

Housing Choice Voucher Briefing

Garfield County Housing Authority

Before we start: Please gather documents from briefing packet.

Steps to Assistance

- ▶ Step 1: PHA (Public Housing Authority) determines family's final eligibility
- ▶ Step 2: Voucher issued
- ▶ Step 3: Family decides where to live
- ▶ Step 4: Landlord approves family
- ▶ Step 5: PHA approves tenancy and unit
- ▶ Step 6: Unit passes inspection
 - ▶ All units must meet basic housing quality standards before assistance can be paid on behalf of the family and regularly throughout the term of the assisted tenancy.
- ▶ Step 7: Contract and lease signed
- ▶ Step 8: Housing assistance payments made

Portability

- ▶ With the rental assistance you will be receiving, you may be allowed the opportunity to move outside the locality in which you received assistance. This is called portability.
- ▶ With a Housing Choice Voucher you may be allowed to move to another county or state as long as there is a PHA administering the program in the area in which the unit is located.
- ▶ If there is more than one agency in the area you wish to move, you can choose which agency you wish your voucher sent to or you can ask us to select an agency for you.
- ▶ Your new agency will have different administrative policies, practices and procedures, different payment standards and maximum rent allowances. Your new agency will provide you with this new information according to their intake procedures. Our agency will provide you with contact information for your new (receiving) agency.
- ▶ If you are living in a high-poverty census tract, you are encouraged to move to areas that offer greater opportunities for education and jobs. The advantages of moving to a low-poverty area typically offer greater job opportunities, better schools, better public services, lower crime rates, shopping and other amenities.

Portability Stipulations

The voucher program **may** allow you to move anywhere within the United States with a few restrictions.

- ❖ You will be required to live in Garfield County for one year after your initial lease up ***if you were not a resident of Garfield County at the time of application.***
- ❖ You cannot owe **any** Housing Authority money.
- ❖ You cannot owe **any** landlord of an assisted unit any money for rent or utilities.
- ❖ You must be in good standing with your present landlord.
- ❖ You must not violate the lease or the term of the lease in order to move.
- ❖ If you are an applicant you must income qualify under the very-low income guidelines ***for the area to which you are planning to move.***
- ❖ If the payment standard is higher than Garfield County's, **you may be denied** portability because of lack of sufficient funding.

To exercise portability you must:

- 1) Notify the Garfield County Housing Authority and your landlord that you intend to move.
- 2) Let GCHA know where you intend to move. GCHA will approve the payment standard, and if approved will send a packet of relevant file information to your new (receiving) Housing Authority.
- 3) Contact the receiving Housing Authority to schedule an appointment to meet with them.

The Fair Housing Act

The Fair Housing Act prohibits discrimination in housing because of:

- ❖ Race
- ❖ Color
- ❖ National Origin
- ❖ Religion
- ❖ Sex
- ❖ Familial Status
- ❖ Disability

Fair Housing Act and its Regulations, Equal Access Regulations

- ▶ Fair Housing Act, 42 U.S.C. §§ 3601 - 3619 (“the Act”), 24 C.F.R. parts 100, 103, 180.
- ▶ Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act, 81 Fed. Reg. 63054 (Sept. 14, 2016), final rule (“Harassment Rule”)
- ▶ Available at <https://www.gpo.gov/fdsys/pkg/FR-2016-09-14/pdf/2016-21868.pdf>
- ▶ Codified at 24 C.F.R. § 100.600
- ▶ Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, 77 Fed. Reg. 5662 (Feb. 3, 2012), as amended by Equal Access in Accordance with an Individual’s Gender Identity in Community Planning and Development Programs, 81 Fed. Reg. 64763 (Sept. 21, 2016), and Equal Access to Housing in HUD’s Native American and Native Hawaiian Programs - Regardless of Sexual Orientation or Gender Identity, 81 Fed. Reg. 80989 (Nov. 17, 2016) (“Equal Access Rule”)
- ▶ Available at: <https://www.gpo.gov/fdsys/pkg/FR-2012-02-03/pdf/2012-2343.pdf>; <https://www.gpo.gov/fdsys/pkg/FR-2016-09-21/pdf/2016-22589.pdf>; and <https://www.gpo.gov/fdsys/pkg/FR2016-11-17/pdf/2016-27196.pdf>
- ▶ Codified at 24 C.F.R. §§ 5.105(a)(2), 5.106

Reasonable Accommodation

- ▶ If you, or any member of your household is a person with disabilities and require a reasonable change to a policy or procedure to fully utilize our program and services, please contact the Garfield County Housing Authority, at 970-625-3589 or (888) 627-3589.
- ▶ There is also a request for reasonable accommodation form that may need to be completed and returned to the Garfield County Housing Authority.

Victims of Domestic Violence

- ▶ If you are a victim of domestic violence, dating violence, sexual assault, or stalking, federal law also keeps PHAs from denying assistance to you simply because you are a victim if you otherwise qualified
- ▶ The Violence against Women Act of 2013 (VAWA) makes it illegal for PHAs and HCV owners to consider actual or threatened domestic violence, dating violence, sexual assault or stalking as a cause for denying assistance, terminating tenancy, occupancy, or program assistance of a victim regardless of age or gender
- ▶ GCHA and landlords may ask for a certification documentation of victim status, but must keep information relating to a family's domestic violence circumstances confidential under the law

Voucher Term

The initial voucher term will be **90 calendar days**.

The **family must submit** a Request for Tenancy Approval and proposed lease within the 90-day period unless the PHA grants an extension. Receipt of RFTA suspends the Voucher clock and processing days are added to your search time.

The PHA will assign one bedroom for each two persons within the household, except in the following circumstances:

- ❖ Persons of the opposite sex (other than spouses, and children under age 12) will be allocated separate bedrooms.
- ❖ Live-in aides will be allocated a separate bedroom.
- ❖ Single person families will be allocated one bedroom.
- ❖ A single parent household with a child will be allocated separate bedrooms if the child is age 12 or older.
- ❖ GCHA will reference the following chart in determining the appropriate voucher size for a family:

Voucher Size - Persons in Household (Min-Max)

1 Bedroom	1-2
2 Bedrooms	2-4
3 Bedrooms	3-6
4 Bedrooms	4-8
5 Bedrooms	6-10

Calculating Family Share and PHA Subsidy

- GCHA currently has a \$50 minimum rent and has authority to suspend and exempt families from minimum rent when a financial hardship exists.
- If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds the PHA's applicable payment standard:
 - 1) The family will pay more than the total tenant payment, and
 - 2) at initial occupancy the PHA may not approve the tenancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income.
- If applicable, GCHA will make utility reimbursements to a family's utility provider of choice. Family must choose one utility provider and GCHA will only change providers once a year.
- GCHA will conduct zero income interviews for families reporting zero income.

Payment Standards

- ▶ The maximum amount that GCHA will pay is an amount equal to the payment standard minus your family's total tenant payment.
- ▶ The payment standard:
 - ❖ Is established by the housing agency based on the fair market rent established by HUD.
 - ❖ Is based on the cost of housing and utilities for your area.
 - ❖ Depends on your family composition and the bedroom size of the unit, so is higher for families requiring 3-bedroom units than for families requiring 1- bedroom units.

Medical Expenses

- Medical expenses may be deducted from the income of a family whose head, spouse, co-head or sole member is at least 62 years old, or is a person with disabilities. Once a family is considered an elderly or disabled family, the medical expenses of all the family members may be considered.
- Effective October 1, 2011 the Garfield County Housing Authority will use the IRS publication 502 Medical and Dental Expenses as the guide to determine medical expense deductions.
- The amount deducted for medical expenses is the portion of the family's "out-of-pocket" expenses exceeding three percent (3%) of the family's gross income.
- You can obtain a copy or view the publication at www.irs.gov.

Rent Estimates

- ▶ Rent **Estimates** are determined by Voucher size, income, and deductions for each individual family as well as a utility allowance defined by HUD for your unit size.
- ▶ *The estimate numbers can change* and are specific to your household.
- ▶ Final determination is based on the Request for Tenancy Approval (RFTA).

Verification

- GCHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance.
- HUD Authorization form (HUD-9886) is **REQUIRED** to be signed by the head of household with his/her complete social security number and signed by every person in the household age 18 and older, every year.
- The PHA will follow the verification guidance provided by HUD in Notice PIH 2018-18 and any subsequent guidance issued by HUD.

Finding a unit

- ▶ You must find a landlord willing to work with the program and you as a tenant.
- ▶ You must give landlord the Request for Tenancy packet to fill out. You must also sign! Once received, we will schedule an inspection of the unit.
- ▶ Do NOT sign the lease until final approval! The unit must pass inspection prior to signing the lease.
- ▶ The **initial** lease term MUST be one year. The Garfield County Housing Authority approves moves once every 12 months.
- ▶ We do not help with deposits or last months rent. Please contact other agencies such as Catholic Charities.
- ▶ As soon as you sign Lease, please establish a mailing address.
- ▶ We do not send out monthly rent notifications, only when there is a rent change.

Annual Reexaminations

- GCHA must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated.
- GCHA will begin the annual reexamination process 120 days in advance of its scheduled effective date. If the family moves into a new unit, GCHA will perform a new annual reexamination.
- We also may schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.
- If the family does not provide the required documents or information within the required time period the family must be sent a notice of termination.
- In general, an *increase* in the family share of the rent that results from an annual reexamination will take effect on the family's certification date, and the family will be notified at least 30 days in advance.

Interim Reexaminations

- ▶ Family circumstances may change between annual reexaminations. GCHA may conduct interim reexaminations in the following instances:
 - Changes in household composition
 - If the family has reported zero income or loss of employment
 - If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (such as a seasonable job)
 - Family reports new employer, change of employers or additional income sources
 - Rent changes

It is highly recommended you report ALL changes in income within 10 days and GCHA will follow regulations on interim reexaminations.

Family Obligations

- ▶ **No side agreements with landlord! This is fraud!**
- ▶ Unit must be primary residence.
- ▶ Head of household must be present for housing inspections.
- ▶ Must notify GCHA of absences of more than 30 days.
- ▶ Visitors cannot stay 30 consecutive days, or 90 days per 12 month period, or as **defined by the lease**, whichever is the less.
- ▶ Family obligations form signed by each adult household member. Please refer to the Family Obligation form.
- ▶ Must always provide true and accurate information.
- ▶ **All notifications must be in writing within 10 days followed by appropriate documentation such as pay stubs!**

Most Violated

- ▶ Income: Failure to report changes in income.
- ▶ Overpayment by GCHA for failure to report income requires mandatory repayment to GCHA under the federal guidelines.
- ▶ Changes in household composition: ***Additional adults must be approved PRIOR to moving in by both the landlord and the housing authority.***
- ▶ Eviction from unit results in **automatic termination.**
- ▶ Lease violations are program violations.
- ▶ If you are terminated from the program you have the right to request an informal hearing.
- ▶ If the termination is upheld, you are ineligible for assistance with GCHA in the future.

Other Obligations

- ▶ You must respond to deadlines.
- ▶ You must pay utilities and never allow the tenant paid utilities to be shut off.
- ▶ Violent criminal behavior, drugs, alcohol, marijuana, and damage to the unit will result in termination.
- ▶ Household sign a HUD Authorization and EIV acknowledgement giving us permission to verify income through database.
- ▶ Debts Owed Form- National database for those who have been terminated, owes money or serious violations.

Section 1001 of Title 18 of the United States Code, states that a person who knowingly and willingly makes **false or fraudulent statements** to any department or agency of the United States is **guilty of a felony**.

Don't commit fraud.

Fraud can result in termination of Section 8 assistance, as well as restitution of funds, probation, or even prison. Fraud may be defined as any of the following offenses:...

- ...Knowingly omitting or under-reporting income or assets from household income.
- Transferring assets or income to achieve eligibility.
- Falsifying or using false Social Security documents.
- Falsifying the number of members in your household.
- Getting assistance on top of Section 8 without notifying the appropriate parties.
- Renting out or subletting all or part of the unit.
- Charging rent from any tenants who may be living with you.

We are here to help

- ▶ Please check our website at www.garfieldhousing.com for Administrative Plan, forms, important notices, to report program fraud or program abuse, and office closures.
- ▶ We recommend you make an appointment to see your Housing Specialist.