the last three months of the certification period. Families must report changes in income within ten (10) business days of the date the change takes effect. The family may notify the PHA of changes either orally or in writing, including email. If the family provides oral notice, the PHA may also require the family to submit the changes in writing, including email.

Within ten (10) business days of the family reporting the change, the PHA will determine whether the change will require an interim reexamination.

If the change will not result in an interim reexamination, the PHA will note the information in the tenant file but will not conduct an interim reexamination. The PHA will send the family written notification (which may be emailed) within ten (10) business days of making this determination informing the family that the PHA will not conduct an interim reexamination.

If the change will result in an interim reexamination, the PHA will determine the documentation the family will be required to submit based on the type of change reported and PHA policies in Chapter 7. The PHA will ask the family to report changes in all aspects of adjusted income at this time. The family must submit any required information or documents within ten (10) business days of receiving a request from the PHA. This time frame may be extended for good cause with PHA approval. The PHA will accept required documentation by mail, email, fax, or in person. The PHA will conduct the interim within a reasonable time period based on the amount of time it takes to verify the information.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the PHA determines that an interview is warranted, the family may be required to attend.

CHAPTER 12: TERMINATION OF ASSISTANCE AND TENANCY

PART II: APPROACH TO TERMINATION OF ASSISTANCE

12-II.F. TERMINATION NOTICE

PCHA POLICY

Whenever the PHA decides to terminate a family's assistance because of the family's action or failure to act, the PHA will include in its termination notice the VAWA information described in section 16-IX.C of this plan and a form HUD-5382 and form HUD-5380will request that a family member wishing to claim protection under VAWA notify the PHA within ten (10) business days.

CHAPTER 13: OWNERS

PART II. HAP CONTRACTS

13-II.F. CHANGE IN OWNERSHIP / ASSIGNMENT OF THE HAP CONTRACT [HUD-52641]

PCHA POLICY

Assignment of the HAP contract will be approved only if the new owner is qualified to become an owner under the HCV program according to the policies in Section 13-I.D. of this chapter.

The PHA must receive a signed, written request from the existing owner stating the name and address of the new HAP payee and the effective date of the assignment in order to change the HAP payee under an outstanding HAP contract.

Within ten (10) business days of receiving the owner's request, the PHA will inform the current owner in writing whether the assignment may take place.

The new owner must provide a written certification to the PHA that includes:

- A copy of the escrow statement or other document showing the transfer of title and recorded deed;
- A copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;
- The effective date of the HAP contract assignment;
- A written agreement to comply with the terms of the HAP contract; and
- A certification that the new owner is not a prohibited relative.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, the PHA will terminate the HAP contract with the old owner. If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, the PHA will process the leasing in accordance with the policies in Chapter 9.

CHAPTER 14: PROGRAM INTEGRITY

14-I.C. INVESTIGATING ERRORS AND PROGRAM ABUSE

Notice and Appeals

PCHA POLICY

The PHA will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation. The notice will include (1) a description of the error or program abuse, (2) the basis on which the PHA determined the error or program abuses, (3) the remedies to be employed, and (4) the family's right to appeal the results through the informal review or hearing process, if applicable (see Chapter 16).

CHAPTER 15: SPECIAL HOUSING TYPES

PART VII: HOMEOWNERSHIP

[24 CFR 982.625 through 982.643]

15-VII.G. HOME INSPECTIONS, CONTRACT OF SALE, AND PHA DISAPPROVAL OF SELLER [24 CFR 982.631]

Home Inspections

PCHA POLICY

When the family locates a home they wish to purchase and submits a copy of their purchase offer/contract, the PHA will conduct an NSPIRE inspection within ten (10) business days. Any items found not to meet NSPIRE standards must be repaired before the unit can be determined eligible for the homeownership program.

A request for NSPIRE inspection may be made to the Homeownership Coordinator. NSPIRE inspection is provided at no charge to the family. HQS is only required at the time of purchase but PCHA reserves the right to conduct subsequent NSPIRE inspections if deemed necessary to ensure safe living conditions before continuing to provide homeownership assistance.

CHAPTER 16: PROGRAM ADMINISTRATION

PART III: INFORMAL REVIEWS AND HEARINGS

16-III.B. INFORMAL REVIEWS

Scheduling an Informal Review

PCHA POLICY

A request for an informal review must be made in writing and delivered to the PHA either in person, by email, or by first class mail, by the close of the business day, no later than ten (10) business days from the date of the PHA's denial of assistance.

The PHA must schedule and send written notice of the informal review within twenty (20) business days of the family's request.

Remote Informal Reviews [Notice PIH 2020-32]

PCHA POLICY

The PHA generally will not conduct remote informal reviews.

Informal Review Decision [24 CFR 982.554(b)]

PCHA POLICY

In rendering a decision, the PHA will evaluate the following matters:

- Whether or not the grounds for denial were stated factually in the Notice to the family.
- The validity of grounds for denial of assistance. If the grounds for denial are not specified in the regulations, then the decision to deny assistance will be overturned.
- The validity of the evidence. The PHA will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, the PHA will uphold the decision to deny assistance.
- If the facts prove the grounds for denial, and the denial is discretionary, the PHA will consider the recommendation of the person conducting the informal review in making the final decision whether to deny assistance.

The PHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice will be sent within twenty (20) business days of the informal review, to the applicant and his or her representative, if any.

If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

16-III.C. INFORMAL HEARINGS FOR PARTICIPANTS [24 CFR 982.555]

Remote Informal Hearings [Notice PIH 2020-32]

PCHA POLICY

The PHA generally will not conduct remote informal hearings.

Informal Hearing Procedures

***Scheduling an Informal Hearing* [24 CFR 982.555(d)]**

PCHA POLICY

A request for an informal hearing must be made in writing and delivered to the PHA either in person or by first class mail, or by email, by the close of the business day, no later than ten (10) business days from the date of the PHA's decision or notice to terminate assistance.

The PHA must schedule and send the notification of the informal hearing to the family within twenty (20) business days of the family's request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the PHA may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear within 15 minutes of the scheduled start time, and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the PHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

"Good cause" is considered a documented medical emergency, inclement weather, or a documented need for a reasonable accommodation based upon a disability. Hearings will not be rescheduled for failure to appear, except for good cause as described in this paragraph.

16-III.D. HEARING AND APPEAL PROVISIONS FOR NONCITIZENS [24 CFR 5.514]

USCIS Appeal Process [24 CFR 5.514(e)]

PCHA POLICY

The PHA will notify the family in writing of the results of the USCIS secondary verification within ten (10) business days of receiving the results.

The family must provide the PHA with a copy of the written request for appeal and proof of mailing within ten (10) business days of sending the request to the USCIS.

PCHA POLICY

The PHA will send written notice to the family of its right to request an informal hearing within ten (10) business days of receiving notice of the USCIS decision regarding the family's immigration status.

PART IV: OWNER OR FAMILY DEBTS TO THE PHA

16-IV.B. REPAYMENT POLICY

General Repayment Agreement Guidelines for Families

Late or Missed Payments

PHA POLICY

If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by the PHA, the PHA will send the family a delinquency notice giving the family ten (10) business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and the PHA will terminate assistance in accordance with the policies in Chapter 12.

If a family receives two delinquency notices for unexcused late payments in a 12-month period, the repayment agreement will be considered in default, and the PHA will terminate assistance in accordance with the policies in Chapter 12.

PART IX: VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

16-IX.D. DOCUMENTATION [24 CFR 5.2007]

PCHA POLICY

Any request for documentation of domestic violence, dating violence, sexual assault, human trafficking, or stalking will be in writing, will specify a deadline of fourteen (14) business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

The PHA may, in its discretion, extend the deadline for ten (10) business days. In determining whether to extend the deadline, the PHA will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by the PHA will be in writing.

Once the victim provides documentation, the PHA will acknowledge receipt of the documentation within ten (10) business days.

CHAPTER 17: PROJECT-BASED VOUCHERS

PART II: PBV OWNER PROPOSALS

17-II.B. OWNER PROPOSAL SELECTION PROCEDURES [24 CFR 983.51(B)]

PHA Notice of Owner Selection [24 CFR 983.51(d)]

PCHA POLICY

Within ten (10) business days of the PHA making the selection, the PHA will notify the selected owner in writing of the owner's selection for the PBV program. The PHA will also notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner.

In addition, the PHA will publish its notice for selection of PBV proposals for two consecutive days in the same newspapers and trade journals the PHA used to solicit the proposals. The announcement will include the name of the owner that was selected for the PBV program. The PHA will also post the notice of owner selection on its electronic web site.

The PHA will make available to any interested party its rating and ranking sheets and documents that identify the PHA basis for selecting the proposal. These documents will be available for review by the public and other interested parties for one month after publication of the notice of owner selection. The PHA will not make available sensitive owner information that is privileged, such as financial statements and similar information about the owner.

The PHA will make these documents available for review at the PHA during normal business hours. The cost for reproduction of allowable documents will be $.25 per page.

PART IV: REHABILITATED AND NEWLY CONSTRUCTED UNITS

17-IV.B. AGREEMENT TO ENTER INTO HAP CONTRACT

Execution of the Agreement [24 CFR 983.153]

PCHA POLICY

The PHA will enter into the Agreement with the owner within ten (10) business days of receiving both environmental approval and notice that subsidy layering requirements have been met, and before construction or rehabilitation work is started.

PART V: HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

17-V.B. HAP CONTRACT REQUIREMENTS

Execution of the HAP Contract [24 CFR 983.204]

PCHA POLICY

For existing housing, the HAP contract will be executed within ten (10) business days of the PHA determining that all units pass inspection.

For rehabilitated or newly constructed housing, the HAP contract will be executed within ten (10) business days of the PHA determining that the units have been completed in accordance with the agreement to enter into HAP, all units meet NSPIRE, and the owner has submitted all required evidence of completion.

PART VI: SELECTION OF PBV PROGRAM PARTICIPANTS

17-VI.F. OWNER SELECTION OF TENANTS

Filling Vacancies [24 CFR 983.254(a)]

PCHA POLICY

The owner must notify the PHA in writing (mail, fax, or e-mail) within ten (10) business days of learning about any vacancy or expected vacancy.

The PHA will make every reasonable effort to refer families to the owner within ten (10) business days of receiving such notice from the owner.

Reduction in HAP Contract Units Due to Vacancies [24 CFR 983.254(b)]

PCHA POLICY

If any contract units have been vacant for 120 days, the PHA will give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. The PHA will provide the notice to the owner within ten (10) business days of the 120th day of the vacancy. The amendment to the HAP contract will be effective the 1st day of the month following the date of the PHA's notice.

PART VII: OCCUPANCY

17-VII.C. MOVES

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.260]

PCHA POLICY

The PHA will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within ten (10) business days of the PHA's determination. The PHA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project;
- PBV assistance in another project; and
- Tenant-based voucher assistance.

17-VII.D. EXCEPTIONS TO THE OCCUPANCY CAP [24 CFR 983.262]

PCHA POLICY

The PHA will allow families who initially qualified to live in an excepted unit to remain when circumstances change due to circumstances beyond the remaining family members' control.

In all other cases, the PHA will provide written notice to the family and owner within ten (10) business days of making the determination. The family will be given sixty (60) days from the date of the notice to move out of the PBV unit. If the family does not move out within this sixty (60) -day time frame, the PHA will terminate the housing assistance payments at the expiration of this sixty (60) -day period.

The PHA may make exceptions to this sixty (60) -day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

PART IX: PAYMENTS TO OWNER

17-IX.B. VACANCY PAYMENTS [24 CFR 983.352]

PCHA POLICY

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified the PHA of the vacancy in accordance with the policy in Section 17-VI.F. regarding filling vacancies.

In order for a vacancy payment request to be considered, it must be made within ten (10) business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and the PHA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the PHA within ten (10) business days of the PHA's request, no vacancy payments will be made.

CHAPTER 18: PROJECT BASED VOUCHERS (PBVS) UNDER THE RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM

PART V: SELECTION OF PBV PROGRAM PARTICIPANTS

18-V.G. OWNER SELECTION OF TENANTS [24 CFR 983.253]

Filling Vacancies [24 CFR 983.254(a)]

PCHA POLICY

The owner must notify the PHA in writing (mail, fax, or email) within five business days of learning about any vacancy or expected vacancy.

The PHA will make every reasonable effort to refer families to the owner within ten (10) business days of receiving such notice from the owner.

PART VI: OCCUPANCY

18-VI.E. MOVES

Overcrowded, Under-Occupied, and Accessible Units [24 CFR 983.260; Notice PIH 2019-23]

PCHA POLICY

The PHA will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within ten (10) business days of the PHA's determination. The

PHA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

- PBV assistance in the same building or project
- PBV assistance in another project
- Tenant-based voucher assistance

If the PHA offers the family a tenant-based voucher, the PHA must terminate the housing assistance payments for a wrong-size or accessible unit at the earlier of the expiration of the term of the family's voucher, including any extension granted by the PHA, or the date upon which the family vacates the unit. If the family does not move out of the wrong-size unit or accessible unit by the expiration of the term of the family's voucher, the PHA must remove the unit from the HAP contract.

PART VIII: PAYMENTS TO OWNER

18-VIII.B. VACANCY PAYMENTS [24 CFR 983.352]

PCHA POLICY

If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified the PHA of the vacancy in accordance with the policy in Section 18-V.G. regarding filling vacancies.

In order for a vacancy payment request to be considered, it must be made within ten (10) business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and the PHA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by the PHA within ten (10) business days of the PHA's request, no vacancy payments will be made.

CHAPTER 19: SPECIAL PURPOSE VOUCHERS

PART I: VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM

19-I.H. PROJECT-BASING VASH VOUCHERS

Failure to Participate in Case Management [FR Notice 9/27/21]

PCHA POLICY

Upon notification by the VAMC or DSP that a VASH PBV family has failed to participate in case management without good cause, the PHA will provide written notice of termination of assistance to the family and the owner within ten (10) business days. The family will be given ten (10) days from the date of the notice to move out of the unit.

The PHA may make exceptions to this ten (10) day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.